February 23, 1961

HOUSE JOURNAL 419

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 22, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred
H. B. No. 8, An Act amending Sections 14 and 15 of Chapter 425, Acts of the Regular Session of the Fifty-fifth 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 enrolled.

JAMES V. ADAMS, Chairman.

LEAVE OF ABSENCE GRANTED

Austin, Texas, February 22, 1961

The following Member was granted leave of absence on account of illness in his family:

Mr. Cory for today on motion of Mr. Cotten.

SENATE BILL NO. 139 ON SECOND READING

The Speaker laid before the House on its second reading and passage to third reading.

S. B. No. 139, Amending the Act approving and adopting the Sabine River Compact; and declaring an emergency.

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

SENATE BILL NO. 139 ON THIRD READING

Mr. Collins moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—141

Adams of Lubbock Chapman
Adams of Titus Cole of Harris
Allen Collin
Andrews Connell
Atwell Cotten
Baird Cowles
Ballman Crain
Banfield, Mrs. Crews
Barlow Curington
de la Garza
Barnes Glass
Barron
Bartram
Bass
Bell
Berry
Blaine
Boyce
Bridges
Buchanan
Burgess
Baxter
Caldwell
Cannon
Carriker

... and laughter may we reflect glory and honor to Jesus by the way we conduct ourselves. In Christ's Name.

—Amen.
The bill was read third time and was passed by the following vote:

**Year—143**

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The Speaker then laid Senate Bill No. 139 before the House on third reading and final passage.
RELATIVE TO H. B. NO. 325
Mr. Collins moved that House Bill No. 325 be laid on the table subject to call.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 119
Mr. Townsend asked unanimous consent of the House that he be shown as co-signer of House Bill No. 119.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 77 ON SECOND READING
The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 77, A bill to be entitled "An Act amending Article 49 of the Election Code of Texas, 1951, relating to certificates of exemption; and declaring an emergency."

The bill was read second time.

Mr. Bartram moved that consideration of House Bill No. 77 be postponed until 11:30 a.m. today.

The motion prevailed.

HOUSE BILL NO. 119 ON SECOND READING
The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 119, A bill to be entitled "An Act amending Chapter 1 of H. B. 11, Chapter 29, Acts, Fifty-Sixth Legislature, 3rd Called Session, providing for the filing of quarterly reports; providing for the retailer to remit 100% of the tax collected; dispensing with the requirement of including specific inventory information in the reports; dispensing with the requirement of keeping records of sales to customers; providing for the records to be confidential; repealing Art. 20.12 and all laws in conflict; providing for an effective date; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill 119 by striking out all below the enacting clause and substituting in lieu thereof the following:

Sec. 1. That Article 20.09, Title 12 2A, Taxation-General, Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

"Article 20.09, Payment of Tax, Reports Required.

(a) Every retailer who shall be required to collect any of the taxes imposed by this Chapter upon the sale or distribution of any of the items taxable under this Chapter in this state, or who shall be required to pay the tax levied herein upon any item taxable under this Chapter used by said retailer shall on or before the twenty-fifth (25th) day of January, April, July and October of each year, remit or pay over to the Comptroller of the State of Texas, the amount of tax or taxes required to be collected during the quarter immediately preceding, and the amount of tax or taxes required to be paid for items taxable under this Chapter which are used by said retailer during said period. At the time of payment of the tax or taxes due, each retailer shall also make and deliver to the Comptroller a report, which shall show the date such report was executed, the name and address of said retailer and the quarter which the report covers, and such other information as the Comptroller may deem necessary to
enforce the provisions of this Chapter. Provided, that where a retailer has not sold, distributed, or used any taxable items during any quarter or part thereof, he shall nevertheless file with the Comptroller the report required herein setting forth such fact or information. Provided, further, that the Comptroller may prepare and furnish a form prescribing the order in which the information required by this Chapter or such other information as the Comptroller may require under the provisions of this Chapter shall be set up on said quarterly report, but the failure of any retailer to obtain such form from said Comptroller shall be no excuse for the failure to file a report containing all the information required to be reported herein or required by the Comptroller as provided herein. Every retailer, at the time of making said report, shall attach legal tender thereto or make proper form of money order of exchange payable to the Treasurer in amount of tax for the period covered by the report.

"(b) If any retailer shall fail to remit proper taxes collected upon the sale or distribution of any item taxable under this Chapter, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted and paid to the State of Texas, the retailer shall pay as additional penalty any reasonable expenses incurred by the Comptroller in such audit.

That Article 20.31, Title 129A, Taxation-General Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

"Article 20.31 Permits Required.

(a) From and after the effective date of this Chapter, all retailers of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in the state now engaged or who desire to become engaged in the sale, use, or distribution of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter, and who do not have a previously obtained retailer's permit, shall file a duly acknowledged application for a retailer's permit, which shall be non-assessable, with the Comptroller, said application to be accompanied by a fee of Five Dollars ($5.00). Said applications to be on a form prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. An application shall be filed and a permit obtained for each place of business owned or operated by a retailer. Said form shall set forth the name under which such retailer transacts or intends to transact such business as a retailer, the principal office, residence, or place of business in Texas, and if other than an individual, the principal officers of a corporation or the members of a partnership or association and their offices, street, or post office address. The Comptroller may require in said application such other information as he may desire. No retailer shall make a sale, use, or distribution of any item taxable under Articles 20.02, 20.03, and 20.04 of this Chapter until such application has been filed and a permit has been obtained.

"(b) Upon receipt of the application the Comptroller shall issue to every such retailer a non-assessable, consecutively numbered permit authorizing the sale, use or distribution of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in this state from the date of the issuance of said permit, until and including the September 30th. On or before October 1st of each year, and before any retailer shall make a sale, use, or distribution of items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter or engage in selling items taxable under Articles 20.02, 20.03, and 20.04 of this Chapter in this state after September 30th, an application shall be filled and a permit obtained for the succeeding year. Said permit shall provide that the same is revocable and shall be cancelled upon violation of any provisions of this Chapter, or any rule or regulation adopted by the Comptroller. If such permit is cancelled or suspended, said retailer shall not sell, use or distribute such items upon which a tax is required to be paid until a new permit is granted or the original permit is reinstated. Provided, however, that no permit shall be voided or cancelled where it appears from a duly verified audit made as herein provided by an authorized representa-
Article 20.21, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"(a) All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records as is authorized in this Chapter and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the terms of this Chapter shall be and shall remain confidential; and no record, report, or information secured, derived or obtained by the Attorney General or the Comptroller under the terms of this chapter shall be open to public inspection. Nothing herein contained shall be construed to prevent: the delivery to a taxpayer or his duly authorized representative of a copy of any report or other paper filed by him pursuant to the provisions of this Chapter; the publication of statistics so classified as to prevent the identification of a particular report and the items thereof; the use of such records, reports, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Chapter in an action against the same taxpayer for a penalty or any tax due under any provision of Title 122A of the Revised Civil Statutes of Texas; the furnishing at the discretion of the Comptroller, of any information disclosed by said records, reports or files to any officer of any other state or of the United States, who shall be concerned with the administration of any similar tax in that state or the United States; the Comptroller, or his duly authorized agent, from furnishing information concerning whether or not a retailer has a valid permit.

"(b) Any person who violates the provisions of this Article shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than six (6) months, or by a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500), or by both such fine and imprisonment."

Sec. 5. Article 20.12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby repealed.

Sec. 6. The pressing need to eliminate administrative problems in the miscellaneous excise tax, 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 be here­by suspended: and this Act shall take effect and be in force from and after April 1, 1961, and it is so enacted.

The Committee Amendment No. 1 was adopted.
Mr. Murray offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend House Bill 119 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A BILL
TO BE ENTITLED

An Act relating to miscellaneous excise taxes, amending Article 20.09, Article 20.11 and Article 20.14, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, to provide for the filing of quarterly reports; to provide for permits to expire on September 30th of each year; to dispense with the requirement of including specific inventory information in reports; to dispense with the requirement of keeping certain records; amending Chapter 20, Title 122A, Taxation-General, by adding thereto a new Article, Article 20.21, to provide for the records to be confidential and to provide a penalty for violations of said article; repealing Article 20.12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to bonding requirements of certain retailers; providing an effective date; and declaring an emergency."

The Committee Amendment No. 2 was adopted.

Mr. Cowen moved to reconsider the vote by which Committee Amendment No. 1 to H. B. No. 119 was adopted.

The motion prevailed.

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

Amend Committee Amendment No. 1 to House Bill No. 119 by deleting all of Section 4a.

The amendment by Mr. Cowen to the Committee Amendment No. 1 was lost.

Committee Amendment No. 1 was then adopted.

H. B. No. 119 was passed to engrossment.

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 119 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—140
Adams of Lubbock Guffey
Adams of Titus Hale
Allen Haring
Andrews Harrington
Atwell Hayes
Bailey Healy
Ballman Hinman
Banfield, Mrs. Hollowell
Barlow Huebner
Barnes Hughes
Barron of Grayson
Bass Hughes of Dallas
Boo James
Bolivar Jamison
Blaine Jarvis
Boyce Johnson of Dallas
Bridges Johnson of Bexar
Buchanan Jones of Dallas
Burgess Jones of Travis
Burdett Kennard
Carrington Kilpatrick
Chapman Koliba
Cole of Harris Korchoff
Cole of Hunt Laidley
Collins Lay
Connell La Valle
Cook LaVelle
Cox Leaverton
Cowles McGregor
Cram McConathy
Crawford McCoppin
Creel McGregor
Coutts of McLennan
de la Garza McGregor
Dewey of El Paso
Duff, Miss Mellbany
Dungan Markgraf
Duncan Martin
Eckhardt Miller
Edwards Moore
Elkins Mullen
Engle Murray
Epperson Muteru
Evans Nickerson
Fairchild Oliver
Fisher Parsons
Fleming Pearcy
Floyd Peeler
Foster Petty
Franks Pieratt
Green
Grower

Mr. de la Garza moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 119 be placed on its third reading and final passage.

The motion prevailed by the following vote:
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The Speaker then laid House Bill No. 119 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—145

Adams of Lubbock  Caldwell  Adams of Titus  Allen  Andrews  Atwell  Bailey  Hallian  Bagwell, Mrs.  Barlow  Bartram  Bass  Bell  Berry  Blalock  Boysen  Bridges  Buchanan  Burgess  Butler

Spilman  Springer  of Galveston  Stewart  of Wichita  Struve  Watson  Wells  Wheatley  Wilson of Trinity  Wilson of Potter  Woods  Yeak

Nays—3

Cowen  Lewis

Absent

Alanis  Isaacks, Miss  Cannon  Harding

Absent—Excused

Cory

Mr. de Ia Garza moved to reconsider the vote by which H. B. No.
119 was passed and to table the motion to reconsider. The motion to table prevailed.

HOUSE BILL NO. 179 WITH SENATE AMENDMENTS

Mr. Gladden called up with Senate Amendments for consideration at this time.

H. B. No. 179, A bill to be entitled "An Act relating to fees charged by District Court Clerks for preparing certificates relating to witness fees in criminal cases; amending Article 1356, paragraph 4 of the Code of Criminal Procedure of Texas, 1925, as last amended; and declaring an emergency."

The motion to table prevailed.

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

H. B. No. 228, A bill to be entitled "An Act amending Chapter I of H. B. 11, Chapter 1, Acts of 56th Legislature, Third Called Session, requiring every report, annual report, declaration, statement, or other document required to be made by any person, firm, association, company, or corporation under any provision of Title 122A Taxation-General to be verified by written declaration under penalties of perjury; prescribing the form of verification; providing penalties for filing a false report, annual report, return, declaration, statement, or other document; providing a 'waiving clause; and declaring an emergency.'"

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

Committee Amendment No. 1

Amend H. B. 228 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Amend H. B. No. 11, Texas Session Laws 1959, Fifty-Sixth Legislature, Third Called Session (codified under Title 122A—Taxation-General, Vernon's Annotated Civil Statutes of the State of Texas), Chapter 1, by adding there to Art. 1.12 and Art. 1.13, and amending Art. 20.09 as follows:

"Art. 1.12. Verification of Tax Reports: False Verification. "Every tax Report required to be made by any individual, firm, association, joint stock company, syndicate, co-partnership, corporation, agency, trustee, or receiver to the State of Texas, by virtue of this Title shall contain a written declaration which shall state and provide as follows: 'I hereby declare under the penalties of verifying a false tax report that I prepared this Tax Report and that this Tax Report is true and correct.'

_______________ (Signature); __________ (Date)

___________________ (Address)."

"Art. 1.13. False verification or Tax Return: Felony; punishment. "Any person or persons charged with the duty or responsibility of auditing or otherwise handling any record or records required under any provision of this Title who shall knowingly verify any such record or records who know, or who are charged with the knowledge of, such record or records to be false, the effect and/or intent of such false record or records being to defraud, shall upon conviction be deemed guilty of felony and be punished by a fine of not more than Five Thousand Dollars ($5,000) or by confinement in the penitentiary for not less than two years nor more than five years, or by both such fine and imprisonment.'

Section 2. Amend Article 20.09 Sub (a) by striking out the following words in the third sentence:
“properly sworn to and executed,” and inserting in lieu thereof the following: “verified as required in Art. 1.12 of this Act.”

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and to this end the provisions of this Act are declared to be severable; and the Legislature hereby declares that it would have enacted this Act without such invalid provision.

Section 4. The fact that the law does not now require that every tax report under the provisions of Title 122A-Taxation-General to be verified by written declaration or provide adequate and proper penalties for violation thereof 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 the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Atwell moved that further consideration of House Bill No. 228 be postponed until 12:00 o'clock noon today.

The motion prevailed.

HOUSE BILL NO. 245 ON SECOND READING

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

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

The bill was read second time.

Mr. Cotten moved that further consideration of House Bill No. 245 be postponed until 11:00 o'clock a.m. next Monday, February 27.

The motion was lost.

H. B. No. 245 was passed to engrossment by the following vote:

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MESSAGE FROM THE SENATE
Austin, Texas, February 23, 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. 239, Amending Section (a) of Article 6686 of the Revised Civil Statutes of Texas, 1925, as amended, relating to manufacturers and dealers registration of motor vehicles, and declaring an emergency.

H. B. No. 400, To provide a distinction between crippled children and needy children; providing that appliances, braces and material necessary for the proper handling of crippled children shall not be considered personal property of the State; and declaring an emergency.

H. B. No. 406, To provide a distinction between crippled children and needy children; providing that appliances, braces and material necessary for the proper handling of crippled children shall not be considered personal property of the State; and declaring an emergency.

H. B. No. 312, An Act creating Brazoria County Road District No. 35, of Brazoria County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamised, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries of said district and including provisions relating thereto; etc., and declaring an emergency.

H. B. No. 90, An Act amending Section 8 of House Bill No. 87, Acts of the Fifty-sixth Legislature, Regular Session, 1959, 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.

H. B. No. 135, An Act amending Section 1 of Chapter 369, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to noxious weeds, and adding Comal County thereto; and declaring an emergency.

H. B. No. 102, An Act amending Article 7260, Revised Civil Statutes of Texas, 1925, as amended by adding a new Section to provide that the Tax Assessor-Collectors shall be entitled to deduct amounts of double payments and homestead exemptions claimed, and refund same to claimants, if paid in error and reported in prior months of the current tax year, from the amounts due on such later monthly reports of tax collections due the State; and providing that the State Comptroller shall honor such deductions so long as they are made prior to June 30th of the year when current taxpaying ends; making the Act cumulative with all other provisions of Article 7260, with certain exceptions; and declaring an emergency.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House the following enrolled bills and resolutions:
HOUSE BILL NO. 77 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment, H. B. No. 77, relative to amending Article 49 of the Election Code relating to Certification of exemption.

The bill was read second time on this morning and further consideration of the bill was postponed until 11:30 o'clock a.m. today.

Mr. Yezak offered the following amendment to the bill:

Amend House Bill 77 on line 21, page 1 of the printed bill, after the word "January", by inserting the following:

"or if he becomes twenty-one (21) years of age after the first day of January, shall not later than thirty (30) days before any election at which he wishes to vote."

The amendment was adopted.

H. B. No. 77 was passed to engrossment.

HOUSE BILL NO. 77 ON THIRD READING

Mr. Bartram moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136
Adams of Lubbock
Adams of Titus
Allen
Andrews
Atwell
Ballman
Bankfield, Mrs.
Barlow
Barrow
Bartram
Bell
Blaine
Boyes
Bridges
Buchanan
Burgess
Duff, Miss
Dugan
Dzierski
Elrington
Fairchild
Fletcher
Floyd
Forbush
Garrison
Gibbens
G splendid
Glass
Gulley
Grover
Guffey
Hale
Haring
Harrison
Harron
Healy
Hillson
Holowell
Huebner
Hughes of Grayson
Hughes of Dallas
James
Jamison
Johnson of Dallas
Johnson of Bell
Jones of Dallas
Jones of Travis
Kearney
Kilpatrick
Koliba
Korinch
Lack
Latimer
La Valle
Leonard
Longoria
McGregor
McGregor of McLennan
McHenry
Magnuson
Martin
Miller
Moore
Mullen
Murray
Mutcher
Nieswanger
Oliver
Osborn
Peary
Perryman
Petty
Percy
Pigg
Piggin
Pleasant
Price
Rapp
Ray
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Ross
Sandahl
Schram
Shippley
Slack
Sliper
Smith
Smith of Bexar
Smith of Jefferson
Snell
Spears
Springer
Stewart
Stewart
Strewe
Stumes
Struwe
Thurmond
Townsend
Tusell
Walker
Ward
Watson
Wells
Wheatley
Whitefield
Wilson of Trinity
Wilson of Potter
Wood
Yeaz

Nays—2
Lewis
Nuget

Absent
Bass
Berry
Harding
Issack, Miss
McCoppin
McGregor
McGregor of El Paso
McGregor
McGregor of McLennan
Mehan
McHenry
Magnuson
Martin
Miller
Moore
Mullen
Murray
Mutcher
Nieswanger
Oliver
Osborn
Peary
Perryman
Petty
Percy
Pigg
Piggin
Pleasant
Price
Rapp
Ray
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Ross
Sandahl
Schram
Shippley
Slack
Sliper
Smith
Smith of Bexar
Smith of Jefferson
Snell
Spears
Springer
Stewart
Stewart
Strewe
Stumes
Struwe
Thurmond
Townsend
Tusell
Walker
Ward
Watson
Wells
Wheatley
Whitefield
Wilson of Trinity
Wilson of Potter
Wood
Yeaz
The Speaker then laid House Bill No. 77 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

Yeas - 143

Adams of Lubbock
Allen of Titus
Atwell
Bailey
Bagby, Mrs. of Grayson
Ballman
Barnes of Dallas
Bartram
Bartram
Bass
Bell
Blaine
Boyson
Bridges
Buchanan
Burgess
Butler
Calhoun
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Cowen
Craig
Crow
Curtin
de la Garza
Dewey
Downing
Dungan
Ehle
Farrell
Fleischman
Foreman
Garriss
Gibbons
Gladden
Glass
Graves
Guffey
Gutting
Green
Hale

Quilliam
Ray
Ratliff
Read
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Rosa
Rosson
Sandahl
Schram
Shannon
Shipley
Sloch
Sluder
Smith of Bexar
Smith of Jefferson
Smith of Trinity
Snelson
Speirs
Splawn

Quintana
Stewart
of Galveston
Stewart
Struve
Strube
Thurmond
Townsend
Tunnell
Walker
Ward
Watson
Wells
Wheatley
Whitfield
Wilson of Trinity
Wilson of Potter
Woods

Yeat

Absent-Excused
Cory

Mr. Bartram moved to reconsider the vote by which H. B. No. 77 was passed and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 260 ON SECOND READING**

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 260, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including home-rule cities) or towns since the approval by the Governor of Texas of Chapter 321, Acts of the 66th Legislature, Regular Session, 1969; validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of time warrants and refunding bonds for such purposes, of counties, cities (including home-rule cities) and towns; providing that this Act shall not apply to any contract, scrip

Absent-Excused

Cory

Absent-Excused

Berry

Cotton

Harding

Abst

McCoppin

McGregor

McKenzie

McKinney

McElroy

McFarland

McGuffey

McGee

McGuire

McIntosh
warrant or time warrant or to any refunding bond proceedings, governmental Acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000) according to the last preceding Federal Census, or any contract, scrip warrant or time warrant or any refunding bond proceedings, governmental Acts, orders, ordinances, resolutions or other instruments, or bonds the validity of which is now involved in litigation; providing a saving clause; and declaring an emergency."

The bill was read second time.

Mr. Wells moved that further consideration of House Bill No. 266 be postponed until 10:30 o'clock a.m. next Monday, February 27.

The motion prevailed.

HOUSE BILL NO. 261 ON SECOND READING

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

H. B. No. 261, A bill to be entitled "An Act concerning the adoption, filing, publication and distribution of rules and regulations of State administrative agencies authorized by law to make rules and regulations; and declaring an emergency."

The bill was read second time.

Mr. Korioth moved that further consideration of House Bill No. 261 be postponed until 9:00 o'clock a.m. next Monday, February 27.

The motion prevailed.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. B. No. 126, "An Act authorizing the Commissioners Court of Midland County to pay the District Judge of the 142nd Judicial District compensation in addition to the compensation paid by the State; making other provisions relative thereto; providing a severability clause; and declaring an emergency."

S. C. R. No. 11, Authorizing the Board of Regents of the University of Texas to accept certain grants, donations and gifts.

S. C. R. No. 16, Regarding the setting up of monuments on public grounds.


HOUSE BILL NO. 265 ON SECOND READING

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

H. B. No. 265, A bill to be entitled "An Act amending Article 5728 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall fix and collect fees for testing all weights, scales, beams, and any kind of instruments or mechanical devices for weighing or measuring; providing for maximum fees and the manner and time of collection; providing for payment of all moneys collected into the State Treasury and placed by the State Treasurer in the Special Department of Agriculture Fund and the appropriation of such funds to the Special Department of Agriculture Fund for enforcement and administration purposes; etc., and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 265 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 5728, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 5728. Section 1. The Commissioner of Agriculture shall collect fees for testing all weights, scales, beams and any kind of in-
Instruments or mechanical devices for weighing or measuring whenever he is required to make such tests under the provisions of this chapter. The fee for testing gasoline, kerosene and diesel fuel pumps not to exceed Fifty Cents ($0.50) for each pump tested; fee for testing scales up to nine hundred and ninety-nine (999) pounds not to exceed One Dollar ($1) for each scale tested; fee for testing scales one thousand (1,000) pounds to one thousand four hundred and ninety-nine (1,499) pounds not to exceed Two Dollars and Fifty Cents ($2.50) for each scale tested; fee for testing scales one thousand five hundred (1,500) pounds to four thousand nine hundred and ninety-nine (4,999) pounds not to exceed Five Dollars ($5) for each scale tested; fee for testing scales four thousand nine hundred and ninety-nine (4,999) pounds and over not to exceed Ten Dollars ($10) for each scale tested. The fee for testing butane and propane measuring devices not to exceed Five Dollars ($5) for each measuring device tested. Such fees shall be collected by the Commissioner of Agriculture, his deputies and agents not to exceed once annually, except where additional tests are requested by the owner of the measuring or weighing device in which event there shall be paid to the Commissioner, his deputies and agents a fee equal to the annual fee for each additional test. A fee of Fifteen Dollars ($15) shall be collected for each private scale tested. The proceeds of such fees shall be paid into the State Treasury by the Commissioner of Agriculture and placed by the State Treasurer in the Special Department of Agriculture Fund, and shall be used only for administration and enforcement purposes of this Act.

Sec. 2. Upon failure or refusal of the person, firm, or corporation to pay the fee for the services rendered in testing the weight, measure or weighing or measuring instrument the same shall not be used by such person, firm or corporation until such fee is paid.

Sec. 3. Commercial Scale Testers approved by the Department of Agriculture are hereby granted authority to re-seal scales that have been tested by the Department of Agriculture.

Sec. 4. Testing services are to be rendered, insofar as may be feasible, to accomplish the purposes set out herein, during periods when a minimum disruption of seasonal work activities is achieved.

Sec. 5. Upon failure or refusal of any person or upon the failure or refusal of an officer, director of a corporation or a member of a partnership or association to pay for the testing services rendered or, upon failure to comply with the provisions of this Act, they shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50) nor more than Two Hundred Dollars ($200).

Sec. 6. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 7. If any word, clause, sentence, or part of this Act, or the application thereof to any person or circumstance, shall for any reason be held invalid, such invalidity shall not affect the remaining portions of this Act, it being the intent of the Legislature to pass the valid parts of this Act even though some one (1) or more words, clauses, sentences shall be held invalid.

Sec. 8. The fact that the present laws of Texas are inadequate for the collection of fees and enforcement of the weights and measures laws for the protection of the public creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment No. 1 was adopted. H. B. No. 265 was passed to engrossment. MESSAGE FROM THE SENATE Austin, Texas, February 23, 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:
February 23, 1961

HOUSE JOURNAL

S. C. R. No. 12, Granting W. E. Campbell and wife permission to sue the State.

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

ADJOURNMENT

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

The motion prevailed.

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

In accordance with the motion to adjourn the House at 12:27 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, as follows:


Highways and Roads: H. B. No. 528.


Revenue and Taxation: H. B. No. 46.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 32, congratulating Chief Justice John E. Hickman on his Judicial career.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, February 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 90, 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 enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, February 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 135, An Act amending Section 1 of Chapter 369, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to noxious weeds, and adding Comal County thereto; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, February 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 125, An Act amending Section 1 of Chapter 369, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to noxious weeds, and adding Comal County thereto; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.
H. B. No. 192, An Act amending Article 7260, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section to provide that the Tax Assessor-Collectors, shall be entitled to deduct amounts of double payments and homestead exemptions claimed, and refund same to claimants, if paid in error and reported in prior months of the current tax year, from the amounts due on such later monthly reports of tax collections due the State; and providing that the State Comptroller shall honor such deductions so long as they are made prior to June 30th of the year when current taxpaying ends; making the Act cumulative with all other provisions of Article 7260, with certain exceptions; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, February 23, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 312, An Act creating Brazoria County Road District No. 35, of Brazoria County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries of said district and including provisions relating thereto; granting said district the authority to issue bonds and containing provisions relating to said bonds and the issuance thereof; providing that the fact that said district may overlap other road districts shall not affect said district or the powers granted by this Act; providing for the assumption of bonds of road districts included within said district; containing provisions with respect to abolishing road districts included within said districts; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency.

Mr. Speaker

Crews

Adams of Lubbock

Curington

Adams of Titus

de la Garza

Allen

Duff, Miss

Andrews

Dugan

Atwell

Eckhardt

Bailey

Ehrle

Ballman

Fairchild

Banholtz, Mrs.

Fletcher

Barlow

Floyd

Barnes

Foreman

Bartram

Garrison

Bass

Gibbons

Bell

Gladden

Berry

Glass

Blaine

Glascock

Boymen

Green

Bridges

Grover

Buchanan

Guffey

Burgess

Hale

Butler

Harding

Caldwell

Harring

Cannon

Harrington

Carriker

Haynes

Chapman

Hedden

Cole of Harris

Hinson

Cole of Hunt

Holloway

Collins

Houck

Connell

Hughes

Cook

Hughes of Dallas

Cortez

Isaacks, Miss

Cowen

James

Cowles

Jamison

Craik

Jarvis