Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 558, An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess, or attempt to hunt, take, or kill any game bird or game animal in Frio County at any time; to take, kill, trap or possess, or attempt 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 taxing 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 the antlerless deer permits; providing for a public hearing to be held in Frio County and for adequate 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 or 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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 23, 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. 60, authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 58.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO GOVERNOR
March 23, 1961

H. C. R. No. 60
H. B. No. 188
H. B. No. 558

THIRTY-NINTH DAY
(Monday, March 27, 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
Connell
Adams of Lubbock
Cook
Adams of Thris
Cory
Allen
Cotten
Allen
Cowen
Andrews
Cowles
Atwell
Crain
Bailey
Ballman
Barnes
Bartlam
Bass
Bell
Berry
Blaine
Boysen
Bridges
Buchanan
Burgess
Buller
Calder
Cannan
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Adams of Lubbock
Cook
Adams of Thris
Cory
Allen
Cotten
Allen
Cowen
Andrews
Cowles
Atwell
Crain
Bailey
Ballman
Barnes
Bartlam
Bass
Bell
Berry
Blaine
Boysen
Bridges
Buchanan
Burgess
Buller
Calder
Cannan
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Harald
Hale
Harding
A quorum of the House was announced present.

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

"In God's Word we find Luke 8:16-18, 'No man, when he hath lighted a candle, saith to it, Cover it not; nor set it under a vessel: but set it on a candlestick, that they which enter in may see the light. For nothing is secret, that shall not be made manifest: neither any thing hid, that shall not be known and come abroad. Take heed therefore how ye hear: for whatsoever ye shall have, it shall be given you; and whatsoever ye shall hear, it shall be spoken in this place.'

"Let us pray. Heavenly Father, we wouldn't want to make Thee weary by always asking for something. Our prayer today is that Thou would take something from us. Take out of our hearts any bitterness that lies there, any resentment that curdles and resentment that corrodes our peace of mind and heart. Take away the stubborn pride that keeps us from apologizing and confessing fault and makes us unwilling to open our hearts to one another, for if our hearts be closed to one another they are not open to Thee. We ask today for mercy. In Jesus' Name.—Amen."

Mr. Pieratt for today on motion of Mr. Preston.

H. S. R. No. 416, By Mr. Osborn: In Memory of Mrs. R. H. Ivy.

H. S. R. No. 418, By Mr. Koliba: In Memory of Mrs. Josie Wegenhoft.

H. S. R. No. 422, By Mr. Mullen: In Memory of J. P. Guttery.

SENATE BILL ON FIRST READING

The following Senate Bill received from the Senate was today laid before the House, read first time and referred to the appropriate Committee, as follows:

S. B. No. 1 to the Committee on Appropriations.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read generally first time and referred to the appropriate Committees as follows:
By Mr. Adams of Lubbock:
H. B. No. 1048, A bill to be entitled "An Act establishing a Medical Assistance Program for certain recipients of Old Age Assistance, Aid to Dependent Children, Aid to the Blind and Aid to the Permanently and Totally Disabled, providing for financial responsibility of parents, children, sisters and brothers, spouses, and counties and other governmental subdivisions, for medical costs of welfare recipients, defining certain terms, providing for administration by the Department of Public Welfare, providing for methods of administration and the authority to make rules and regulations; providing that patients in government institutions are not eligible for aid under this Act, making an appropriation for implementation of this Act and for administration of this Act, providing an effective date, a repealing clause, a severability clause and declaring an emergency."
Referred to the Committee on Appropriations.

By Messrs. McGregor of El Paso, Blaine, Rosas, and Miss Isacks:
H. B. No. 1049, A bill to be entitled "An Act providing for the conveyance and patenting of certain State-owned see public school land in El Paso County to the County of El Paso for park purposes in exchange for certain lands now owned by the County of El Paso, reserving all the oil, lead, and other minerals, enacting other provisions relating to the subject matter; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Wilson of Potter:
H. B. No. 1050, A bill to be entitled "An Act providing that in the Pecos, Seventeenth Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Twelve Thousand Dollars ($12,000), and the maximum salary of the Assistants shall not exceed Ten Thousand Dollars ($10,000) for the First Assistant District Attorney and Eight Thousand Dollars ($8,000) for the Second Assistant District Attorneys in said District; containing a severability clause; and declaring an emergency."
Referred to the Committee on Counties.

By Messrs. Bass and McCopplin:
H. B. No. 1051, A bill to be entitled "An Act amending Section 102 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the 102nd District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency."
Referred to the Committee on Judiciary.

By Messrs. Bass and McCopplin:
H. B. No. 1052, A bill to be entitled "An Act amending Section 5 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the Fifth District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Gladden:
H. B. No. 1053, A bill to be entitled "An Act requiring that motor vehicle bodily injury or property damage liability contracts or policies include provisions for payment of damages to the insured caused by the use or operation of uninsured motor vehicles, and making provisions relative to maintenance of legal actions, payment or claims, and related matters; defining 'insured', 'uninsured motor vehicle', and certain other terms; requiring certain fees for the mailing and exchange of uninsured motor vehicles; prescribing penalties for giving certain false evidence in connection with registration; providing for revocation of registration and suspension of driver's licenses under certain conditions; providing for collection and disposition of the fees, and creating the Uninsured Motorists Fund; providing for supervision, control and expenditure of the Fund; requiring certain payments to insurance companies writing motor vehicle bodily injury and property damage liability insurance and, based thereon, certain reductions in the rate applicable to uninsured motorists endorsements or provisions; authorizing the State Board of Insurance to fix rates for the coverage required by this Act and empowering it to issue rules and regulations for car-
The resolution was read.

Mr. Collins offered the following Committee Amendment to the resolution:

Committee Amendment No. 1
Amend H. C. R. No. 57 by striking out all of the resolution and substituting in lieu thereof the following:

Whereas, Members of the Texas Legislature wish to observe the significance of Easter with an appropriate adjournment; and

Whereas, it is important that Members of the Legislature be in their own voting precincts on the April 4 election day; and

Whereas, On April 2, 1961 at 6:30 P. M. in the Lutheran Church at Klipsp, Texas, Miss Maurine Niemeyer, daughter of Representative and Mrs. H. O. Niemeyer, will enter into holy matrimony with Ken Joens; and

Whereas, The days of an Easter recess can be used to the advantage of the people of Texas by each Legislator in seeking public opinion on pending legislative matters now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That this Legislature shall adjourn in observance of Easter on Thursday, March 30, 1961, at 11:00 A.M.; and be it further

Resolved, That the Joint Rules be and they are hereby suspended to permit each House to adjourn from Thursday, March 30, 1961, to Wednesday, April 5, 1961.

The amendment was adopted.

H. C. R. No. 57, as amended, was adopted.

INTRODUCTION OF HOUSE BILLS
Mr. Townsend asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1054.

There was no objection offered and it was so ordered.

Mr. Townsend asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1055.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 148 WITH SENATE AMENDMENTS
Mr. Floyd called up with Senate Amendments for consideration at this time,

H. B. No. 148, A bill to be entitled "An Act amending Article 9 of Chapter 492, Acts of the 52nd Legislature, 1951, which is codified as Article 2.01, Election Code of the State of Texas, Vernon's Texas Civil Statutes, to provide that polls shall be open from six o'clock a.m. to eight o'clock p.m. in all counties having a population of more than five hundred thousand (500,000) according to the last preceding Federal Census; and declaring an emergency."

On motion of Mr. Floyd, and by unanimous consent, the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 148
Senate Amendment No. 1
Amend H. B. No. 148 by changing the figure five hundred thousand (500,000) to read one million (1,000,000).

Senate Amendment No. 2
Amend caption to conform to body of bill.

CONGRATULATORY RESOLUTIONS ADOPTED
H. S. R. No. 413, By Mr. Schram:
To recognize students of Leander High School.
H. S. R. No. 414, By Meaza. Jones of Travis, Foreman and Sandahl: To recognize students from Highland Park School.

H. S. R. No. 415, By Meaza. Jones of Travis, Foreman and Sandahl: To recognize students from Eastex School.

H. S. R. No. 417, By Mr. Wells; Congratulating Mr. and Mrs. James McClurry Wilson.

H. S. R. No. 418, By Mr. Koliba; To recognize members of Round Top-Carmine Senior and Junior Classes.

IN MEMORY OF THE BATTLE OF GOLIAD

Mr. Haring offered the following resolution:

H. S. R. No. 429

Whereas, March 27th marks an historic event in Texas history as the Anniversary of the Battle of Goliad in 1836 when Texas troops were under the leadership of James Walker Fannin; and

Whereas, Texas from the Counties of Calhoun, Duval, Fannin, Haskell and Shackelford gave their lives in the great Texas cause. The Counties deserve mention in the pages of Texas history books; and

Whereas, Today, there exist good relations with our neighbors in Mexico and the world peace which all Texas wants is reinforced through better understanding between Mexico and Texas; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature pays tribute to those soldiers that gave their lives in the Battle of Goliad and makes note to the world that Texas will continue to strive for progress and peace in memory of their sacrifice in 1836.

HARING, BAILEY, WHEATLEY, MULLEN.

The resolution was read and was adopted.

INVITATION TO THE HONORABLE RALPH YARBOURGH TO ADVERTISE A JOINT SESSION

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

S. C. R. No. 58.

Whereas, The Senior United States Senator from Texas will visit in Texas during the Easter holidays; and

Whereas, This outstanding Texan has made many contributions to our great state as a Citizen, Judge, War Veteran and Statesman; and

Whereas, It is the desire of the Senate of Texas, the House of Representatives, that the Senior United States Senator from Texas be invited to address a joint session of the Fifty-seventh Legislature at — o'clock A. M. on April 9, 1961: now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives, that Honorable Ralph Yarborough, Senior United States Senator from Texas, be and he is hereby invited to address a joint session of the 57th Legislature in the House of Representatives at — o'clock A. M. on April 6, 1961, and that an official copy of this Resolution of Invitation be forwarded to Senator Yarborough by the Secretary of the Senate.

The resolution was referred to the Committee on Rules.

RELATIVE TO FEDERAL FINANCIAL ASSISTANCE FOR PUBLIC SCHOOLS

Mr. Roberts of Dawson offered the following resolution:

H. C. R. No. 64

Whereas, Enrollment in Texas public schools has almost doubled since 1940-41, and current figures show a total of 2,249,000 schoolchildren; and

Whereas, The percentage increase in enrollment is continuing to rise at each successive scholastic census: between the 1956-57 and the 1958-59 years, enrollment increased by eight per cent (8%); while during the similar period from 1958-59 to 1960-61, the increase had risen to twelve per cent (12%); and

Whereas, Growth in enrollment results in the need for more teachers, more classrooms, and additional equipment and facilities of all types, all of which demand additional funds from some source; and

Whereas, Numerous measures are before the Congress which would
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make provision for Federal aid for school construction, pay raises for teachers, salaries for employment of additional teachers, school health programs, and, in short, for Federal funds for every phase and division of the state's school system—from kindergarten to the college graduate level; and

Whereas, There "gifts" in the form of grants and loans of the Federal Government must be provided through funds derived from taxes paid by our citizens, as surely as though they had been directly levied by this Texas Legislature, but the tax dollar thus collected would be sapped by Federal administrative costs and the portion returned for expenditure would be subject to Federal control and direction, leading to the complete usurpation of the rights of Texans to maintain, control, operate and direct their own public schools; and

Whereas, The Texas Legislature now has under consideration several proposals for increased State support of public schools, including substantial sums for teacher salaries and other phases of public free education, which would continue the high standing of the State of Texas in the area of public education without Federal control of the public school system founded and developed by Texans and without the necessity for high Federal administrative costs resulting from Federal aid intervention; now therefore be it

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, most urgently beseeches the Texas delegation in the United States Congress to use its full strength and influence in opposing the bills now under consideration which would provide Federal financial assistance to our public schools, whether for construction of classroom facilities, supplementing teachers' salaries, or for other similar purposes; and be it further

Resolved, That copies of this Resolution be prepared and sent to each Member of Congress from Texas.

ROBERTS of Dawson, ADAMS of Lubbock, HOLLOWELL.

The resolution was referred to the Committee on Education.

RELATIVE TO OFFICE SPACE FOR MEMBERS OF THE HOUSE

Mr. Slack offered the following resolution:
H. S. R. No. 421

Whereas, It is befitting to the dignity and decorum of the House of Representatives of the State of Texas that each Member be provided with a private office; and

Whereas, There is presently being spent large sums of money, the exact amount unknown, to construct office space for a few select Members of the House of Representatives; and

Whereas, The House of Representatives has not been made aware of the sums of money being spent on the mode and manner in which Members are being selected to enjoy these spacious quarters; and

Whereas, Private office space is designed to furnish the Members of the House of Representatives a place where they may work and consult in private with their constituents and others, and is not designated for committees or their Members, committee rooms being already provided for; and

Whereas, The sums of money being spent are derived from all districts of the State and it is as much to the benefit of a Representative's District as it is for the Representative for him to enjoy spacious and private office space; and

Whereas, The current law as provided for by Chapter 514, Acts of the 51st Legislature, Regular Session, 1955, provides "that office facilities which are substantially equal in quality and space shall be made available for individual Members of the House of Representatives and shall be assigned among the Members by lot..."; and

Whereas, It is the consensus of opinion of the House of Representatives that office space should not be allotted in some capricious manner but should be in accord with the laws of the State of Texas, now therefore

Be It Resolved By The House of Representatives of The State of Texas:

That a committee of five (5) Members of the House of Representa-
tives be appointed by the Speaker of the House of Representatives to deposit immediately the names of each Member in a container; each name to be drawn by lot in front of the Speaker's stand by the Members of such committee, in order to determine and ascertain the priority in which each Member shall be allotted office space as it becomes available. The first name drawn shall have the first office available, the second name drawn to have the second office available, and so on seriatim.

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

Mr. Slack moved that all the necessary rules be suspended for the purpose of taking up and considering at this time H. S. R. No. 421.

A record vote was requested.

The motion to suspend the rules in order to consider H. S. R. No. 421 at this time was lost by the following vote:

Yea: 57

Adams of Lubbock
Jarvis
Andrews
Arnell
Baasfield, Mrs.
Barnes
Barram
Bell
Berry
Blaine
Boyes
Butler
Connell
Coock
Cory
Crenn
Crain
Crews
Duff, Miss
Ehrle
Floyd
Foreman
Garrett
Gibbons
Gluesing
Grover
Healy
Hughes of Dallas
James

Nay: 85

Alexander
Bailey
Ballman
Barlow
Caldwell
Cannon
Carrillo
Chapman
Cole of Harris
Cole of Hunt
Collins
Cotten
Cowles
Curlington
de la Garza
Dewey
Dungan
Eckhardt
Fauchild
Fincher
Giddens
Glass
Green
Guffey
Hale
Harding
Haring
Harrington
Haynes
Hinon
Hollowell
Hubacker
Hughes
Jamison
Johnson of Bexar
Jones of Travis
Kilpatrick
Kilpatrick
of El Paso
Mclllan
Mcllvaney
McNutt
McCall
McNutt
McCoy
Misell
Moore
Mullen
Niemeyer
Nisbet
Nisbet
Nisbet
Paxton
Peters
Pettit
Poston
Preston
Quilliam
Rapp
Richards
Richardson
Roberts of Hill
Rogers
Sanger
Scherl
Shannon
Smith of Bexar
Spears
Springer
Stewart
of Galveston
Stewart
of Wichita
Strake
Throckmorton
Throckmorton
Townsend
Tunnell
Waller
Wilson of Potter
Woods

REASON FOR VOTE
H. S. R. 421

I voted no on H. S. R. No. 421 because I feel that the Rules Committee can handle this matter properly.

SCOTT BAILEY.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO STUDY FISCAL AFFAIRS OF THE STATE OF TEXAS

Mr. Nugent offered the following resolution:
Whereas, For the past several years the average wage earner and small business man in Texas has been faced with (1) increased living and operating costs, (2) decreased purchasing power because of inflation, (3) ever increasing taxes, local, state and federal; and

Whereas, Such average wage earner and small business man in such circumstances, if he is to continue to be self sufficient and pay his obligations as they become due, has one course and one course only, he must reduce and adjust expenditures to balance with income; and

Whereas, It is the opinion of a great number of citizens of Texas in all walks of life, in these uncertain, economic and troubled political times, that our State should chart a prudent fiscal course and be governed by the same simple rules as our average citizen, that is to say, our State should reduce services and expenditures to present revenues and not continue to call on our hard pressed people for heavy additional tax levies at each new session of the Legislature; and

Whereas, Recommendation of the Texas Research League and other authority indicate substantial economies are possible at all levels of state and local government; Now, Therefore, Be It Resolved by the House of Representatives, the Senate Concurring, That a Committee of 15 persons be named, 5 by the Speaker from the House of Representatives, 5 by the Lieutenant Governor from the Senate and 5 citizens of Texas, not members of the legislature, by the Governor, to consider and report the advisability and method of such a program and all agencies of State Government, including the State Comptroller and Attorney General are hereby requested and directed to render all possible assistance to such committee and to such program; and be it further resolved that the Appropriation Committee of the House and Finance Committee of the Senate shall work with such committee to the end that reductions are equitable and with regard to the primary needs and services of the state.

The resolution was read and was referred to the Committee on State Affairs.
government: amending Article 9.25 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the allocation of motor fuel (gasoline) tax; repealing Section (9) of Article 7.08 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to a tax on cigarettes; amending Section (g) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the definition of phonographs; amending Section (1) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to air conditioners and component parts used in the assembly and installation of air conditioners; providing a severability clause; providing a severability clause; repealing laws in conflict; declaring an emergency; and providing for an effective date.'

The bill was read second time on March 16 and further consideration was postponed until March 27 at 10:00 o'clock a.m.

Mr. Ballman offered the following amendment to the bill:

Amend H. B. 334 by striking out all after the enacting clause and substituting in lieu thereof the following:

ARTICLE I

Section 1. Article 9.25 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, is amended to read as follows:

"(g) "Phonographs" shall mean the apparatus or devices, either mechanical or electrical, commonly known and sold as phonographs, including record players, high-fidelity phonographs, stereophonic phonographs, and music coin-operated machines; and shall also include all sub-assemblies, devices, or instruments designed for the reproduction of sound from tuning devices, recordings of tape, records or wire; devices designed for the amplification of sound received or reproduced by such devices; or one or more devices designed to be used in conjunction with other devices which when combined will constitute a device defined as a phonograph under this Chapter. The term "music coin-operated machine" means every coin-operated machine of any kind or character, which dispenses or vend music; which dispenses or vend music; and which vend or which is used or operated for dispensing or vending music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within said term: Phonographs, plazoo, graphophones, radios, and all other coin-operated machines which dispense or vend music.

ARTICLE II

Section 1. Section (g) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, is amended to read as follows:

"(1) "Air Conditioner" shall mean any unit, apparatus, device, or air-treating combination consisting of means for ventilation, air circulation, air cleaning, and heat transfer with control means for maintaining temperatures and humidity within prescribed limits commonly known, sold and used as an air conditioner and shall include any instrument, apparatus or mechanical contrivance designed, constructed or assembled as part of any such unit, apparatus or device to cool or assist in the cooling of air in any manner. The term air conditioner shall also in-
elude all sub-assemblies, devices, units, instruments, cooling towers, thermostats, condensers, compressors, filters, blowers, cooling coils, motors, and heat pumps, which when combined or connected as a functioning unit, apparatus or device will constitute an air conditioner. The term air conditioner, however, shall not include any wiring, pipe, or other material required for installation; any ductwork, enclosure, structure or part of a structure designed, constructed or made for the purpose of channeling air to or from any air conditioner; nor any buzz fan or any other apparatus, device or system designed and used only to circulate or move air, except when the same is a functioning part of a larger unit defined herein as an air conditioner.

ARTICLE IV

Section 1. Article 13.02, Title 122A, Revised Civil Statutes of Texas, 1925, as enacted in Chapter 13, Acts of the Fifth-sixth Legislature, Third Called Session, 1959, is amended to read as follows:

“(1) Every ‘owner’ who owns, controls, possesses, exhibits, displays or permits to be exhibited or displayed in this state any ‘coin-operated machines,’ shall pay and there is hereby levied on every ‘coin-operated machine,’ except such as are exempted herein, an annual occupation tax determined as follows:

(a) A fee of Five Dollars ($5.00) shall be paid on each ‘music coin-operated machine,’ where the coin, fee or token used, or which may be used, in the operation thereof is one of the value of Five Cents (5¢) or more.

(b) A fee of thirty dollars ($30.00) shall be paid on each ‘skill or pleasure coin-operated machine’ where the coin, fee or token used, or which may be used in the operation thereof, is one of the value in excess of One Cent (1¢) and not in excess of Five Cents (5¢), except for miniature bowling alleys which have a length in excess of Twenty (20) feet.

2. Provided that nothing herein shall prevent the ‘operator’ of such machine from paying the tax levied in this Chapter for the account of the ‘owner’ but the payment of such tax by such operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this Chapter including the keeping of records required in this Chapter.”

ARTICLE V

Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, Paragraph (8), is hereby amended so as to read as follows:

“(8) Nine and Ten Pin Alleys. From every person, firm, association of persons, or corporation, owning or operating for profit ‘every nine or ten pin or other alley or miniature alley having a length in excess of Twenty (20) feet, by whatever name called, constructed or operated upon the principles of a bowling alley, upon which pins, pegs, balls, rings, hoops or other devices are used, there shall be collected an annual tax of Thirty Dollars ($30.00) for each track or alley,” provided however, that this tax shall not apply to any ‘skill or pleasure coin-operated machine that is taxed under the provisions of Article 13.02, Title 122A, Rev. Civ. Stat., 1925, as amended.”

ARTICLE VI

Section 1. Section 2 of Article VII, 47th Legislature, Regular Session, 1941 (codified as Section 2 of Article 666-21d, Vernon’s Annotated Penal Code of Texas) is hereby amended to read hereafter as follows:

“Section 2. Stamps for distilled spirits evidencing the tax levied in
subdivision (a) of Section 1 of this Article shall be supplied by the Treasurer to all authorized to purchase them."

ARTICLE VII

Section 1. From and after the effective date of this Act, the Comptroller of Public Accounts is directed to allocate to the Minimum Foundation School Fund all funds hereafter allocated to the Available School Fund, except those funds which are allocated by the Constitution to the Available School Fund.

ARTICLE VIII

Section 1. All interest and income derived from bonuses and annual delay rentals paid under oil, gas, and mineral leases on lands dedicated to the Permanent School Fund shall be added to and deposited in the Available School Fund in an amount not to exceed One Per Cent (1%) of the Permanent School Fund for the fiscal years ending August 31, 1961, August 31, 1962, and August 31, 1963.

ARTICLE IX

Section 1. Section (1) of Article 12.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1969, Chapter 1, Section 1, is hereby amended to read as follows:

Art. 12.01 Base and Rate of Tax

"(b) Two Dollars and Twenty-five Cents ($2.25) per One Thousand Dollars ($1,000) or fractional part thereof applied to the assessed value for purposes of the property owned by the corporation in the State."
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(a) Property. The ratio of the value of all real estate and tangible personal property owned and used by such corporation in this State on the last day of the preceding fiscal year of such corporation to the value of the entire real estate and tangible personal property owned and used by it everywhere on the last day of the preceding fiscal year, provided that in computing this ratio a corporation shall exclude the value of any manufacturing plant.

1. For the purposes of this article, the word 'manufacturing plant' shall mean any structure and fixed improvements and equipment used exclusively in the business of working, compounding, or preparing raw materials into products of a new or different character, finished or unfinished, effecting any combination or composition of materials, the inherent nature of which is changed, or in the finishing of goods, wares, merchandise, or any article or material by hand or machinery.

2. The words 'tangible personal property' shall mean corporeal property such as machinery, tools, implements, goods, wares and merchandise, and shall not include cash on hand or on deposit, shares of stock owned in other corporations, bonds, notes, accounts receivable, credits, franchises, good will, evidence of an interest in property, or evidences of debt.

3. The word 'value' as applied to property owned other than inventories shall mean original cost plus additions and improvements less reserve for depreciation. Inventories shall be valued in accordance with the accounting practice of the corporation. In determining the value of real property deductions shall be made or allowed for encumbrances thereof.

4. The words 'property used' shall include all real estate and all tangible personal property owned, leased or rented by the corporation at the close of the fiscal year.

5. The word 'value' as applied to real estate rented or leased shall mean the net annual rental rate multiplied by 8. The net annual rental rate shall mean the gross annual rental rate paid by the taxpayer less the gross annual rental rate received by the taxpayer for subrentals of real estate.

(b) Gross Receipts. The ratio of the amount of its gross receipts from business attributable to this State during the period covered by the report to the gross receipts of the corporation from business done everywhere during the period covered by the report. Provided that for purposes of this subsection gross receipts attributable to Texas shall include receipts arising during such period from:

1. Sales of its tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points within this State;

2. Sales of tangible personal property located within this State at the time of the receipt of or appropriation to the orders where shipments are made to points outside the State and sale of tangible personal property located without the State at the time of the receipt of or appropriation to the orders where shipment is made to points within the State, but only to the extent of fifty per cent (50%) of the receipts from such sales;

3. Sales of any such property not located at the time of the receipt of or appropriation to the orders at any permanent or continuous place of business maintained by the corporation without the State, where the orders were received or accepted within the State, but only to the extent of fifty per cent (50%) of the receipts from such sales, provided for the purposes herein. an agency, or independent contractor chiefly situated at, connected with, by contract or otherwise, or sent out from a permanent or continuous place of business of the corporation without the State;

4. Services performed within the State;

5. Rentals from property situated, and royalties from the use of patents or copy-rights, within the State;

6. And all other business receipts earned within the State.

If only one of the two ratios is applicable, that part of the entire taxable capital applicable or attributable to business transacted with-
in this State shall be determined solely by that rule.

It is further provided that there shall be a presumption that the appropriate allocation formula reasonably attributes to this State a portion of the corporation's taxable capital as herein defined which is reasonably attributable to its business transacted in this State, and no corporation shall use any alternative formula or method other than as provided herein. Any report in which any alternative formula or method is used other than the applicable allocation formula prescribed herein shall not be a lawful report.

(2) The report required by Articles 12.08 and 12.09 of Title 122A, Taxation-General, of all corporations required to pay an annual franchise tax, shall, in addition to the information required by said Articles include, as applicable under this Act, the value of all real estate and tangible personal property owned and used by the corporation in this State on the last day of the preceding fiscal year of the corporation and the value of the entire real estate and tangible personal property owned and used by the corporation everywhere on the last day of the preceding fiscal year, and the total gross receipts from business attributable to this State during the period covered by the report together with any gross receipts from business done anywhere computed in accordance with the provisions of this Act."

Sec. 3. In order to effect collection of the tax levied under the provisions of Section 2 hereof for the franchise tax period beginning May 1, 1961, and ending April 30, 1962, the Comptroller of Public Accounts shall, as soon as possible after passage of this Act, mail to all corporations required to pay franchise taxes such notices and/or supplemental reports as may be necessary for the collection of said taxes for such period; and he shall also notify such corporations that for failure to file any required supplemental report files, the in failure to pay any additional taxes which may be due under such report, the right of such corporation to do business in Texas will be forfeited on October 1, 1961, and will subject any such defaulting corporation to the same penalties, liens and conditions as provided by Chapter 12 of Title 122A, Taxation-General, Revised Civil Statutes of Texas.

Sec. 4. That the report of corporations required by Article 12.08 of Title 122A, Taxation-General of the Revised Civil Statutes of Texas, to be filed on or before March 15 of each year shall for the period beginning May 1, 1961, and ending April 30, 1962, be filed with the Comptroller of Public Accounts on or before May 1, 1961, after which said reports shall be filed annually on or before March 15 as required by law.

Sec. 5. The Comptroller of Public Accounts shall have authority to promulgate such rules and regulations as he may deem necessary for the administration of this Act and the collection of the tax levied hereunder; and he is further authorized and empowered to require supplements to, or to combine, reports now required by law, or required by this Act, and to require any additional reports necessary in connection with the reporting or collection of franchise taxes.

Sec. 6. This Article shall become effective on May 1, 1961.

**ARTICLE X**

Section 1. That Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1935, be amended by adding thereto a new chapter to be known as Chapter 30 to read as follows:

"CHAPTER 30

GIFT TAX"

Art. 30.01. Short Title

This tax shall be known and may be cited as the 'Texas Gift Tax.'

Art. 30.02. Definitions

The following words and phrases as used in this article shall have the following meanings unless a different meaning clearly appears from the context. The masculine gender shall apply also to the feminine and neuter genders. The singular shall apply also to the plural.

(a) ‘Comptroller’ shall mean the Comptroller of Public Accounts of the State of Texas.

(b) ‘State’, ‘This State’, ‘In This State’ shall mean the State of Texas.

(c) ‘Property’ shall mean any real or personal property or interest
therein of a resident or nonresident donor, and includes:

1. All real property with this State.

2. All intangible and other personal property the transfer of which this State may constitutionally tax.

(d) 'Transfer on gift' shall mean the passage by gift of any property, or any interest therein or income therefrom, in possession or enjoyment, present or future, in trust or otherwise, directly or indirectly, or any transfer made with donative intent. 'Transfer' or 'gift' does not include any transfer of property in trust where the power to revest in the donor title to the property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the property. However, 'transfer' or 'gift' does include the relinquishment or termination of any such power, other than by the donor's death, a transfer by the donor by gift of the property subject to the power, and any payment of the income from the property to a beneficiary other than the donor.

(e) 'Donor' shall mean any individual who transfers property to another with donative intent.

(f) 'Donee' or 'transferee' shall mean any person who receives property transferred to him from a donor.

Art. 30.03 Imposition of tax
(a) For the calendar year 1961 and each calendar year thereafter a tax, computed as provided in Art. 30.04, is hereby imposed on the transfer of property by gift during such calendar year by any resident of this State.

(b) For the calendar year 1961 and each calendar year thereafter a tax, computed as provided in Art. 30.04, is hereby imposed on the transfer of property by gift during such calendar year by any individual, resident or nonresident, where the property transferred is located in Texas or was located in this State while owned, possessed, or controlled by the donor, except transfers of intangible property by a nonresident not a citizen of this State.

Art. 30.04 Rate of Tax
(a) Computation of tax. The tax imposed by Art. 30.03 for each calendar year shall be an amount equal to the excess of—

(1) a tax, computed in accordance with the rate schedule set forth in this article, on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar years, over

(2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years.

RATE SCHEDULE

If the taxable gifts are: The tax shall be:

| Not over $5,000 | $56.25 plus 2½ % of excess over $5,000. |
| Over $5,000 but not over $10,000 | $137.50, plus 4¼ % of excess over $10,000. |
| Over $10,000 but not over $20,000 | $500, plus 5¼ % of excess over $20,000. |
| Over $20,000 but not over $30,000 | $1,125, plus 6¼ % of excess over $30,000. |
| Over $30,000 but not over $40,000 | $1,800, plus 8 % of excess over $40,000. |
| Over $40,000 but not over $50,000 | $2,625, plus 9½ % of excess over $50,000. |
| Over $50,000 but not over $60,000 | $3,562.50, plus 10½ % of excess over $60,000. |
| Over $60,000 but not over $100,000 | $4,663.75, plus 11 % of excess over $100,000. |
RATE SCHEDULE (Continued)

| Over $100,000 but not over $250,000 | $7,742.50, plus 11 1/2 % of excess over $100,000 |
| Over $250,000 but not over $500,000 | $24,637.50, plus 13 % of excess over $250,000 |
| Over $500,000 but not over $750,000 | $64,637.50, plus 13 1/2 % of excess over $500,000 |
| Over $750,000 but not over $1,000,000 | $87,650.00, plus 13 3/4 % of excess over $750,000 |
| Over $1,000,000 but not over $1,250,000 | $122,137.50, plus 14 1/4 % of excess over $1,000,000 |
| Over $1,250,000 but not over $1,500,000 | $158,700.00, plus 15 % of excess over $1,250,000 |
| Over $1,500,000 but not over $2,000,000 | $198,075.00, plus 15 1/2 % of excess over $1,500,000 |
| Over $2,000,000 but not over $2,500,000 | $232,650.00, plus 16 % of excess over $2,000,000 |
| Over $2,500,000 but not over $3,000,000 | $274,335.00, plus 16 3/4 % of excess over $2,500,000 |
| Over $3,000,000 but not over $3,500,000 | $473,700.00, plus 17 1/2 % of excess over $3,000,000 |
| Over $3,500,000 but not over $4,000,000 | $578,700.00, plus 18 % of excess over $3,500,000 |
| Over $4,000,000 but not over $4,500,000 | $689,325.00, plus 18 1/2 % of excess over $4,000,000 |
| Over $4,500,000 but not over $5,000,000 | $825,575.00, plus 19 % of excess over $4,500,000 |
| Over $5,000,000 but not over $5,500,000 | $1,176,435.00, plus 19 3/4 % of excess over $5,000,000 |
| Over $5,500,000 but not over $6,000,000 | $1,439,325.00, plus 20 % of excess over $5,500,000 |
| Over $6,000,000 but not over $6,500,000 | $1,713,075.00, plus 20 1/2 % of excess over $6,000,000 |
| Over $6,500,000 but not over $7,000,000 | $2,283,075.00, plus 21 % of excess over $6,500,000 |
| Over $7,000,000 but not over $7,500,000 | $2,933,075.00, plus 22 % of excess over $7,000,000 |
| Over $7,500,000 but not over $8,000,000 | $3,733,075.00, plus 22 1/2 % of excess over $7,500,000 |
| Over $8,000,000 but not over $10,000,000 | $4,633,075.00, plus 23 % of excess over $8,000,000 |
| Over $10,000,000 | $5,633,075.00, plus 23 1/2 % of excess over $10,000,000 |

(b) Calendar year. The term 'calendar year' includes only the calendar year 1961 and succeeding calendar years, and, in the case of the calendar year 1961, includes only the portion of such year after the effective date of this Act.

(c) Preceding calendar years. The term 'preceding calendar years' means the calendar year 1961 and all calendar years intervening between the calendar year 1961 and the calendar year for which the tax is being computed.

(d) Tax to be paid by donor. The tax imposed by Art. 30.03 shall be paid by the donor.

Art. 30.08. Taxable gifts.

(a) General definition. The term 'taxable gifts' means the total amount of gifts made during the calendar year, less the deductions provided in this chapter.

(b) Exclusions from gifts. In the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1961 and subsequent calendar years, the first Three Thousand Dollars ($3,000) of such gifts to such person shall not, for purposes of subsection (a), be included in the total amount of gifts made during such year. Where there has been a transfer to any person of a present interest in property, the possibility that such interest
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... may be diminished by the exercise of a power shall be disregarded in applying this subsection, if no part of such interest will at any time pass to any other person.

For the benefit of minor. No part of such interest will at any time pass to any other person.

A transfer of property by the individual possessing the power, the value thereof at the date of the gift shall be considered a transfer of property for purposes of subsections (b) if the property is real or personal, tangible or intangible, except as provided in Art. 30.03(b).

(1) Any partial release occurred not later than six months after the termination of such legal disability.

(b) Powers created after January 1, 1952—The exercise or release of a general power of appointment created after January 1, 1952, shall be deemed a transfer of property by the individual possessing such power. A disclaimer or renunciation of such a power of appointment shall not be deemed a release of such power.

(c) Definition of general power of appointment.—For purposes of this section, the term 'general power of appointment' means a power which is exercisable in favor of the individual possessing the power (hereafter in this subsection referred to as the 'possessor'), his estate, his creditors, or the creditors of his estate; except that—

(1) A power to consume, invade, or appropriate property for the benefit of the possessor which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the possessor shall not be deemed a general power of appointment.

(2) A power of appointment created on or before January 1, 1952, which is exercisable by the possessor only in conjunction with another person shall not be deemed a general power of appointment.

(3) In the case of a power of appointment created after January 1, 1952, which is exercisable by the possessor only in conjunction with another person—

(A) if the power is not exercisable by the possessor except in conjunction with the creator of the power such power shall be deemed a general power of appointment;

(B) if the power is not exercisable by the possessor except in con-
junction with a person having a substantial interest in the property subject to the power, which is adverse to exercise of the power in favor of the possessor—such power shall not be deemed a general power of appointment. For the purposes of this subparagraph a person who, after the death of the possessor, may be possessed of a power of appointment (with respect to the property subject to the possessor’s power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the possessor’s power.

(c) If (after the application of subparagraphs (A) and (B)) the power is a general power of appointment and is exercisable in favor of such other person—such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the possessor) in favor of whom such power is exercisable. For purposes of subparagraphs (B) and (C), a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

(d) Creation of another power in certain cases.—If a power of appointment created after January 1, 1952, is exercised by creating another power of appointment which, under the applicable law, can be validly exercised so as to postpone the vesting of any estate or interest in the property which was subject to the first power, or suspend the absolute ownership or power of alienation of such property, for a period ascertainable without regard to the date of the creation of the first power, such exercise of the first power shall, to the extent of the property subject to the second power, be deemed a transfer of property by the individual possessing such power.

(e) Lapse of power.—The lapse of a power of appointment created after January 1, 1952, during the life of the individual possessing the power shall be considered a release of such power. The rule of the preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property which could have been appointed by exercise of such lapsed powers exceeds in value the greater of the following amounts:

(1) $5,000 or

(2) 5 percent of the aggregate value of the assets out of which, or the proceeds of which, the exercise of the lapsed powers could be satisfied.

(f) Date of creation of power.—For purposes of this section a power of appointment created by a will executed on or before January 1, 1952, shall be considered a power created on or before such date if the person executing such will dies before January 1, 1952, without having republished such will, by codicil or otherwise, after January 1, 1952.

Art. 30.09. Certain property settlements
When husband and wife enter into a written agreement in preparation for or in pursuance to a divorce agreement or action (whether or not such agreement is approved by the divorce decree), any transfer of property or interests in property made pursuant to such agreement to either spouse in settlement of his or her marital or property rights, shall be deemed to be transfers made for a full and adequate consideration in money or money’s worth.

Art. 30.10. Certain annuities under qualified plans

(a) General rule.—The exercise or nonexercise by an employee of an election or option whereby an annuity or other payment will become payable to any beneficiary at or after the employee’s death shall not be considered a transfer for purposes of this chapter if the option or option and annuity or other payment is provided for under any of the following:

(1) an employee’s trust (or under a contract purchased by an employee's trust) forming part of a pension, stock bonus, or profit-sharing plan.

(2) a retirement annuity contract purchased by an employer (and not by an employees' trust).
(3) a retirement annuity contract purchased for an employee by an employer.

(b) Transfers attributable to employee contributions.—If the annuity or other payment referred to in subsection (a) is attributable to any extent to payments or contributions made by the employee, then subsection (a) shall not apply to that part of the value of such annuity or other payment which bears the same proportion to the total value of the annuity or other payment as the total payments or contributions made by the employee bear to the total payments or contributions made. For purposes of the preceding sentence, payments or contributions made by the employee’s employer or former employer toward the purchase of an annuity contract described in subsection (a) (3) shall be considered to have been made by the employee.

(c) Employee defined.—For purposes of this section, the term ‘employee’ includes a former employee.

Art. 30.11. Specific exemption
In computing taxable gifts for the calendar year, there shall be allowed a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as specific exemption in the computation of gift taxes for the calendar year 1961 and all calendar years intervening between that calendar year and the calendar year for which the tax is being computed under the laws applicable to such years.

Art. 30.12. Charitable and similar gifts
(a) Citizens or residents.—In computing taxable gifts for the calendar year, there shall be allowed as a deduction the amount of all gifts made during such year to or for the use of—

(1) the United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) a corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) a fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(b) Nonresidents.—In the case of a nonresident not a citizen of the State of Texas, there shall be allowable as a deduction the amount of all gifts made during such year to or for the use of—

(1) the United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) a corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;
only if such gifts are to be used within the United States exclusively for such purposes.

(4) A fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used within the United States exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(5) posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings accrue to the benefit of any private shareholder or individual.

Art. 30.12. Gift to spouse

(a) Where a donor who is a citizen or resident transfers during the calendar year by gift an interest in his or her separate property to a donee who at the time of the gift is the donor's spouse, these shall be allowed as a deduction in computing taxable gifts for the calendar year an amount with respect to such interest equal to one-half of its value.

(b) Community property—A deduction otherwise allowable under this section shall be allowed only to the extent that the transfer can be shown to represent a gift of property which is not, at the time of the gift, held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country.

(2) For purposes of paragraph (1), community property (except property which is considered as community property solely by reason of paragraph (3) shall not be considered as held as community property if the entire value of such property (and not merely one-half thereof) is treated as the amount of the gift.

(3) If during the calendar year 1962 or in succeeding calendar years, property held as such community property (unless considered by reason of paragraph (2) as not so held) was by the donor and the donee spouse converted, by one transaction or a series of transactions, into separate property of the donor and such spouse (including any form of co-ownership by them), the separate property so acquired by the donor and any property acquired at any time by the donor in exchange therefor (by one exchange or a series of exchanges) shall, for purposes of paragraph (1), be considered as held as community property.

(4) Where the value (at the time of such conversion) of the separate property so acquired by the donor exceeded the value (at such time) of the separate property so acquired by such spouse paragraph (3) shall apply only with respect to the same portion of such separate property of the donor as the portion which the value (as of such time) of such separate property so acquired by such spouse is of the value (as of such time) of the separate property so acquired by the donor.

Art. 30.14. Extent of deductions

The deductions provided in Articles 30.12 and 30.13 shall be allowed only to the extent that the gifts therein specified are included in the amount of gifts against which such deductions are applied.

Art. 30.15. Returns

Time for filing. Every donor shall file a gift return under oath with the Comptroller on or before the fifteenth day of April following the close of the calendar year in which he makes a gift. The Comptroller may by rule prescribe for the filing of a return for the donor by any other person when the donor is deceased or for any reason can not personally file the return within the time allowed. If no gift return is filed by or for any donor, the Comptroller may file a return for the donor on such information as he may possess or obtain. In such cases as the Comptroller may by rule prescribe, no gift return need be filed.

Art. 30.16. Contents of return

The gift return shall show:

(a) Each gift made during the calendar year for which the return is made.
(b) The exemptions claimed and allowable.

(c) The taxable gifts to the same donee for each of the preceding calendar years.

(d) Any other information required by the Comptroller.

Art. 30.17. Return or other information by donee

The Comptroller may by regulation require the filing by donees of returns or other information reasonably necessary for the enforcement of this chapter.

Art. 30.18. Return by trustee

Any trustee of property transferred in trust who has actual knowledge that the transfer is a gift shall also execute and file a gift return as to the property included in the trust, or shall join in the execution and filing of the gift return of the donor.

Art. 30.19. Divulging of information forbidden

It is unlawful for the Comptroller or any person having an administrative duty under this chapter to make known in any manner whatever any information about or any access to any records or other information concerning gifts, gift taxes, or gift tax returns, or any particular thereof, to any person. However the Governor may, by general or special order, authorize examination by other State officers, by tax officers of another state, or by the Federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the Comptroller under this chapter.

Art. 30.20. Penalty for failure to file return or filing insufficient return

If no gift return is filed pursuant to this chapter or the regulations of the Comptroller, or if a return does not show all transfers made in the year for which the return is filed, a penalty equal to 10 per cent of the tax on the transfers not returned is added to the tax.

Art. 30.21. Fraudulent intent to evade tax

If the failure to file a gift return or to show any transfers in a gift return is the result of a fraudulent intent to evade the tax imposed by this chapter, an additional penalty equal to 25 per cent of the tax on the transfers not returned is added to the tax.

Art. 30.22. Date when penalty attaches

The penalties imposed by Articles 30.20 and 30.21 attach as of the date of the gift.

Art. 30.23. Penalty as part of tax

The penalties imposed by Articles 30.20 and 30.21 are part of the tax for the purpose of determining the date when the tax is delinquent and for the purpose of determining interest on the amount delinquent.

Art. 30.24. Interest when filed late

In addition to any other penalty prescribed by this chapter, if a gift return is filed after the fifteenth day of April following the close of the calendar year in which the gift was made, regardless of whether an extension of time for filing the return is obtained, the tax determined bears interest at the rate of 7 per cent per annum commencing on the fifteenth day of June following the close of the calendar year in which the gift was made and until it is paid.

Art. 30.25. Additional penalty for wilfulness

Any person required by this part or the rules and regulations of the Comptroller to make any return who wilfully fails to make the return shall, in addition to any other penalty, be subject to a penalty of one thousand dollars ($1,000). The penalty may be collected by the Comptroller in a civil action brought in any court of competent jurisdiction.

Art. 30.26. Time for determining tax

In a case not involving a false or fraudulent return or failure to file a return, the amount of tax imposed by this chapter shall be determined by the Comptroller at any time after the tax is due, but not later than six months after the return is filed. However, a determination is not invalid if made within three years after the return is filed.

Art. 30.27. Determination of tax where no return or a fraudulent return

In the case of a false or fraudulent return or failure to file a return,
the Comptroller may determine the tax at any time. The Comptroller shall give notice of the amount of tax determined, together with any penalty for failure to file a return or to show any transfer in the return filed, by personal service or by mail to the person filing the return at the address stated in the return, or, if no return is filed, to the person liable for the tax. Copies of the notice may be sent to such other persons as the Comptroller deems advisable.

Art. 30.28. Finality of determination
If no action is brought within the time allowed by this part to recover any tax paid under protest, the determination by the Comptroller of the amount of tax due is final 60 days after notice of the determination is given. If payment of tax is made under protest and an action is brought pursuant to this chapter to recover all or any portion of the tax so paid, the determination by Comptroller of the amount of tax due, including any modification ordered by the court, is final when the judgment of the court becomes final. When it becomes final, the determination of the Comptroller fixing the amount of tax due or any determination of the Comptroller that no tax is due, has the force and effect of a judgment in a civil action.

Art. 30.29. Payment under protest
Any person who is dissatisfied with the Comptroller's determination of the tax for which he is liable may pay the tax under protest. The protest shall be in writing and shall specify the grounds on which it is made, which may include, but are not limited to, an erroneous valuation or computation.

Art. 30.30. Where payment is erroneous
Any person who has made an erroneous payment of any tax imposed by this chapter, or an heir, the executor of the will, or the administrator of the estate of any such person, but not his assign, is entitled to a refund in the amount erroneously paid within one year after the payment, or within one year after the determination of the tax becomes final, whichever period is later.

Art. 30.31. Action to recover tax paid
Within 60 days after notice of the determination of the amount of tax has been given by the Comptroller, any person who has paid the tax under protest may file an action against the State in any court of competent jurisdiction to recover the tax so paid.

ARTICLE XI
Section 1. All sales, occupation, excise, license fee or other taxes, penalties and interest accruing to the State of Texas prior to the effective date of this Act shall not be affected by the passage of this Act but shall be and remain valid and binding obligations to the State of Texas, and all taxes, fines, penalties and interest accruing under the provisions of prior or existing occupation, excise, or other tax laws are hereby expressly preserved and declared to be legal and valid obligations to the State of Texas. Neither shall the expiration of prior laws affect offenses committed or prosecutions begun under the terms of prior laws, and prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

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

Sec. 3. Repealer. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only.

Sec. 4. Emergency. The fact of the existing deficit in the General Revenue Fund and the pressing necessity for additional revenue for the State 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 same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

RECESS
Mr. Hinson moved that the House recess until 1:30 o'clock p.m. today.
Mr. Bartram moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

A record vote was requested on the motion to adjourn until 10:00 o'clock a.m. tomorrow.

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

Yeas-35
- Allen
- Atwell
- Banfield, Mrs.
- Barnes
- Bartram
- Bell
- Berry
- Blake
- Butler
- Crain
- Crews
- Fairchild
- Gibbens
- Groover
- Harding
- Hardy
- James
- Jarvis

Nays-103
- Johnson of Dallas
- Koliba
- Miller
- Nugent
- Oliver
- Osborn
- Petty
- Ratcliff
- Shipley
- Thurman
- Thurmond
- Tunnell
- Walker
- Wilson of Potter

Present—Not Voting
- Adams of Titus
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- Andrews
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- Buchanan
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- Carriber
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- Ehrle
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- Hale
- Harring
- Harrington
- Harves
- Hinson
- Huffer
- Hughes of Grayson
- Janeska, Miss
- Jamison
- Johnson of Bexar
- Johnson of Hall
- Jones of Travis
- Kipkriot
- Lach
- Latimer
- Leaeton
- Lewis
- Longoria
- McCoplin
- McGregor
- McIlhany
- Markgraf
- Martin
- Moore
- Mullen
- Murray
- Muehler
- Niemeyer
- Parsons
- Peary
- Peeler
- Piggin
- Preston
- Price
- Rapp
- Read
- Richards
- Roberts of Hill
- Rosan
- Rosson
- Sandahl
- Schram
- Shannon
- Sleek
- Smith of Bexar
- Smith of Jefferson
- Snelson
- Spaul
- Springer
- Stewart
- Stewart of Galveston
- Stewart of Wichita
- Struve
- Townsend
- Trewino
- Ward
- Watson
- Wells
- Wheatley
- Whitfield
- Wilson of Trinity
- Year
- Woods

Absent
- Adams of Lubbock
- McGrew
- Floyd
- Hughes of Dallas
- Sidler
- La Valle

Absent—Excused
- Pieratt

The motion to recess until 1:30 o'clock p.m. on the same day prevailed.

In accordance with the motion to recess, the House at 1:30 o'clock a.m. recessed until 1:30 o'clock p.m. today.

REASONS FOR VOTE

I voted no on the motion to adjourn because I think we have plenty of work to do this afternoon.

SCOTT BAILEY.

AFTERNOON SESSION

The House met at 1:30 o'clock p.m. and was called to order by the Speaker.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving
due notice thereof and their captions contained in existing law; and declaring an emergency.

H. B. No. 265, An Act amending Article 2734 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 the method of attaching certain test certificates or seals; 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 Treasurer; providing for maximum fees therefor; providing for the enforcement and collection of fees therefor; providing for the registration, rejection tags and fees of certain test certificates or seals; providing a penalty for non-compliance with the Act; repealing all conflicts and providing for the redemption and providing for the allocation of motor fuel (gasoline) tax; repealing Section (9) of Article 7.08 relating to a tax on cigarettes; amending Section (6) of Article 20.01 relating to the definition of "phonographs"; amending Section (1) of Article 20.01, relating to air conditioners and component parts; etc., and declaring an emergency.

H. B. No. 54, An Act amending Article 4, Section 1-10-D of Chapter 12 of the Revised Civil Statutes of Texas, 1925, as amended by Mr. Ballman pending. The bill having heretofore been read second time, with amendment by Mr. Ballman pending. The House by unanimous consent agreed to consider H. B. No. 54 Article by Article. Mr. Watson offered the following amendment to Article IV of the amendment offered by Mr. Ballman: Amend the amendment to Article IV of amendment by Mr. Ballman to House Bill No. 334 by striking out the following:

"ARTICLE IV

Section 1. Article 13.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

'Art. 13.01 Definitions

The following words, terms and phrases as used in this Chapter are defined as follows:

(1) The term "owner" means any person, individual, firm, company, association or corporation owning or operating such device.
having the care, control, management or possession of any "coin-operated machine" in this State.

(2) The term "operator" means any person, firm, company, association or corporation who exhibits, displays, or permits to be exhibited or displayed, in his or its place of business or upon premises under his or its control, any "coin-operated machine" in this State.

(2) The term "coin-operated machine" means every machine or device of any kind or character which is operated by or with coins, or metal slugs, tokens or checks. "Music coin-operated machines" and "skill or pleasure coin-operated machines" are hereinafter defined, shall be included in such terms.

(4) The term "music coin-operated machine" means every coin-operated machine of any kind or character which dispenses or vending music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within said term: phonographs, pianos, graphophones, radios, and all other coin-operated machines which dispense or vend music.

(5) The term "skill or pleasure coin-operated machines" means every coin-operated machine of any kind or character whatsoever; when such machine or machines dispense or are used or are capable of being used for purposes of amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing of merchandise or "service" exclusively, as those terms are defined in this Chapter. The following are expressly included within said term: marble machines, marble table machines, marble shooting machines, miniature track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford skill or pleasure.

Provided that every machine or device of any kind or character which dispenses or vend, merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for such machines.

(6) The term "service coin-operated machines" means every machine or device which dispenses food, food products, candy, candy products, beverages, and other types of tangible personal property of every description whatsoever.

Sec. 2. That Article 13.02, Title 132A. Taxation-General Revised Civil Statutes of Texas, 1925, be amended to read as follows:

'Art. 13.02 Amount of Tax
(1) Every "owner" who owns, controls, possesses, exhibits, displays, or who permits to be exhibited or displayed in this State any "coin-operated machines," shall pay and there is hereby levied on every "coin-operated machine," except such as are exempted herein, an annual occupation tax determined as follows:

(a) A fee of Ten Dollars ($10) shall be paid on each "music coin-operated machine," where the coin, fee or token used, or which may be used, in the operation thereof is one of the value of Five Cents ($5¢) or more, or represents a value in excess of Five Cents ($5¢) or more.

(b) A fee of Ten Dollars ($10) shall be paid on each "skill or pleasure coin-operated machine," where the coin, fee or token used, or which may be used, in the operation thereof is one of the value of Five Cents ($5¢) or represents a value in excess of Five Cents ($5¢) or more.

(c) A fee of Ten Dollars ($10) shall be paid on each "skill or pleasure coin-operated machine," where the coin, fee or token used, or which may be used, in the operation thereof is one of the value of Five Cents ($5¢) or represents a value in excess of Five Cents ($5¢) or more.

(d) A fee of Five Dollars ($5) shall be paid on each "service coin-operated machine."

(2) Provided that nothing herein shall prevent the "operator" of such
machines from paying the tax levied in this Chapter for the account of the "owner" but the payment of such tax by such operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this Chapter including the keeping of the records required in this Chapter.

Sec. 3. That Article 13.03, Title 12, Taxation-General, Revised Civil Statutes of Texas, 1925, be amended to read as follows:

'Art. 13.03 Exemptions from Tax

Gas meters, pay telephones, pay toilets, and cigarette vending machines which are now subject to an occupation or gross receipts tax and merchandise coin-operated machines as that term is defined herein are expressly exempt from the tax levied herein and the other provisions of this Chapter.'

Mr. Cotten moved to table the amendment by Mr. Watson to Article IV of the amendment offered by Mr. Ballman.

The motion to table prevailed.

Mr. Watson offered the following amendment to Article IV of the amendment offered by Mr. Ballman:

Amend the Amendment by Mr. Ballman to House Bill No. 334 by striking out Article IV and substituting in lieu thereof the following:

"Section 1. Article 13.02, Title 12, Taxation-General, Revised Civil Statutes of Texas, 1925, as enacted by Chapter 13, Acts of the 56th Legislature, Third Called Session, 1959, is amended to read as follows:


(1) Every 'owner' who owns, controls, possesses, exhibits, displays, or who permits to be exhibited or displayed in this State any 'coin-operated machines' as defined herein in Article 13.01, except as are exempt herein, an annual occupation tax of Ten Dollars ($10.00).

(2) Provided that nothing herein shall prevent the 'operator' of such machine from paying the tax levied in this Chapter for the account of the 'owner' but the payment of such tax by such operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this Chapter including the keeping of the records required in this Chapter.'

Mr. Cotten moved to table the amendment by Mr. Watson to the amendment by Mr. Ballman.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Watson to the amendment by Mr. Ballman prevailed by the following vote:

Yeas—84

Alanis Kilpatrick
Ballenger Killion
Bass La Valle
Berry Leaverton
Boysen Longoria
Bridges McCoppin
Buchanan McGregor
Burgess McIlhany
Caldwell Markgraf
Cannon Moore
Carroll Mullen
Chapman Murray
Cole of Harris
Collins Nazario
Cotten Coburn
Cowless Peac:ry
Crisis Preston
de la Garza Quillian
Dewey Napp
Dunn, Miss
Dungan
Dickardt
Fleming Ross
Foreman Rossen
Furner Sandahl
Gladden Schram
Glass Shannon
Green Smith of Jefferson
Gutierrez Springer
Hale Stewart
Harling of Galveston
Harrington
Haynes
Hinson
Hollowell
Hughes
Hughes of Grayson
Haack, Miss
Johnson of Bexar
Johnson of Bell
Kennard

Nays—6

Wilson of Trinity
Yezak
Mr. Quilliam offered the following amendment to Article VII of the amendment by Mr. Ballman:
Amend Amendment to H. B. No. 334 by striking Article VII thereof.

The motion to table prevailed.

MOTION TO RECESS

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

Mr. Preston offered the following amendment to Article IX of the amendment offered by Mr. Ballman:
Amend the Amendment to H. B. No. 334 by deleting Article IX and renumbering the following Articles.

Mr. Spears moved to table the amendment by Mr. Preston to the amendment by Mr. Ballman.

A record vote was requested.

Mr. Rosson offered the following amendment to Article VII of the amendment by Mr. Ballman:
Amend Amendment to H. B. No. 334 by striking Article VII from all of Article VI and renumbering the other articles to conform thereto.

The amendment by Mr. Rosson to Article VII of the amendment by Mr. Ballman was adopted.
A record vote was requested on the amendment by Mr. Preston to the amendment by Mr. Ballman.

The amendment by Mr. Preston was lost by the following vote:

Yeas—69

Adams of Lubbock Johnson of Dallas
Allen Andrews
Ballman Atwell
Banfield, Mrs. Barnes
Bartram Bell
Blaine Boysen
Burgess Burgess
Butler
Coal of Harris, Mrs. Council
Connell
Cook
Cory
Cowen
Cowles
Cren
Crews
Curington
de la Garza
Ehrle
Fairchild
Floyd
Garrison
Gibbens
Glover
Gross
Grower
Harding
Heady
Huebner
Hughes of Dallas
James
Johnson of Dallas
Johnson of Bell

Nays—78

Adams of Titus
Allen
Ball
Ballman
Barlow
Bass
Berry
Buchanan
Carlisle
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Collin
Cotten
Dewey
Duff, Miss
Dungan
Ekhardt
Fletcher
Foreman
Gaddy
Gahagan
Gulrey
Hale
Haring
Harrington
Haynes
Hicks
Hollowell
Hughes
Isaacks, Miss
Jamison
Johnson of Bexar
Johnson of Travis
Kennard
Korloch
Lack
Larry
La Valle
Leaverton
Lowe
McCoppin
McGregor
McLennan

Absent—Excused
Mr. Kilpatrick (present), who would vote "Yea", with Mr. Pieratt (absent) who would vote "Nay".

REASON FOR VOTE ON AMENDMENT TO CORPORATE FRANCHISE FORMULA

I cannot justify giving tax advantages to interstate corporations not allowed to domestic corporations. The choice in my mind was between the out-of-state or interstate corporations and the welfare of the State. Thus my vote to expand the franchise formula.

JAMES E. BARLOW.

Mr. Martin offered the following amendment to the amendment by Mr. Ballman:

Amend Amendment to H. B. 334 by adding a new Article to be numbered appropriately and to read as follows:

ARTICLE ———

Section 1. Section 5 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as last amended by Chapter 392, Acts of the 56th Legislature, Regular Session, 1957, is hereby amended to read as follows:

"Sec. 5. The annual license fee for the registration of a motorcycle shall be Five Dollars and Fifty Cents ($5.50). The annual license fee for the registration of a passenger car and a street or suburban bus shall be Ten Dollars ($10.00) for those weighing 2,500 pounds or less; for others the fee shall be based upon the weight of a vehicle as follows:

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<th>Weight in Pounds</th>
<th>Fraction Thereof</th>
<th>Fee per 100 Pounds</th>
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<tr>
<td>2001-3500</td>
<td>.396</td>
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<td>3501-4500</td>
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<td>4501-and up</td>
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</tbody>
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The weight of any passenger car or of any street or suburban bus, for purpose of registration, shall be the weight generally accepted as its correct shipping weight plus one hundred (100) pounds."

The amendment by Mr. Martin to the amendment by Mr. Ballman was adopted.

A record vote was requested on the amendment by Mr. Ballman, as amended.

The amendment by Mr. Ballman, as amended, was adopted by the following vote:

Yeas—83
Adams of Titus
Alaniz
Bailey
Ballman
Barlow
Bass
Bridges
Buchanan
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cotter
Cowles
Dewey
Duff, Miss
Dungan
Eckhardt
Eckhardt
Foreman
Gladden
Glass
Green
Guffey
Hale
Haring

Absent—Excused

PAIRED

Mr. Kilpatrick (present), who would vote "Yea", with Mr. Pieratt (absent) who would vote "Nay".

Mr. Martin offered the following amendment to the amendment by Mr. Ballman:

Amend Amendment to H. B. 334 by adding a new Article to be numbered appropriately and to read as follows:

ARTICLE ———

Section 1. Section 5 of Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as last amended by Chapter 392, Acts of the 56th Legislature, Regular Session, 1957, is hereby amended to read as follows:

"Sec. 5. The annual license fee for the registration of a motorcycle shall be Five Dollars and Fifty Cents ($5.50). The annual license fee for the registration of a passenger car and a street or suburban bus shall be Ten Dollars ($10.00) for those weighing 2,500 pounds or less; for others the fee shall be based upon the weight of a vehicle as follows:

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The weight of any passenger car or of any street or suburban bus, for purpose of registration, shall be the weight generally accepted as its correct shipping weight plus one hundred (100) pounds."

The amendment by Mr. Martin to the amendment by Mr. Ballman was adopted.

A record vote was requested on the amendment by Mr. Ballman, as amended.

The amendment by Mr. Ballman, as amended, was adopted by the following vote:

Yeas—83
Adams of Titus
Alaniz
Bailey
Ballman
Barlow
Bass
Bridges
Buchanan
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Cotter
Cowles
Dewey
Duff, Miss
Dungan
Eckhardt
Eckhardt
Foreman
Gladden
Glass
Green
Guffey
Hale
Haring

Absent—Excused

PAIRED

Mr. Kilpatrick (present), who would vote "Yea", with Mr. Pieratt (absent) who would vote "Nay".
A record vote was requested on the passage of H. B. No. 334 to engrossment.  
H. B. No. 334 was passed to engrossment by the following vote:

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Mr. Koliba (present), who would vote "nay", with Mr. Pieratt (ab­sent) who would vote "yea".

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Present—Not Voting

### HOUSE JOURNAL

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| Mr. Koliba (present), who would vote "nay", with Mr. Pieratt (ab­sent) who would vote "yea". | |

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March 27, 1961  HOUSE JOURNAL  873

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<td>Miller</td>
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<td>Smith of Jefferson</td>
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<td>Pieratt</td>
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<tr>
<td>Mr. Huebner (present), who would vote “Nay”, with Mr. Pieratt (ab­ sent) who would vote “Yea.”</td>
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<td>Trevino</td>
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<td>Mr. Ballman moved to reconsider the vote by which H. B. No. 334 was passed to engrossment and to table the motion to reconsider.</td>
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<td>The motion to table prevailed.</td>
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<td>Johnson of Bexar</td>
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<td>MOTION TO PLACE HOUSE BILL NO. 334 ON THIRD READING</td>
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<td></td>
<td>Watson</td>
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<td>Mr. Ballman moved that the cons­ titutional rule requiring bills to be read on three several days be sus­ pended and that House Bill No. 334 be placed on its third reading and final passage.</td>
<td></td>
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<td>Wells</td>
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<td>The motion was lost by the fol­ lowing vote: (not receiving the necessary four-fifths vote)</td>
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<td>Wheatley</td>
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<td>Yeas—90</td>
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<td>Whitefield</td>
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<td>Adams of Titus</td>
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<td>Wills of Trinity</td>
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<td>Bailey</td>
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<td>Miller</td>
<td>Yess</td>
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One of the reasons I voted against this tax bill is that it, like all others submitted to this House, does not have any increase in the tax on beer that, compared to others, lacks a considerable amount of paying its share of taxes. Presently the sales tax on beer is less than four percent while it is eighteen per cent on gasoline and twenty-seven and one-half per cent on cigarettes. I think it is unfair for them not to pay their part.

W. S. "BILL" HEATLY.

REASON FOR VOTE
I voted for final passage of H. B. 334 because I realize that we must pay our debts and provide for our future needs.

SCOTT BAILEY.

MESSAGE FROM THE SENATE
Austin, Texas, March 27, 1961

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

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 33, have met and have same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Owen, Willis, Baker, Patman, Parkhouse.

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 33, have met and have same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Owen, Willis, Baker, Patman, Parkhouse.

Austin, Texas, March 27, 1961

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON H. B. NO. 33

Mr. McGregor of El Paso asked unanimous consent of the House that the following corrected Conference Committee Report be shown as adopted, on H. B. No. 33, instead of the one previously adopted.

There was no objection offered to the request by Mr. McGregor of El Paso and it was so ordered.

Austin, Texas, March 27, 1961

Honorable Ben Ramsey, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 33, have met and have same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Owen, Willis, Baker, Patman, Parkhouse.

On the part of the Senate.

JOHN E. BLAINE,
MALCOLM McGEORGE,
MARSHALL O. BELL,
HUGHES OF DALLAS,
FRANKLIN SPEARS.

On the part of the House.
March 27, 1961  HOUSE JOURNAL 875

H. B. No. 33

An Act amending Articles 79, 81 and 82 of the Election Code as enacted in Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951, to clarify the provisions 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, and to lower to five (5) days the period for keeping voting machines locked, under certain conditions; and declaring an emergency.

Be it Enacted By The Legislature of the State of Texas:

Section 1. Article 82 of Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Article 7.17 of Vernon's Texas Civil Statutes), is amended to read as follows:

"The voting machine shall remain locked against voting for a period of ten (10) days, provided that where a second election occurs within such ten-day period, then the voting machine shall remain locked against voting for a period of five (5) days, and then shall have the seal broken only on the order of a district judge having jurisdiction in that county, such order to be entered on the minutes of the district court of that county, and if in the opinion of such district judge, contest is likely to develop, shall remain locked for such time as the district judge may direct; provided, however, such time shall not be for a period of time that will interfere with or prohibit the use of such machines in a subsequent election. Except that on the order of any court of competent jurisdiction or on the order of any legislative body the seal may be broken for the purposes of proper investigation, and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same. Irregular ballots shall be preserved in the same manner and for the same length of time as now provided by law for other ballots."

Sec. 2. Article 81 of the Election Code as enacted in Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Article 7.16 Vernon's Texas Election Code), is amended by adding a new Section thereto, to be designated Section 3, which shall read as follows:

"Section 3. The procedure provided in Section 1 hereof shall apply whether voting machines are used or not, but if voting machines are used, and a second election is called for any purpose so soon after a preceding election that the use of voting machines in the second election would be impracticable, then the authority calling the second election may authorize the use of paper ballots in such second election, and the general laws regarding paper ballots provided in this Code shall apply."

Sec. 3. Section 20 of Article 79 of Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Article 7.14 of Vernon's Texas Civil Statutes Election Code), is amended to read as follows:

"Section 20. Preservation of Ballots and Records of Voting Machines.

The voting machine shall remain locked against voting for a period of ten (10) days, provided that where a second election occurs within such ten-day period, then the voting machine shall remain locked against voting for a period of five (5) days, and then shall have the seal broken only on the order of a district judge having jurisdiction in that county, such order to be entered on the minutes of the district court of that county, and if in the opinion of such district judge, contest is likely to develop, shall remain locked for such time as the district judge may direct; provided, however, such time shall not be for a period of time that will interfere with or prohibit the use of such machines in a subsequent election. Except that on the order of any court of competent jurisdiction or on the order of any legislative body the seal may be broken for the purposes of proper investigation, and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same. Irregular ballots shall be preserved in the same manner and for the same length of time as now provided by law for other ballots."
HOUSE JOURNAL

H. B. No. 33, "An Act amending Articles 79, 81 and 82 of the Election Code as enacted in Chapter 492, Acts of the Fifty-second Legislature, Regular Session, 1961, to clarify the provisions 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 and to lower to five (5) days the period for keeping voting machines locked under certain conditions; and declaring an emergency."

H. G. WELLS, Chairman.

H. B. No. 970, A bill to be entitled "An Act validating (a) Nueces County Water Control and Improvement District Number 4, (b) the present boundaries of the District, (c) the organization of its Board of Directors and all governmental acts and proceedings heretofore accomplished, and (d) the outstanding bonds of the District and the levy and collection of taxes and the fixing of water rates and charges to support thereof; providing that no further hearings on exclusion of land shall be necessary and that the ad valorem basis of levying taxes shall be employed without further hearings on a plan of taxation; providing that the District shall be empowered to acquire and provide sanitary and storm sewer facilities; providing that bonds of the District shall be authorized instruments and eligible to secure deposits of public funds in certain instances; declaring the District essential; providing the Act shall not apply to pending litigation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Rules has filed a favorable report on H. C. R. No. 57.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 6, A bill to be entitled "An Act relating to the authority of the commissioners court to establish election precincts and to preparation of ballots and voting procedures in certain precincts; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 23, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 970, A bill to be entitled "An Act validating (a) Nueces County Water Control and Improvement District Number 4, (b) the present boundaries of the District, (c) the organization of its Board of Directors and all governmental acts and proceedings heretofore accomplished, and (d) the outstanding bonds of the District and the levy and collection of taxes and the fixing of water rates and charges to support thereof; providing that no further hearings on exclusion of land shall be necessary and that the ad valorem basis of levying taxes shall be employed without further hearings on a plan of taxation; providing that the District shall be empowered to acquire and provide sanitary and storm sewer facilities; providing that bonds of the District shall be authorized instruments and eligible to secure deposits of public funds in certain instances; declaring the District essential; providing the Act shall not apply to pending litigation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.
March 28, 1961

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

April Tenth Day
(Tuesday, March 28, 1961)

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 16, granting permission to Constantino Costella and Sebasta Costella to sue the State of Texas and the Texas Highway Department.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 23, 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. 19, granting permission to Marie A. Bailey to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 23, 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. 61, congratulating the Ex-Students Association of Texas Technological College.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 23, 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. 41, granting permission to Annie Mae Allen to sue the State of Texas and the Veterans Land Board.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

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

Mr. Speaker: Healy
Adams of Lubbock: Hinson
Adams of Titus: Haltom
Allen: Huie
Andrews: Hughes
Atwell: Hughes of Grayson
Bailey: Hughes of Dallas
Barnes: Neely, Mays
Bartram: James
Bass: Jamison
Bell: Jarvis
Berry: Johnson of Dallas
Boyle: Johnson of El Paso
Bunton: Johnson of Bell
Cook: Jones of Dallas
Cotter: Jones of Travis
Cox: Kilpatrick
Cory: Koliba
Cotton: Kointh
Cowell: Lack
Craw: Lary
Crews: La Valle
Curington: Leaverston
Dewey: Lewis
De la Garza: Longoria
Duff, Miss: McCoppin
Eckhardt: McGregor
Edness: McLennan
Elkins: McGregor
Erikson: McIhsein
Fairchild: McIlhany
Fletcher: Markgraf
Floyd: Martin
Foreman: Miller
Forrest: Moore
Gibbons: Mullens
Glass: Murray
Gladding: Nahé
Glasing: Nimmer
Green: Oliver
Grover: Osborn
Guffey: Parsons
Hale: Pearson
Haring: Peet
Harding: Pierson
Haynes: Preston
Hanging: Price
Harrison: Quilliam
Hays: Rapp
Haug: Rascoe
Himes: Read
Hornaday: Richards
Huber: Richardson
Hudson: Roberts of Hill
Hughes of Dallas: Roberts of Dawson
Hughes of Grayson: Rosas