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

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

- Mr. Speaker
- Adams of Lubbock
- Adams of Titus
- Albritt
- Allen
- Anderson
- Atwell
- Ballman
- Barfield, Mrs.
- Barlow
- Barnes
- Bartram
- Bass
- Bell
- Berry
- Blaine
- Boyce
- Bridges
- Buchanan
- Burgess
- Butler
- Caldwell
- Cannon
- Carrick
- Chapman
- Cole of Harris
- Cole of Hunts
- Collins
- Connell
- Cook
- Cory
- Cottem
- Cowens
- Crain
- Crenos
- Curineston
- de la Garza
- Dewey
- Duff, Miss
- Dunagan
- Eckhardt
- Longoria
- McCoppin
- McGregor
- McInerney
- McRae
- McRary
- Miller
- Moore
- Mullen
- Murray
- Mutchler
- Niemeyer
- Nugent
- Otis
- Owens
- Peera
- Perry
- Peeler
- Petty
- Pierratt
- Pipkin
- Preston
- Price
- Quilliam
- Rapp
- Ratcliff
- Read
- Richards
- Richardson
- Roberts of Hill
- Roberts of Dawson
- Rose
- Royster
- Bailey
- Absent—Excused
- Fairchild

A quorum of the House was announced present.

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

"Heavenly Father, we come before Thy Throne of Grace this morning thanking You for the victories of life that we have been privileged to enjoy. Help us today to use those victories for the uplifting of ourselves and our fellow man. Give us vision and courage for our labors of this day. Comfort those with sickness of body or spirit. Forgive us our mistakes and failures. In Christ's Name.—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:
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Mr. Fairchild for today on motion of Mr. Collins.

Mr. McGregor of El Paso for today on motion of Mr. Shannon.

MESSAGE FROM THE SENATE

Austin, Texas, February 6, 1961

Hon. James 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. 23, Requesting the Senate to return S. B. No. 101 to the House for further consideration.

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

HOUSE BILLS ON FIRST READING

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

By Miss Duff and Mr. Buchanan:
H. B. No. 376, A bill to be entitled "An Act providing that water control and improvement districts and underground water conservation districts may be created only according to the provisions of Section 59 of Article 16 of the Constitution; providing exemptions; and declaring an emergency."
Referred to the Committee on Conservation and Reclamation.

By Miss Duff and Mr. Buchanan:
H. B. No. 377, A bill to be entitled "An Act amending Sections 101, 107 and 129 of Chapter 26, Acts of the 39th Legislature, Regular Session, 1925, which are codified as Articles 7880-101, 7880-107, and 7880-129, Revised Civil Statutes of Texas, by lowering the discount rate on certain water district bonds; providing maintenance tax elections for certain districts; providing authority of Board of Water Engineers to inspect certain district projects; combining a severability clause; and declaring an emergency."
Referred to the Committee on Conservation and Reclamation.

By Mr. Barlow:
H. B. No. 378, A bill to be entitled "An Act to amend subsection (c) of Section 2, Chapter 169 of Acts of the Forty-fifth Legislature, 1937, as amended by Chapter 586 of Acts of the Fifty-fourth Legislature, Regular Session, 1955, compiled as Section 2(c) of Article 725h of the Penal Code of the State of Texas, to change the exceptions in this law to make clear that the same are intended as defenses, and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Mr. Cory:
H. B. No. 379, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, actions or proceedings; providing for the licensing of persons, firms and corporations, who engage in that business in any county; providing certain penalties; providing certain exemptions from this Act; providing for appeal from the decision of the Administrator of the Securities Division of the Office of the Secretary of State; providing for administration of this Act by the successor to the Administrator of the Securities Division of the Office of the Secretary of State; providing for licensing fees; declaring legislative intent and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Messrs. Garrison and Stewart of Galveston:
H. B. No. 380, A bill to be entitled "An Act appropriating funds to the Texas Youth Council for the construction, equipping, paying for architect fees and furnishing of a State Home for Dependent, Neglected and Orphan Negro Children; providing for the expenditure of the funds appropriated in accordance with the special and general provisions applicable to the Texas Youth Council in the General Appropriations Bill of the 57th Legislature, fixing an effective date; and declaring an emergency."
Referred to the Committee on Appropriations.
By Mr. Cory:  
H. B. No. 381, A bill to be entitled  
"An Act amending Article 898 and  
901 of the Code of Criminal Pro­
cedure of Texas, 1925, to provide that a defendant in the justice court  
may plead nolo contendere in addi­
tion to guilty or not guilty; amend­
ing Article 900 of the Code of  
Criminal Procedure of Texas, 1925,  
to provide that pleading in the jus­
tice court may be oral; and declaring  
an emergency."
Referred to the Committee on  
Criminal Jurisprudence.

By Mr. Jones of Travis:  
H. B. No. 382, A bill to be entitled  
"An Act to amend Article 3.50  
of the Texas Insurance Code by adding  
thereto a subsection to be designated  
as Subsection (5) of Section 1, pro­
viding for group life insurance poli­
cies for associations of employees of  
the United States Government or any  
subdivision thereof; and declaring an  
emergency."
Referred to the Committee on  
Insurance.

By Mr. Barlow:  
H. B. No. 383, A bill to be entitled  
"An Act amending Article 44 of the  
Penal Code of the State of Texas  
to bring it into conformity with Arti­
cles 42 and 43 of the Penal Code of  
the State of Texas, and to include  
acts done by accident and actions  
which if voluntarily done would be  
a felony; and declaring an emer­
gency."
Referred to the Committee on  
Criminal Jurisprudence.

By Mr. Miller:  
H. B. No. 384, A bill to be entitled  
"An Act validating all proceedings  
in connection with city tax bonds  
hereinafter favorably voted for the  
purpose of constructing, improving  
and extending the waterworks and  
sewage system of such city including  
the acquisition of property necessary  
therefor; authorizing the issuance  
and delivery of such bonds; enacting  
other provisions relating to the sub­
ject; and declaring an emergency."
Referred to the Committee on  
Municipal and Private Corporations.

By Mr. Watson:  
H. B. No. 385, A bill to be entitled  
"An Act to provide that nonprofit  
water supply and sewer service cor­
porations shall not be subject to the  
franchise tax; amending Article  
12.03, Title 122A, Taxation-General  
Revised Civil Statutes of Texas, 1925;  
and declaring an emergency."
Referred to the Committee on  
Revenue and Taxation.

By Mr. Korioth:  
H. B. No. 386, A bill to be entitled  
"An Act imposing an excise tax on  
the sale of gas, electricity, telephone  
and telegraph services; and provid­
ing for administration and enforce­
ment; providing an effective date;  
and declaring an emergency."
Referred to the Committee on  
Revenue and Taxation.

By Mr. Korioth:  
H. B. No. 387, A bill to be entitled  
"An Act making it unlawful to hunt,  
take or kill deer in Cooke and Gray­
son Counties at any time; providing  
penalties for violations; and declar­
ing an emergency."
Referred to the Committee on  
Game and Fisheries.

By Messrs. Parsons, Allen, Cowles  
and Fairchild:  
H. B. No. 388, A bill to be entitled  
"An Act amending Section 1, Chapter  
493, Acts of the 52nd Legislature,  
1951, to extend the deer season in  
Rusk, Harrison and Gregg Counties  
from ten (10) to fifteen (15) days;  
and declaring an emergency."
Referred to the Committee on  
Game and Fisheries.

By Mr. Rapp:  
H. B. No. 390, A bill to be entitled  
"An Act requiring all meetings of  
all boards, commissions, committees  
of the Legislature, and all other  
agencies of the State, city, county,  
or other political subdivision of the  
State to be open, with certain excep­
tions; making it unlawful to hold  
or participate in a closed meeting;  
defining an offense; prescribing a  
penalty; providing for removal of  
officers from office; enacting a  
severability clause; and declaring an  
emergency."
By Mr. Harrington:
H. B. No. 381, A bill to be entitled
"An Act to amend Article 2135 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Fifty-Fourth Legislature, Chapter 288, Section 2, as last amended by Acts of the Fifty-Fifth Legislature, Regular Session, Chapter 337, by providing certain additional exemptions from jury service; and declaring an emergency."
Referred to the Committee on Judiciary.

By Mr. Sandahl:
H. B. No. 392, A bill to be entitled
"An Act amending Article 3.08 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Fund of the State; abolishing the Natural and Casinghead Gas Audit Fund No. 73; transferring cash assets of Fund No. 73 to the General Fund; and declaring an emergency."
Referred to the Committee on Examination of Comptroller's and Treasurer's Accounts.

By Mr. Sandahl:
H. B. No. 393, A bill to be entitled
"An Act amending Subsection 3 of Article 9.03 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Revenue Fund of the State; abolishing the Highway Motor Fuel Audit Fund, No. 74; transferring cash assets of Fund No. 74 to the General Revenue Fund; and declaring an emergency."
Referred to the Committee on Examination of Comptroller's and Treasurer's Accounts.

By Mr. Sandahl:
H. B. No. 394, A bill to be entitled
"An Act amending Article 7.15 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Revenue Fund of the State; abolishing the Cigarette Tax Audit Fund, No. 91; transferring cash assets of Fund No. 91 to the General Revenue Fund; and declaring an emergency."
Referred to the Committee on Examination of Comptroller's and Treasurer's Accounts.

By Mr. Richardson:
H. B. No. 395, A bill to be entitled
"An Act amending Section 10 of Chapter 342, Acts of the Sixty-Fourth Legislature, Regular Session, 1953, to provide for temporary licensing of veterinarians during the time between their professional examination and the time when regular licenses are issued; and declaring an emergency."
Referred to the Committee on State Affairs.

By Mr. Slider:
H. B. No. 396, A bill to be entitled
"An Act establishing a juvenile board in Morris County; prescribing the membership of the board and providing for the compensation of its members; providing who shall be the juvenile officer; providing compensation and expenses of the juvenile officer; and declaring an emergency."
Referred to the Committee on Counties.

By Mr. Sandahl:
H. B. No. 397, A bill to be entitled
"An Act to amend Section 3 of Chapter 58, House Bill No. 278, Acts of the Fifty-Third Legislature, 1953, providing for the deposit of revenues to the credit of the General Revenue Fund, and declaring an emergency."
Referred to the Committee on Examination of Comptroller's and Treasurer's Accounts.

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. 55 to the Committee on School Districts.
RELATIVE TO H. B. NO. 149

Mr. Dewey asked unanimous consent of the House that an enacting clause be added to House Bill No. 149.

There was no objection offered and it was so ordered.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 125, By Messrs. Foreman, Sandahl and Jones of Travis: Recognizing Brownie Troop of Mathews School.

H. S. R. No. 126, By Mr. Schram: Recognizing Civics Class from Hutto High School.

TO NAME TERRI LYNN TOWNSEND AS MASCOT OF THE HOUSE

Miss Isaacs offered the following resolution:

H. S. R. No. 127

Whereas, Terri Lynn Townsend, born on June 12, 1960, is a proper candidate for Mascot of the House of Representatives; and

Whereas, Terri Lynn is the child of our fellow Member, Terry Townsend and his lovely wife, Sylvia, of Brady, District 74; and

Whereas, It is the desire of the House to give honor and recognition to the children of the Members of the House; now, therefore, be it

Resolved, That Terri Lynn be declared Mascot of the House of Representatives of the Fifty-seventh Legislature and that Terri Lynn’s picture be placed in the panel with Members of the House.

The resolution was referred to the Committee on Rules.

TO NAME WALLACE EUGENE SNEELSON, II, AS MASCOT OF THE HOUSE

Mr. Latimer offered the following resolution:

H. S. R. No. 129

Whereas, Wallace Eugene, son of our esteemed colleague, W. E. Sneelson and his charming wife, Sue, is an eligible candidate for the office of Mascot of the Texas House of Representatives; and

Whereas, Wallace Eugene is an outstanding young man, born August 7, 1960, and is a delight to his parents; and

Whereas, It is the desire of the Texas House of Representatives of the Fifty-seventh Legislature, to give honor and recognition to the children of the members of the House; now, therefore, be it

Resolved, That Wallace Eugene be, and he is hereby named Mascot of the House of Representatives, and that his photograph be placed with the official Mascots of the House.

The resolution was referred to the Committee on Rules.

TO NAME GREGORY CAMERON BARNES AS MASCOT OF THE HOUSE

Mr. Latimer offered the following resolution:

H. S. R. No. 130

Whereas, Gregory Cameron, son of our esteemed colleague, Ben Barnes and his charming wife, Martha, is an eligible candidate for the office of Mascot of the Texas House of Representatives; and

Whereas, Gregory Cameron is an outstanding young man, born May 3, 1958, and is a delight to his parents; and

Whereas, It is the desire of the House of Representatives of the Fifty-seventh Legislature, to give honor and recognition to the children of the members of the House; now, therefore, be it

Resolved, That Gregory Cameron be, and he is hereby named Mascot of the House of Representatives, and that his photograph be placed with the official Mascots of the House.

The resolution was referred to the Committee on Rules.

TO NAME BILLIE NANE NUGENT AS MASCOT OF THE HOUSE

Mr. Cotten offered the following resolution:

H. S. R. No. 132

Whereas, Billie Nan Nugent, born February 7, 1957, is a proper candidate for Mascot of the House of Representatives; and
Whereas, She is the lovely child of our fellow Member, James E. Nugent and his charming wife, Billie, of Kerrville, District 78; and
Whereas, It is the desire of the House to give honor and recognition to the children of the Members of the House; now, therefore, be it
Resolved, That Billie Nan Nome Nugent be declared Mascot of the Fifty-seventh Legislature and that her picture be placed in the panel with Members of the House.

COTTEN, EHRLE, JARVIS, de la GARZA, TUNNELL, FAIRCILD, BARTRAM, ADAMS of Lubbock, READ, BARNES, CRAIN, MYRA BANFIELD, KOLIBA, TOWNSEND, SANDAHL, SLACK, SPILMAN, CURINGTON.

The resolution was referred to the Committee on Rules.

TO EXTEND INVITATION TO ADDRESS A JOINT SESSION

Mr. de Ia Garza offered the following resolution:

H. C. R. No. 24

Whereas, The Republic of Iraq is among the world powers fighting the spread of Communism; and
Whereas, This ancient and great country has played a great part in the development of civilization being the land of the Tigris and Euphrates Rivers; and
Whereas, This country is very ably represented in the United States of America by its Ambassador, His Excellency Ali Haider Zulaiman; and
Whereas, It is the desire of the Texas House of Representatives, the Senate concurring, to invite His Excellency, the Ambassador from Iraq, to address a Joint Session of the Legislature on February 14, A.D. 1961, at 11:30 A.M.; now therefore
Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That we do hereby extend a cordial invitation to His Excellency Ali Haider Zulaiman, to address a Joint Session of this Legislature on February 14, A.D. 1961, at 11:30 A.M.

The resolution was read and was referred to the Committee on State Affairs.

SENATE BILL NO. 101 ON PASSAGE

The Speaker laid before the House, on its final passage, S. B. No. 101, Regarding coverage of Members of the Legislature by the Social Security Act; and declaring an emergency.

Senate Bill No. 101 having heretofore been read third time and passed, and the vote by which the bill was passed having been reconsidered.

Senate Bill No. 101 was then passed by the following vote:

Yea—122
Adams of Titus  Alaniz  Andrews  Ballman  Banfield, Mrs.  Barlow  Barnes  Bartram  Base  Bell  Bridges  Buchanan  Burgess  Caldwell  Cannon  Carricker  Chapman  Cole of Harris  Cole of Hunt  Collins  Cook  Cory  Cowen  Cowles  Craig  Crews  Curington  de la Garza  Dowey  Duff, Miss  Duncan  Eckhardt  Ehrla  Fletcher  Floyd  Garrison  Gibbons

Other important matters of vital interest to the State of Texas, including a deficit in the general fund of 95 million dollars, should be taken care of before Members of the Legislature receive additional benefits.

The members of the Legislature are elected officials of the State of Texas having the right to set their own salaries, within limitations, and are not according to a strict legal interpretation employees.

Since S. B. 101 did not receive the required 100 votes to put it into immediate effect, this presented certain complications relative to the withholding of the Social Security Tax, as well as certain legal implications which could conceivably cost the State of Texas more than its share of the Social Security Tax.

Under such circumstances, it is our opinion that it would best serve the interest of the State, and certainly prevent legal complications, if S. B. 101 should go into effect immediately. For these reasons, unanimous consent was requested of the House to reconsider the vote by which S. B. 101 was finally passed in order to attempt to secure the 100 votes necessary to put the bill into immediate effect.

We still oppose S. B. 101 for the reasons hereinafore stated, but to prevent legal complications and to assist the State Treasurer in setting up proper payroll records and to prevent additional costs to the State, we now vote for S. B. 101 for final passage.

R. A. BARTRAM, WAYNE GIBBENS, MARSHALL O. BELL, DAVID CREWS, WILL EHRL, BEN BARNES, W. T. OLIVER, BYRON TUNNELL, W. S. "BILLY" HEATLY, TERRY TOWNSEND, de la GARZA, BEN JARVIS, JACK CRAIN, JAS. L. SLIDER, RAUL L. LONGORIA, W. H. MILLER, PAUL FLOYD, JAMES D. COLLE, CHARLES L. SANDAHL, HENRY C. GROVER, DONALD SHIPLEY.
TO WELCOME CHILEAN STUDENTS

H. S. R. No. 133, by Mr. Struve:

To welcome Chilean students.

Referred to the Committee on Rules.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 131, by Mr. Watson and Mr. Ballman: In memory of Floyd Thomas Fryar, Jr.


ADJOURNMENT

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

The motion prevailed.

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

APPENDIX

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 2, 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. 23, requesting the Senate to return Senate Bill No. 101 to the House for further consideration.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

SEVENTEENTH DAY
(Tuesday, February 7, 1961)

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

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

Mr. Speaker

Adams of Lubbock

Hollowell

Hughes of Grayson

Husheer

H. S. R. No. 133, by Mr. Struve:

To welcome Chilean students.

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ADJOURNMENT

Mr. de la Garza moved that the House adjourn until 11:00 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 11:40 o'clock a.m., adjourned until 11:00 o'clock a.m. tomorrow.

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