FOURTEENTH DAY
(Wednesday, February 1, 1961)
The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker
Adams of Lubbock
Adams of Titus
Alano
Allen
Andrews
Atwell
Bailey
Ballman
Banfield, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Berry
Blaine
Boysen
Bridges
Buchanan
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Connell
Cook
Corry
Coten
Cowen
Cowies
Craif
Crews
Curlington
de la Garza
Dewey
Deff, Miss
Dungan
Echardt
Ehrl
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gilbains
Gladden
Glass
Glussing

Byrkit
Sterling
Pipek
Springer
Preston
Stewart
Price of Galveston
Quilliam
Stewart
Napp
Struve
Tennell
Thermon
Thieman
Townsend
Trevino
Tunnell
Walker
Ward
Watson
Wells
Wheatley
Whitfield
Wilson of Trinity
Wilson of Potter
Woods
Yestak

Absent—Excused

Kennard

A quorum of the House was announced present.

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

"Heavenly Father, we ask Thee to protect us through this day. Keep us temperate in all things and may we be diligent in our calling. Grant us patience, wisdom and understanding. Give us grace to be just and upright in all our dealings: quiet and peaceable; full of compassion; ready to do good unto all men, according to our many opportunities. Direct all our ways. In Christ's Name we pray—Amen."

LEAVE OF ABSENCE GRANTED

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

Mr. Kennard for today on motion of Mr. Korloth.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions were today laid before the House, read severally first time and referred to the appropriate Committee, as follows:
By Messrs. James, Jones of Dallas and Ratcliff:

H. J. R. No. 9, A joint resolution "Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new section thereto to be known as Section 62, providing that the Legislature may delegate authority to zone public highways, roads, streets, and alleys or portions thereof; relating to and regulating the speed at which any motor vehicle may be operated thereon; and providing certain exceptions." Referred to the Committee on Constitutional Amendments.

By Messrs. Collins, Wilson of Trinity, Burgess, Lack and Glass:

H. J. R. No. 34, A joint resolution "Proposing an Amendment to the Constitution of the State of Texas authorizing the issuance of State bonds for the purpose of financing a program for loans to individuals, partnerships and corporations to encourage the development of industries in this State, and providing for administration of the program." Referred to the Committee on Constitutional Amendments.

By Mr. Bell:

H. J. R. No. 35, A joint resolution "Proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding thereto a new section to be known as Section 5-a, providing that one (1) motor vehicle owned by a family or by a person twenty-one (21) years of age or older who is not a constituent of a family shall be exempt from all ad valorem taxes imposed by the State or any political subdivision or instrumentality of the State; and providing for the necessary proclamation and publication." Referred to the Committee on Constitutional Amendments.

By Messrs. Harrington and Adams of Titus:

H. J. R. No. 36, A joint resolution "Proposing an Amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of Texas, authorizing each county to provide retirement, disability and death benefits for appointive and elective officers and for employees of the county or precinct, and for any political subdivision of the State the boundaries of which are completely within the boundaries of such county; providing for the submission of the proposed Amendment to the voters qualified to vote thereon, and providing for the necessary election, form of ballot, proclamation and publication." Referred to the Committee on Constitutional Amendments.

By Mr. McIlhany:

H. J. R. No. 39, A joint resolution "Proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding thereto a new section to be known as Article XVI-1, authorizing each county to provide retirement, disability and death benefits for appointive officers and employees of the county or precinct, and for any political subdivision of the State, authorizing the Legislature to pass a law which authorizes each county to provide retirement, disability and death benefits for the elective and appointive officers and employees of the county or precinct, and providing for the necessary election, form of ballot, proclamation and publication." Referred to the Committee on Constitutional Amendments.

H. J. R. No. 38, House joint resolution "Proposing an amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of Texas, authorizing each county to provide retirement, disability and death benefits for appointive officers and employees of the county or precinct, or for appointive and elective officers and for employees of the county or precinct; providing for the submission of the proposed amendment to the voters qualified to vote thereon, and providing for the necessary election, form of ballot, proclamation and publication." Referred to the Committee on Constitutional Amendments.

H. J. R. No. 37, A joint resolution "Proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding thereto a new section to be known as Section 62, providing that one (1) motor vehicle owned by a family or by a person twenty-one (21) years of age or older who is not a constituent of a family shall be exempt from all ad valorem taxes imposed by the State or any political subdivision or instrumentality of the State; and providing for the necessary proclamation and publication." Referred to the Committee on Constitutional Amendments.

By Mr. Watson:

H. J. R. No. 35, A joint resolution "Proposing an amendment to Subsection (b) of Section 62 of Article XVI of the Constitution of Texas, authorizing each county to provide retirement, disability and death benefits for appointive officers and employees of the county or precinct, or for appointive and elective officers and for employees of the county or precinct; providing for the submission of the proposed amendment to the voters qualified to vote thereon, and providing for the necessary election, form of ballot, proclamation and publication." Referred to the Committee on Constitutional Amendments.
the county or precinct and so that
the county may further provide re-
tirement, disability and death bene-
fits for the elective and appointive
officers and employees of any po-
litical subdivision of the county; pro-
viding for the submission of the
proposed amendment to the quali-
fied voters; providing for the nec-
22ssary election, form of ballot, pro-
clamation, and publication.
Referred to the Committee on
Constitutional Amendments.

HOUSE BILLS ON FIRST
READING

The following House Bills were
today laid before the House, read
several times first time and referred to
the appropriate Committees, as fol-
lows:

By Messrs. Chapman, Hinson, Sli-
der, Adams of Titus, Jamison, Bur-
gess, Douglas, Ward, Roberts of Hill,
and Guffey:
H. B. No. 108, A bill to be entitled
"An Act requiring the labeling of
the minimum percentage of milkfat
or butterfat content of all milk pro-
duced, offered for sale, or sold
in this State; making it unlawful to
falsely or misleadingly represent the
minimum percentage of milkfat or
butterfat content of milk produced;
offered for sale, or sold in this
State; exempting certain milk pro-
ducer-distributors from the provisions
of this Act; providing penalties for
the violation of this Act; providing
for the effective date of this Act;
providing for severability; providing
that this Act shall be cumulative of
existing laws; and declaring an emer-
gency."
Referred to the Committee on
Agriculture.

By Messrs. Whitfield and Bass:
H. B. No. 126, A bill to be entitled
"An Act known as the Teacher Ten-
ture Act for Texas, defining teacher,
tenure, teacher, tenured teacher, board,
and full-time basis; providing for
the probationary period to enti-
title a teacher to the benefits of
the Act and framing the conditions of
such probationary period; and de-
termining the procedure in cases of
dismissal, suspension, or demotion
of teachers; making certain miscellane-
ous provisions for: (1) the protec-
tion of teachers in case of illness,
(2) leaves of absence for teachers.
(3) allowing salary reduction in case
of lack of funds, (4) issuing that
the Act shall not interfere with the
right of the board of education to
reduce the number of teachers where
such reduction is brought about by
natural causes such as a decrease
in average daily attendance, the elim-
nination of departments, the consoli-
dation or the reorganization of the
schools; and (6) providing the man-
ner in which—where such reduction
in the number of teachers is made—
preference shall be given to the
teachers employed, and setting forth
the manner of filling vacancies; pro-
viding the manner in which teachers
may terminate contracts; providing
a cumulative and repealing clause;
providing a severability clause; and,
declaring an emergency."
Referred to the Committee on
Criminal Jurisprudence.

By Mr. Roberts of Dawson:
H. B. No. 304, A bill to be entitled
"An Act amending Article 1641,
Revised Civil Statutes of Texas,
1925, as last amended, to make ap-
pointment of county auditor dis-
cretionary and declaring an emer-
gency."
Referred to the Committee on
Counties.

By Mr. Spears:
H. B. No. 307, A bill to be entitled
"An Act empowering the owners
of land along certain streams to
exclude others therefrom, defining the
term ‘navigable in fact’; providing
for remedies; and declaring an emer-
gency."
Referred to the Committee on
Judiciary.

By Mr. Spears:
H. B. No. 308, A bill to be entitled
"An Act providing that regularly em-
powered courts shall have criminal
prosecution jurisdiction over juve-
nile violators of the traffic laws of
this State to the exclusion of Juve-
nile Courts; describing the mode of
confiscation; and declaring an emer-
gency."
Referred to the Committee on
Judiciary.
By Mr. Spears:

H. B. No. 319. A bill to be entitled "An Act amending Article 20.08, Article 30.11 and Article 20.12 of Title 122A, Taxation-General, Revised Civil Statutes of the State of Texas, 1925, so as to exempt public school district, public junior colleges and State institutions of higher education from the provisions of Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, imposing an excise tax on the sale, distribution or use of radios, television sets, phonographs, and components parts thereof, and requiring retailers permits and bonds, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Caldwell:

H. B. No. 313. A bill to be entitled "An Act amending Section 1 of Chapter 14, Acts of the 56th Legislature, Regular Session, 1947, prohibiting the use of dogs in the taking of any deer in Brazoria County, Matagorda County, Fort Bend County or Wharton County; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Springer:

H. B. No. 314. A bill to be entitled "An Act amending Paragraph (5) of Article 12.01, which Article defines words, terms and phrases relating to the tax on coin-operated machines, Article 12.03 and Paragraph (5) of Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, to provide that miniature bowling alleys having a length in excess of twenty feet shall be subject to the occupancy tax imposed on nine and ten pin alleys rather than the tax imposed on coin-operated machines; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Barlow:

H. B. No. 317. A bill to be entitled "An Act providing that no party in the trial of any litigation who takes advantage of any right or privilege afforded under the Constitution, Statutes, Rules of Civil Procedure, or other rules of law, procedure or evidence, shall be criticized or ridiculed by any other party, and providing for reversals in such cases; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Barlow:

H. B. No. 318. A bill to be entitled "An Act to amend Chapter 4F1 (page 967) Acts of the 60th Legislature, Regular Session, 1947, as amended, compiled as Vernon's Civil Statutes, Article VIII of Article 6701d, by amending said Article VIII by adding thereto an additional Section to be designated as Section 74a, providing for deprivation of right-of-way privileges to one engaged in an act in violation of any regulatory statute or ordinances applicable to the operation of a vehicle, and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. McGregor of El Paso and Alana:

H. B. No. 319. A bill to be entitled "An Act establishing a state minimum wage, providing certain exemptions, making employers liable to employees for unpaid minimum wages, prohibiting discrimination against employees for claiming under this Act; authorizing employee suits including provision for damages for loss of wages, for liquidating damages, for reinstatements, for recovery of costs and attorneys fees, establishing certain administrative procedures including rules, setting a process for witnesses and for obtaining documents and records, providing for enforcement and for penalties, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Walker:

H. B. No. 310. A bill to be entitled "An Act requiring special elections to fill vacancies in State and local offices when the vacancy occurs more than one (1) year before the next general election held thereafter; providing for a second election in the event no person receives a majority of the votes cast in the
first election; amending Article 32 of the Election Code of Texas, 1951; and declaring an emergency.

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Jones of Dallas:

H. B. No. 322, A bill to be entitled "An Act fixing fees allowed the Sheriff, Constable and other peace officers in criminal matters, amending Article 1666 of the Code of Criminal Procedure of Texas, 1925, and providing that such fees be paid into the County Treasury in accordance with the provisions of Section 61, Article XVI of the Constitution of Texas; providing that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed with the exception of those laws applicable to small claims proceedings; providing a severability clause and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Dallas:

H. B. No. 323, A bill to be entitled "An Act fixing fees of the Sheriff, Constable and other peace officers in civil matters, amending Article 3933, Revised Civil Statutes of Texas, 1925, as amended; providing that such fees be paid into the County Treasury in accordance with the provisions of Section 61 of Article XVI of the Constitution of Texas; providing a repealing clause; providing a severability clause; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Dallas:

H. B. No. 324, A bill to be entitled "An Act amending House Bill 601, Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 204, codified as Article 6771-1 of Vernon's Civil Statutes, so as to provide that when a county furnishes the sheriff or his deputies with motor vehicles pursuant to the provisions of Subsection (b) of Section 1 of this Act that the sheriff or his deputies shall be compensated at a rate not to exceed six cents ($0.6¢) per mile, while engaged in the performance of their official duties; providing that this Act shall not repeal Subsection (a) of Section 1 which authorizes the Commissioners Court to furnish the sheriff or his deputies adequate motor transportation, including all expenses incidental to the upkeep and operation of such motor vehicles; providing in the alternative that if the sheriff or his deputies use and operate their own vehicles while engaged in the performance of their official duties anywhere in the State of Texas that such sheriff or his deputies shall be paid not less than eight cents ($0.08) per mile nor more than fifteen cents ($0.15) per mile for each mile traveled in the performance of these duties; providing for a repealing clause; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Carriker:

H. B. No. 325, A bill to be entitled "An Act amending the Act approving and adopting the Sabine River Compact, Chapter 62, page 89, Acts of the Fifty-Third Legislature, 1953, Regular Session, so as to amend Article VII (C) of the Sabine River Compact to change the term of office for the Texas members; amending Section 2 of said Act by establishing fees of office and terms of office, authorizing notice of this Act; repealing all laws in conflict herewith; containing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Cotten, Dewey, Hollo­well, Osborn, Ward, Glass, Mut­cher, Longoria, Richards, Petty, McGregor of El Paso, Buchanan,
Miss Duff, and Messrs. Johnson of Bell, Oole of Hunt, Fletcher, Huebner, Whitfield, Schram, Hinson and Kennard:

H. B. No. 327, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, the payment of claims against the State, and for the State aid to designated public junior colleges, for the two-year period beginning September 1, 1961, and ending August 31, 1963; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hughes of Dallas, Miss Duff and Mr. La Valle:

H. B. No. 326, A bill to be entitled "An Act to amend Article 328-b of the Revised Civil Statutes of Texas, entitled 'Enforcement of the Guardian; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Bailey:

H. B. No. 320, A bill to be entitled "An Act amending Section 389 of the Texas Probate Code to provide that the guardians of an estate may invest certain moneys of his ward in certain bank savings accounts; and declaring an emergency."

Referred to the Committee on Judiciary.

By Messrs. Spears and Cannon:

H. B. No. 321, A bill to be entitled "An Act providing additional revenue for the support of the state government; amending Article 13.03 of Title 112A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to franchise taxes, and prescribing the method and basis of computation or allocation of such taxes; providing a severability clause; repealing laws in conflict; declaring an emergency; and providing for an effective date."

Referred to the Committee on Revenue and Taxation.

By Mr. Spears:

H. B. No. 322, A bill to be entitled "An Act amending Chapter 267, Acts of the 53rd Leg., Regular Session, 1953, changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Allen:

H. B. No. 323, A bill to be entitled "An Act amending Chapter 267, Acts of the 53rd Leg., Regular Session, 1953, and repealing Chapters 1 and 9, Title 1, Chapter 1, Acts of the 66th Leg., Regular Session, 1959, authorizing and prescribing the method of computing and distributing franchise taxes, taxing property and personal property; giving definitions relating to franchise taxes, and providing for administration and enforcement; providing for the disposition of revenues; repealing all laws in conflict; providing for severability; providing an effective date; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Johnson of Bexar:

H. B. No. 324, A bill to be entitled "An Act providing that upon the written complaint of any person having a cause of action pending in any court of record in the state of Texas in any county where the jury
wheel laws of Texas are applicable, which complaint asserts that the applicant believes and has reason to believe that the jury lists are not being selected as provided by the laws of Texas in relation thereto, shall have the right to have a person present when the names are drawn from the jury wheel and the lists made; and further providing that such observer shall not be entitled to be informed of the names or addresses of the persons whose names are drawn from the jury wheel, nor shall any party interfere with the selection of the jury; repealing provisions of laws conflicting and declaring an emergency.

Referred to the Committee on Judiciary.

By Messrs. Hibson, Chapman, Searl, Collins, Roberts of Hill, Wilson of Trinity, Carriker, Preston, Cannon, Wells, Ross, and Hughes of Dallas:

H. B. No. 339, A bill to be entitled "An Act providing additional revenue for the support of the State government; amending Article 3.01 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 a tax on the production of natural gas; providing a severability clause; repealing laws in conflict; declaring an emergency; and providing for an effective date."

Referred to the Committee on Revenue and Taxation.

By Messrs. Green, Cowen, Gladden, Hinson, Glass, Harrington and Haynes:

H. B. No. 340, A bill to be entitled "An Act providing for regulation, licensing and registering of professional nurses; creating the Texas Board of Professional Nursing to administer such Act; transferring the property, records and funds of the Board of Nurse Examiners to the Texas Board of Professional Nursing; defining professional nursing; providing for accreditation of programs for preparation of practitioners of professional nursing; repealing Articles 4513 through 4628 of the Revised Civil Statutes of Texas, 1925, as such articles were last amended and all laws in conflict; setting an effective date; providing for severability; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Latimer, Gibbens, Bailey and Thurman:

H. B. No. 341, A bill to be entitled "An Act to amend Section 7 of Chapter 66, Acts of the 54th Legislature and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Messrs. Latimer, Gibbens, Bailey and Thurman:

H. B. No. 342, A bill to be entitled "An Act amending Subsection (a) of Section 12 of Chapter 66, Acts of the Fifty-fourth Legislature; adding to said Chapter 66 a new Section with reference to assessment, equalization and collection of taxes, the due date and the interest and penalties thereon; and validating steps and procedures herefore taken with respect to taxes; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Berry:

H. B. No. 344, A bill to be entitled "An Act amending Section 14 of Article I and Section 22 of Article 2 of Chapter 467, Acts of the 44th Legislature, 2nd Called Session, 1935, as amended, to provide for an appeal from suspension of beer licenses in certain cases and regulating the procedure for such appeal; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Latimer:

H. B. No. 345, A bill to be entitled "An Act authorizing the Commissioners Court in all counties having a population of not less than ninety-five thousand (95,000) and not more than one hundred fifteen thousand (115,000) according to the last preceding Federal census to purchase automobiles to be paid for out of county funds, and to be used by the Coun-
ty Commissioners in the discharge of their official business; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Latimer:

H. B. No. 346, A bill to be entitled "An Act providing for the compensation of resident agents in connection with group insurance plans written out of state; amending the Insurance Code of the State of Texas by adding thereto a new article to be known as Article 21.11-1; and declaring an emergency."

Referred to the Committee on Insurance.

By Messrs. Latimer and Jarvis:

H. B. No. 347, A bill to be entitled "An Act to amend Sections 9 and 15 of Senate Bill No. 145, Chapter 487, Acts of the Fifty-fourth Legislature, Regular Session, 1955 (codified as Article 2919e-2, Vernon's Texas Civil Statutes), relating to the Texas Commission on Higher Education; providing a repealer clause; providing a severability clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Jones of Dallas:

H. B. No. 348, A bill to be entitled "An Act amending Article 199 of the Revised Civil Statutes of Texas, 1925, as amended, to provide that in suits by minors, inmates, idiots or non compos mentis when they are represented by next friend where a judgment is recovered not exceeding Fifteen Hundred Dollars ($1,500), the court may, by order, and upon the posting of bond, authorize such next friend to take charge of such money for the use and benefit of plaintiff; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Cotton:

H. B. No. 349, A bill to be entitled "An Act amending Article 196 of the Revised Civil Statutes of Texas, 1925, apportioning the State of Texas into Representative Districts; naming the counties composing each district; providing the number of Representatives to be elected in each district; providing for returns of elections and issuance of certificates of election; providing for severability; repealing all laws in conflict herewith; making the Act effective for the elections for all Representatives from the places herein specified and described, in the Fifty-eighth Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not affect present membership; personnel or districts of the Fifty-seventh Legislature; and providing special elections for the filling of vacancies in the office of any Representative of the Fifty-seventh Legislature shall be held in the district as it now exists; and declaring an emergency." Referred to the Committee on Congressional and Legislative Districts.

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. 74 to the Committee on Counties.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 107, By Mr. Stewart of Galveston: Congratulating Richard Bazzanella.

H. S. R. No. 108, By Mr. Stewart of Galveston: Congratulating John B. Richardson.

H. S. R. No. 111, By Mr. Johnson of Bexar: Commending Miss Helen Marie Ruhnke.

H. S. R. No. 112, By Mr. Watson: In recognition of Baylor University.

TO GRANT MARIE A. BAILEY PERMISSION TO SUE THE STATE

Mr. Barlow offered the following resolution:

H. C. R. No. 19

Whereas, Marie A. Bailey is a resident of Bexar County, Texas, and is the owner of a parcel of real
property described as Lot 16, New City Block 3165 within the corporal limits of the City of San Antonio, Bexar County, Texas.

Whereas, On October 12, 1927, Gilbert R. Bailey, and wife, Marie A. Bailey, executed a deed of trust on two parcels of property to secure an indebtedness owing to Hillyer-Deutsch-Jarrett Company. This property was later conveyed by trustee’s deed to Hillyer-Deutsch-Jarrett Company on February 3, 1931, such deed being recorded in Volume 129, at pages 383-84, of the Deed Records of Bexar County, Texas.

Whereas, The Hillyer-Deutsch-Jarrett Company did not take possession of the above described property after the trustee’s sale, because of the fact that at the time of the giving of the deed of trust, this parcel of land constituted the homestead of Gilbert R. Bailey and wife, Marie A. Bailey. The lien was therefore invalid. The parcel was occupied as a homestead until the death of Gilbert R. Bailey, and thereafter was and is occupied as a homestead by Marie A. Bailey.

Whereas, On June 17, 1947, in Cause No. 77501 in the 134th Judicial District Court of Travis County, Texas, styled the State of Texas vs. Hillyer-Deutsch-Jarrett Company, judgment was entered forfeiting the corporate charter of Hillyer-Deutsch-Jarrett Company and granting the State all of the assets of such corporation to secure the payment of the amount which was $5,345.40 with interest, representing delinquent Franchise taxes and penalties. That such judgment constitutes a cloud on the title of Marie A. Bailey, and the maintenance of adequate water pressure at the Hospital for ordinary water use and for fire protection.

Resolved, By the House of Representatives, the Senate concurring, that the Board for State hospitals and Special Schools be and is hereby directed to enter into negotiations with the City of Big Spring for a new contract which will cover the increased demands of the Hospital for water, the cost of delivering same, and the maintenance of adequate water pressure at the Hospital for ordinary water use and for fire protection.
The resolution was referred to the Committee on State Hospitals and Special Schools.

TO NAME PAUL HOUSTON LAVALLE AS MASCOT OF THE HOUSE

Mr. Chapman offered the following resolution:

H. S. R. No. 114

Whereas, Paul Houston LaValle, born on August 29, 1960, is a proper candidate for Mascot of the House of Representatives; and

Whereas, He is the son of our fellow Member, Pete LaValle and his lovely wife, Billie, of Texas City, Texas now therefore, be it

Resolved, That Paul Houston LaValle be declared Mascot of the House of Representatives of the Fifty-seventh Legislature and that his picture be placed in the panel with the Members of the House.

The resolution was referred to the Committee on Rules.

COMMITTEE TO ESCORT HOWARD E. BUTT, JR., TO THE SPEAKER'S ROSTRUM

The Speaker announced the appointment of the following Committee, on the part of the House, to escort Howard E. Butt, Jr., to the Speaker's Rostrum:

Messrs. Bridges, Chairman; Hale, Glusing, Peeler, Mullen, Andrews and Struve.

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 14, Inviting Mr. Howard E. Butt, Jr., to address a Joint Session.

ADDRESS BY HOWARD E. BUTT, JR.

(The Senate and the House of Representatives in Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 14, providing for a Joint Session of the Senate and the House at 11:00 o'clock a.m. today, for the purpose of hearing an address by Howard E. Butt, Jr., of Corpus Christi, Texas, the Honorable Senators were admitted to the Hall of the House and occupied seats arranged for them.

Senator Ray Roberts, President Pro Tempore of the Senate, was escorted to a seat on the Speaker's Rostrum.

At 11:00 o'clock a.m., Mr. Butt and party, escorted by Senators Reagan, Crump, Secrest, Krueger and Patman, Committee on the part of the Senate, and Messrs. Bridges, Chairman; Hale, Glusing, Peeler, Mullen, Andrews and Struve, Committee on the part of the House, were announced at the bar of the House and being admitted, were escorted to seats on the Speaker's Rostrum.

Senator Ray Roberts called the Senate to order.

A quorum of the Senate was announced present.

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

A quorum of the House was announced present.

The Speaker stated that the two Houses were in Joint Session for the purpose of hearing an address by Howard E. Butt, Jr.

Speaker Turman then presented the Honorable Ronald Bridges of Nueces County, who introduced Mr. Butt to the Joint Session.

Mr. Butt then addressed the Joint Session speaking, as follows:

(An address before a joint session of the Texas Senate and House of Representatives, February 1, 1961 by Howard E. Butt.)

May I express my deep gratitude and genuine sense of unworthiness for your gracious invitation to address you today. I do not regard the hospitality of this distinguished body as extended to me personally, but rather to the churches of Austin. The laymen and ministers of scores
of churches in our Capital City have joined hands for an emphasis upon our faith and the responsibility laymen like you and I have in it. This is a preparatory week for the Laymen’s Festival of Faith. Next week the Festival services begin in the City Auditorium.

I, therefore, regard your invitation to me as a gesture of encouragement to the varied religious groups of the community and state. In that sense may I express my appreciation to you for this expression of interest in and concern for the spiritual vigor of Texas, which is so important to us as individuals and collectively as members of society.

I propose to speak to you today on the delicate but timely theme of “Religious Prejudice in America.”

I must admit I have started to back out. The subject is so open to misunderstanding. But it is so important.

I. The Religious Prejudice That Involves The Jewish Community.

Several weeks ago I made my first trip to Germany on speaking engagements for the United States Armed Forces. We flew in and out of Munich, that historic city which borders on the Bavarian Alps. It is an area of fantastic natural scenic appeal. We drove out into the countryside surrounding Munich where we saw a beautiful little village with one of the ugliest names in human history — DACHAU. It is a quiet, peaceful, little town. On its outskirts stand ominous rows of grey barracks where hundreds of thousands of political and religious prisoners were held.

Wooded trails lead to a compound of two buildings. One, the original Dachau crematorium with its gruesome ovens for human incineration. Then, the newer and larger building with modern, new improved efficiency techniques for torture and death — racks, gas chamber, and its wide battery of ovens for speed.

The air is heavy with the memory of the multiplied thousands who died here. To believe that in an age of Enlightenment this could have happened.

Why did it happen? Adolph Hitler told in one chilling sentence on page 83 of Mein Kampf: “From a feeble cosmopolite I had turned... turned into a fanatical Anti-Semite.”

In East Berlin on Communist soil, I looked at the spot where Hitler came to the end of a blood soaked road and in his private bunker he and his wife committed suicide. There was the place where his Stormtroopers burned the bodies and blasted the remains. Green grass grows over the rubble now.

This anti-Semitism was the depth of Hitler’s madness. It bore its grotesque fruit at Dachau.

The Jewish race is the enigma of all human history. There is much about this subject I do not profess to understand, but the first verses of the 12th Chapter of Genesis, which opens our Judea-Christian Bible, say of the father of the Israelitish people:

“...The Lord said unto Abram, I will make of thee a great nation, and make thy name great; And I will bless them that bless thee and curse them that curse thee, and in thee shall all families of the earth be blessed.”

“I will bless them that bless thee, and curse them that cursest thee.” Adolph Hitler should have read that — before Dachau.

Adolph Eichmann, the Gestapo’s chief butcher, has now written: “I always claimed that in the Jews we were fighting against a foe who through thousands of years of learning and development had become superior to us.”

Think of this race of genius and cultural and humanitarian progress: The names come tumbling into our memory: Sarah Bernhardt, Eddie Cantor, Walter Lippman, David Lawrence, Arthur Hays Sulzberger, David Sarnoff, Benjamin Disraeli, Justice Brandeis or Justice Cardozo, Sigmund Freud, Albert Einstein. The list could go on and on. The names are legion.

No Christian can ever rightly be anti-Semitic. Anytime a so-called Christians have been involved in Anti-Jewish sentiment, whether in Europe’s persecution or snide bigotry in Texas they have violated the Christian religion they hollowly profess.
True Christianity could never be antagonistic to or persecute the Jews. First, because genuine religion teaches love for fellow man; human compassion and understanding. Second, because Christianity is inextricably interwound with Judaism.

Every Roman Catholic and Protestant church proclaims its faith in a Saviour who came of Jewish lineage. Jesus of Nazareth was a Jew. Christians worship a Jewish Savior.

Do you recall the fable from the days of Hitler's purge. There was a Hitler dominated meeting in a church building. The leader commanded: "All who have a Jewish father leave this church at once." A score or more bent and stooped people got up and filed out. "All who have Jewish grandparents leave this church." A dozen or more trickled out. Then, "All who have a Jewish Mother leave this church." At first no one moved. Then the figure of Christ loosened itself from a heavy wooden cross above the great altar, stepped down and walked out of the building.

II. The Religious Prejudice That Involved The Roman Catholic and Protestant Communities.

We have been through a tense period during the election in Roman Catholic-Protestant relationships, I know that many protestants, like myself, were greatly embarrassed by extremist exaggerations, mis-statements, and scurrilous innuendo.

I am also sure that many Roman Catholics do not agree with policies that have been seen in countries like Columbia or Spain, or with the position of the Puerto Rican bishops.

There are valid areas here and in other fields for discussion and questions. I do not minimize or ignore them. And to discuss them in proper context cannot, I feel, fairly be called bigotry on either side.

I want to commend heartily the forthright position President Kennedy has taken on the questions of religious liberty and the separation of church and state. I believe his appearance and his impressive statement before the Houston ministers was an historically significant occasion.

Abraham Lincoln spoke about the "Know Nothing Party" of the 1850s. It was, you recall, active in national politics, a secret, and foreign group.

"I am not a 'Know Nothing' that is certain. Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring that 'all men are created equal.' We now practically read it 'all men are created equal, except Negroes.' When the Know Nothings get control. It will read, all men are created equal except Negroes, and foreigners, and Catholics. When it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty."

In our day 40 million Americans cannot be denied high public office because of their religious faith. We do still believe in constitutional government which says there shall be no religious test for office. If we start with restrictions, soon there is, in effect, a rule which says that no one but a white northern protestant could be president of the United States. Is this conceivable?

It has been nearly 450 years since Martin Luther nailed the 97 theses on the door of the Castle Church in Wittenburg with his fresh emphasis on justification by faith. James A. Pike, Bishop of the Episcopal diocese of California, recently observed: "We have been debasing much of our energy in contention among ourselves. In Protestant and Roman Catholic publications, columns and columns are devoted to underlining our differences, indeed exaggerating them. Not enough is said to underline our common beliefs and concerns."

Every protestant here owes a great debt in his own religious legacy to great giants of the spirit like St. Augustine, or the perception of St. Thomas Aquinas, or the devotion of St. Francis of Assisi. The list could go on and on.

In current world affairs think of Roman Catholic political contributions to the Western Cause: Chancellor Adenauer of Germany; or Premier DeGaulle of France.

III. The Religious Prejudice Within All Our Religious Groups:
February 1, 1961

Ours is a time of bigness. All of us become members of some group, and not individuals. There is big business and big labor. There is big education and big government. We even have big religion. One exuberant Southern Baptist statistician has calculated that by 1980 there will be more Baptists than people.

I drove here to this meeting in an automobile. License No. _____ Tire No. 9-90 by 14 tubeless. My automobile operator's license is 006458. It expires April 15, 1962. My social security No. is 462-24-987. I work in company payroll dept. No. 2 with IBM card No. 80754. My selective service No. is 419-727-601 being discharged as 2nd Lt. QMC USAR 01842079 from active reserve on 4 Dec. 1958. My phone number is TE 56620 or TU 43231, Ext. 44 or 58 or TE 50292. My poll tax No. is 33963. I hold individual Certificate No. 1-231-220 with the Pacific Mutual Life Insurance Co. in which a corporation hereinafter called the employer has contracted to insure my life for the sum of 25 thousand dollars. I groom my hair with Vaseline Hair Tonic No. 2036 and comb my hair with Ace Comb No. 658. I brush my teeth with Colgate Push Button toothpaste No. 511 containing gardol. Pat. No. 2689170, I take Squibb Thereagram Vit. Pill- Control No. 9K48333 each morning and I get more of them by calling Tulip 27441. I was born in District 21. Kerrville, Texas. My rather is a man of medium height whose telephone No. was 72. He had no social security No. He was not secure socially. He made his living pulling groceries behind an unnumbered horse. (apologies to E. B. White)

As a personal manifesto let me say I resent the collective tagging, and the easy labeling of our day. To be pigeonholed and categorized becomes I am from the south, north, from a particular class, or group, or denomination, or imagined viewpoint, or political perspective in both incomplete, inadequate, and false. I consider it an affront to my individuality. We are not incognito identities in a group, but free human spirits under that Divine and Human Servitude which is true liberty. We are not digits in an IBM Machine, but man on our own two feet under the stars.

Eric Severeid quoted an authority defining a liberal as a man with both feet firmly planted in mid-air.

But Elbert Hubbard said that a conservative is a man too cowardly to fight and too fat to run.

I think I've seen some of both kinds.

These are rigidities of description that are inadequate.

The Bible says Jesus came in the fulness of time. There were two dominant religious groups in the Judaism of Jesus' day: the Pharisees and the Sadducees. The Pharisees, on the far right, were the extreme religious conservatives. Moral rules, prohibitions, negative codes for conduct, precise religious observances, painful Sabbath observances—they were the super orthodox.

On the extreme left were the Sadducees, the sophisticated intellectuals and aggressive materialists. They, with sweeping liberalism, denied great doctrines of historic faith. This is the point. These two mortal enemies joined hands to crucify Jesus. So it is today—the extremes join hands to kill the truth.

The Spirit of the Pharisee and the Spirit of the Sadducee are very much alive in Texas. As a matter of fact—they are both alive in each one of us. God gives us men who will not succumb to the pressures—but will be themselves—for good.

I think it is possible that the principle of tolerance will be taken to tragic extremes in America. Tolerance can spring from indifference. And it can come from inner uncertainty. And tolerance has been fashioned at times from fear to stand for what we believe.

Broadmindedness can be an evil if it robs man of the steel in his soul and leaves only mush. You heard of the river 6 miles wide and 6" deep. It ceased to be a river. It became a swamp. Like the man whose mind was so open the wind blew right through.
We dare not become a nation of cowards, afraid to speak our beliefs. The separation of church and state, which I devoutly support, was never intended to mean the separation of God from life or the divorce of moral and spiritual truths from public affairs.

There are two great Americans who come to my mind. Both have contributed significantly to my own thought. One is Harry Golden, the scintillating editor of the Carolina Israelite. Harry Golden possesses an unapologetic, almost aggressive, Judaism. The other is Bishop Fulton Sheen who, though he speaks with broad human sympathy, never stoops to an insipid watered-down vague generality as a substitute for belief.

I could not appear before this body in this context without forthrightly declaring my faith. To do less would be, at best, tragic timidity, and, at worst outright cowardice. I believe either Harry Golden or Fulton Sheen would do the same.

I come from the historic Protestant tradition. But tradition has turned into faith and faith deepened into assurance. I believe that God uniquely revealed himself in Jesus of Nazareth, and that in this human form God supernaturally intervened in human affairs. I believe in his death for our sins and his resurrection from the dead on the third day. I believe that He is alive today. I believe he gives forgiveness and a transforming purpose to life. I dare not speak to you in self-righteousness for God and I both are so aware of my failures, but this is not alone my belief . . . it is my experience.

There are, then, three possible attitudes in relationships between religious groups in a free society.

1. We can dig in behind heavy rigid walls and take pot shots at each other; with epithets, name calling, and deep bitterness back and forth like grenades. This seems to me tragic if we really believe in the Creator of us all.

2. We can say it doesn't matter and that our differences are really inconsequential. I think this is as bad or worse than the first possibility of bigotry and war.

This drops us to a "Lowest Common Denominator" religion which turns into maudlin sentimentality. And in my observation sentimentalism when the going is tough hardens into cynicism.

3. We can deal with our differences honestly. We do not minimize or ignore them. But in genuine dialogue we talk. And in this atmosphere of open frankness and love we communicate.

Is that too mushy a word to suggest in this problem—love. I make bold to propose it. Aldous Huxley said, "Of all the worn, emasculated dog-eared words in our vocabulary, 'Love' is surely the grubbiest, smelliest, slimiest. Bawled from a million pulpits, lasciviously crooned through hundreds of millions of loud speakers, it has become an outrage to good taste and decent feeling, an obscenity which one hesitates to pronounce. And, yet it has to be pronounced for, after all, love is the last word." In this area love is the last word.

The Christophers have an excellent motto: "It is better to light a candle than to curse the darkness." Let us all get to our candle lighting.

(*Howard E. Butt is vice president of a Texas supermarket chain and is a lay minister. The 33 year old businessman spends approximately one-third of his time in Christian laity activities.)

At the conclusion of the address by Mr. Butt, the Speaker recognized the Honorable L. DeWitt Hule of Nueces County who introduced the following relatives of Mr. Butt to the Joint Session:

Mr. and Mrs. Howard E. Butt,
parents of Mr. Butt.

Mrs. William H. Crook, Sr.,
mother of Mr. Butt.

Mr. and Mrs. Howard E. Butt, Sr.,
parents of Mr. Butt.

Mrs. William H. Crook, sister of
Mr. Butt, and Dr. William H. Crook.

At 11:53 a.m., Senator Roberts stated that the business of the Joint Session had been concluded.

SENATE RETIRES

At 11:53 a.m., Senator Roberts stated that the business of the Joint Session was concluded and that the Senate would retire.
The Senate then retired.
Speaker Turman announced that the House would stand at ease.

The Speaker called the House to order at 11:59 o'clock a.m.

ADDRESS ORDERED PRINTED
On motion of Mr. Korioth, the remarks of Mr. H. E. Butt, Jr., addressed to the House on this morning, were ordered printed in the Journal.

SENATE BILL NO. 101 ON THIRD READING
The Speaker laid before the House, on its third reading and final passage,

S. B. No. 101, Regarding coverage of Members of the Legislature by the Social Security Act and declaring an emergency."

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

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Nays-65

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Barnes
Barron
Bell
Blaine
Boyson
Butler
Cochran
Cook
Cory
Cotjen
Cren
Cren de la Garza
Cren
Daff, Miss
Ehrle
Floyd
Foreman
Garrison
Gibbons
Grover
Healy
Hughes of Dallas
James
Jarvis
Johnson of Dallas
Jones of Dallas
Koliba
Lary
Lawson
La Valle
Lewis
Longoria
Martin
Moore
Nusset
Oliver
Osburn
Parsons
Pike
Ratcliff
Read
Richards
Roberts of Dawson
Rosson
Sandahl
Shamoon
Shipley
Slack
Smith
Smith
of Bexar
Snelson
Spilman
Thurman
Townsend
Tunnell
Walker
Woods

Absent

Atwell
Bailey
Burnett
Curtin
Hughes
of Wichita
of Grayson
Wilson of Potter

Absent—Excused

Kennard

Mr. Hale moved to reconsider the vote by which Senate Bill No. 101 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, February 1, 1961

Honorable James A. Turman, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 14, Inviting the Honorable Sam Rayburn to speak at a Joint Session of the House and Senate at his earliest convenience.

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

RESOLUTIONS SIGNED BY THE SPEAKER

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

H. C. R. No. 9, Requesting the Flag of Texas be placed on the flagpole at the south main entrance of the Capitol.

H. C. R. No. 11. To designate Texas Literary Week.

H. C. R. No. 12. To provide for appointment of committee to designate Poet Laureate and alternate Poet Laureate.


RESOLUTIONS RE-REFERRED

The following resolutions, heretofore referred to temporary committees, were re-referred by the Speaker to Committees, as follows:

H. C. R. No. 2, to the Committee on State Affairs.

H. C. R. No. 7, to the Committee on State Affairs.

H. C. R. No. 8, to the Committee on State Affairs.

H. C. R. No. 15, to the Committee on Agriculture.

S. C. R. No. 2, to the Committee on State Affairs.

S. C. R. No. 8, to the Committee on Municipal and Private Corporations.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 109, By Mr. Thurman: In Memory of Mrs. Bowen Popes.

H. S. R. No. 110, By Mr. Thurman: In Memory of C. E. (Charley) Gregory.

H. S. R. No. 112, By Mr. Walker: In Memory of T. F. Galbraith, Jr.

ADJOURNMENT

Mr. Dewey moved that the House adjourn until 10:30 o'clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to adjourn, the House at 12:20 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Counties has filed a favorable report on S. B. No. 16.

FIFTEENTH DAY

(Thursday, February 2, 1961)

The House met at 10:30 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
Burgess
Adams of Lubbock
Butler
Adams of Titus
Caldwell
Alcala
Cannon
Allen
Carriker
Andrews
Chapman
Airwell
Cole of Harris
Bailey
Cole of Hunt
Bailman
Collins
Banzhof, Mrs.
Cousely
Barlow
Cook
Barrett
Cory
Bartram
Cotten
Bass
Cowan
Bell
Cowles
Berry
Crais
Blaine
Crews
Boyce
Orrington
Bridges
de la Garza
Buchanan
Dewey