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Sir:  Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 16, granting permission to Constantino Costella and Se­bena 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 Mary 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.

March 28, 1961

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

Mr. Speaker—Healy
Adams of Lubbock—Hinson
Adams of Titus—Hutchins
Allen—Hughes
Andrews—Hughes of Grayson
Atwell—Hughes of Dallas
Bailey—Ines, Miss
Barlow—James
Barrow—Jameson
Bartram—Jarvis
Bass—Johnson of Dallas
Bell—Johnson of Bexar
Berry—Johnson of Bell
Berry—Jones of Dallas
Bissell—Jones of Travis
Boyson—Kilpatrick
Bridges—Koliba
Burgess—Koroch
Butler—Lacy
Caldwell—LaValle
Cannon—Leaverton
Carriker—Lewis
Chapman—Longoria
Cole of Harris—McCoppin
Cole of Hunt—McGregor
Collins—McGregor of El Paso
Cook—McInerny
Cory—Markgraf
Cotton—Martin
Cowen—Miller
Cowles—Moore
Craw—Mullen
Crews—Murray
Curington de la Garza—Musseker
Dewey—Niemeyer
Duff, Miss—Nugent
Eckhardt—Oliver
Ehrig—Osborn
Fairchild—Parens
Fletcher—Pearcy
Floyd—Peavy
Foreman—Pettis
Forsman—Pipkin
Gibbons—Prescott
Giddens—Price
Glass—Quilliam
Gleason—Rapp
Glusing—Razuliff
Green—Read
Grover—Richards
Guy—Richardson
Hall—Roberts of Hill
Hamm—Roberts of Dawson
Hayes—Rosa

FORTIETH DAY
(Tuesday, March 28, 1961)

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

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

"Almighty God, in these days of pressure, conflicting views and various plans that the membership of this Legislative body are confronted with, make us to realize that we need to seek Thy guidance. Give us understanding, wisdom and courage. Help us to be humble enough to seek Thy help. Make this day a blessing to our State and Its people. In Christ's Name we pray—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Dungan for today on motion of Mr. Lewis.
Mr. Kennard for today on motion of Mr. Korioth.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 424, By Mr. Roberts of Hill: Commending Mrs. S. J. McKinney and Dr. Thomas M. Morris.
H. S. R. No. 429, By Mr. Johnson of Bexar: Commending Houston Harte.
H. S. R. No. 432, By Messrs. Sandahl, Jones of Travis and Foreman: To recognize students of O. Henry Junior High School.

H. S. R. No. 433, By Messrs. Johnson of Bexar, Berry, Barlow, Smith of Bexar and Spears: Commending David Moreno.

H. S. R. No. 441, By Mr. Koliba: Congratulating 4-H Club Leaders of Fayette County.

PROCLAIMING NATIONAL RICE WEEK

Mr. Huebner offered the following resolution:

H. S. R. No. 438

Whereas, National Rice Week has been proclaimed and officially observed throughout the United States; and
Whereas, The rice industry is one of the great industries of Texas, rice being the second largest money crop produced in this State, and one of the foundation stones of our agricultural economy; and
Whereas, More people eat rice than any other food in the world, and the per capita consumption of rice in the United States has increased eleven per cent (11%) in the past few years; and
Whereas, The finest rice in all the world is grown in the State of Texas; now, therefore, be it
Resolved by the House of Representatives, That the people of the State of Texas which ranks with the Nation's foremost rice producing and rice milling states, be urged to eat more rice for better health, and be it further
Resolved, That Members of the House of Representatives accept with thanks, boxes of Texas grown and Texas packaged rice, together with a cook book instructing those not fortunate enough to have lived in the rice producing area, in the art of cooking this most popular and palatable food.

HUEBNER, BANFIELD, SMITH of Jefferson.

The resolution was read and was adopted.

EXPRESSING APPRECIATION TO CITIZENS OF WOODVILLE

Mr. Harrington offered the following resolution:

H. S. R. No. 439
Whereas, it is the desire of the House of Representatives to recognize the beauties of that lovely section of Texas where the city of Woodville nestles among the dogwood blooms and amidst other colorful trees and flowers; and

Whereas, Mr. and Mrs. T. H. Townsend, and their children, Tommy and Joan, of Woodville were indeed hospitable to Members of the House who spent glorious hours in this festive land; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature expresses deep appreciation to these fine citizens of Woodville for their wonderful reception of the Members and for the very pleasing essence of the cultivated beauty of the dogwood.

HARRINGTON, COLLINS, KILPATRICK, PRESTON, PRICE, ROBERTS of Hill, SMITH of Jefferson, TURMAN, PIERATT, LACK.

The resolution was adopted.

THANKING CITIZENS OF WOODVILLE FOR HOSPITALITY

Mr. Harrington offered the following resolution:

H. S. R. No. 440

Whereas, Thousands of East Texans and others who follow the Dogwood Trail each year to the City of Woodville in Tyler County to observe and take part in the beautiful observance of the Dogwood Festival; and

Whereas, Members of the Texas House of Representatives and their families who attended the annual Festival on Saturday and Sunday, March 24-25th, were cordially received and royally entertained during their visit; and

Whereas, The delegation of Members of the House, including the Honorable James A. Turman, Speaker, were honored guests of the Mann Ranch near Colmesneil, at the invitation of Mrs. James B. Mann and Mrs. George L. Millikan who provided food and hospitality in the true tradition of East Texas; and

Whereas, Mr. Jamie Millikan and Miss Missy Millikan ably assisted by acting as host and hostess to the younger guests and also helped to make the visit of the Legislature a happy and long to be remembered occasion; and

Whereas, Among the guests at the Mann Ranch were distinguished citizens of many East Texas Counties and other well-known persons including Homer and Jethro of National Television Fame; now, therefore, be it

Resolved by the House of Representatives, That congratulations and best wishes be extended to Mrs. J. B. Mann and Mrs. George L. Millikan for their friendly hospitality in the true tradition of the Old South and for the many courtesies which they extended to the Members of the House of Representatives; and, be it further

Resolved, That congratulations and commendations be extended to Mr. Jamie Millikan, Miss Missy Millikan, Mrs. E. L. Meley, and to all the others who so ably assisted the Legislators visit to Tyler County, one of the most pleasant and enjoyable occasions of the year; and, be it further

Resolved, That copies of this resolution duly signed and sealed and officially enrolled be sent to Mrs. Mann, Mrs. Millikan and family and to Mrs. Meley.

HARRINGTON, KILPATRICK, PRESTON, PRICE, COLLINS, PIERATT, ROBERTS of Hill, TURMAN, SMITH of Jefferson LACK.

The resolution was adopted.

SONGS BY CHOIR OF TEXAS TECHNOLOGICAL COLLEGE

Speaker Turman stated that in accordance with the provisions of H. S. R. No. 373, extending an invitation to the choir of Texas Technological College to sing for the House of Representatives, that the choir was present in the balcony, and that under the direction of Mr. Gene Kenney the choir would now sing for the House.

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The choir then rendered several selections for the House.

PROVIDING FOR STATE OFFICES TO BE CLOSED ON GOOD FRIDAY AFTERNOON

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

S. C. R. No. 39

Whereas, For the Christian world, Good Friday is the most solemn and deeply religious day of the year; and
Whereas, On this Holy Day, churches conduct three hour services for those who wish to observe, by prayer and meditation, the sacrifice which the day commemorates; and
Whereas, The state employees should not be denied the opportunity to participate in these holy devotions; now, therefore, be it
Resolved, By the Senate of the 57th Legislature of Texas, the House of Representatives concurring, That all state offices be closed on the afternoon of Good Friday, March 31, 1961, in order that state officials and employees may have time to participate in Christian worship.

The resolution was referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILL NO. 1056

Mr. Gladden asked unanimous consent of the House to Introduce at this time and have placed on first reading, House Bill No. 1056.

There was no objection offered and it was so ordered.

RELATIVE TO HOUSE BILL NO. 126

Mr. Whitfield moved that H. B. No. 126, reported adversely with a minority favorable report, be printed.

Mr. Woods moved to table the motion to print H. B. No. 126. A record vote was requested on the motion to table.

The motion to table the motion to print H. B. No. 126 on minority favorable report prevailed by the following vote:

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Yeas—98

Nays—41
Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that Mrs. Carmen Gutierrez, in her capacity as an individual and in her further capacity as Administratrix of the Estate of Antonio R. Gutierrez, deceased, be and she is hereby granted permission to bring suit against the Texas Highway Department and the State of Texas in any court of competent jurisdiction to determine the amount of money to which she may be entitled as a result of the alleged negligence previously specified; and be it further

Resolved. That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further

Resolved. That nothing herein contained shall be construed as an admission of liability against the State, and the facts upon which the plaintiff may seek to recover must be proved as in any other case. Service of citation for the purposes hereinafter granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the Texas Highway Commission.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO MOTION PICTURES INVOLVING HIS TORIC SAN JACINTO PARK

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

S. C. R. No. 49

Whereas, Interest has been evidenced by motion picture producing companies in the production of a motion picture based upon historical facts and actions that developed on and in the immediate area of the San Jacinto Battlefield, now identified as San Jacinto State Park, and

Whereas, The Board of Control, under the provisions of Articles 6771, 6772 and 6773, V.C.S., with the advice and assistance of the San Jacinto Park Commission, is responsible for the care, maintenance, operation and protection of the San Jacinto State Park, and

Whereas, There is a likelihood that one or more motion picture producing companies will develop sufficient interest in the production
of a motion picture, based on the history of the San Jacinto area and the historical actions that took place there, as to cause them to attempt to enter into negotiations with the Board of Control and the San Jacinto Park Commission whereby such motion picture producing company would be permitted to photograph all or part of a historical film on the San Jacinto Battlefield, and

Whereas, The said San Jacinto Park is State property under the care and direction of the State Board of Control with the advice and assistance of the San Jacinto Park Commission, and

Whereas, The title to the said San Jacinto State Park is vested in the State of Texas, and

Whereas, The Board of Control does not now have the authority to enter into a contract with an outside person, firm or corporation for the purpose of authorizing filming of a motion picture or motion pictures on said State-owned property, and

Whereas, The approval of the Legislature is required before the Board of Control can enter into a valid contract for the purpose of granting permission to use State property as the subject for a motion picture, and providing therein for acceptable royalties and/or revenues to compensate the said State of Texas, and

The resolution was referred to the Committee on Public Lands and Buildings.

INVITING TED CONNELL TO ADDRESS THE LEGISLATURE

The Speaker laid before the House for consideration at this time,

S. C. R. No. 34, Inviting Ted Connell to address the Legislature.

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

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time,

H. C. R. No. 33, To grant Frankie LeRoy Davis and Mary Jean Davis permission to sue the State.

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

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. 33 by striking the last paragraph and substituting In lieu thereof the following:

Resolved, that nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted In said suits, but that all allegations and claims asserted In said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, that nothing herein shall be construed as a waiver of any defenses, of fact as well as
of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The amendment was adopted.

The resolution as amended was adopted.

PROVIDING FOR A JOINT SESSION TO WELCOME MEMBERS OF THE INTERNATIONAL GOOD NEIGHBOR COUNCIL.

The Speaker laid before the House for consideration at this time,

H. C. R. No. 59, Providing for a Joint Session to welcome Members of the International Good Neighbor Council.

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

The resolution was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 28, 1961

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

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 57, Suspending the Joint Rules to permit each House to adjourn from Thursday, March 30, 1961, to Wednesday, April 5, 1961. (With Amendments)

S. J. R. No. 8, Giving Legislature power to provide for direct or vendor payments for medical care to persons 65 or over who are not recipients of Old Age Assistance.

S. B. No. 417, Validating proceedings of home rule cities relating to issuance of time warrants for right-of-way purposes; and declaring an emergency.

H. B. No. 396, Establishing a Juvenile Board in Morris County; and declaring an emergency.

H. B. No. 632, Making it unlawful to kill deer in Morris and Camp Counties before November, 1963; and declaring an emergency.

H. B. No. 434, Game law for Burnet County; and declaring an emergency.

H. B. No. 536, Pertaining to Valley Creek Water Control District of Nolan, Runnels and Taylor Counties; and declaring an emergency.

H. B. No. 653, Providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris and Camp Counties; and declaring an emergency.

H. B. No. 411, Relating to the hunting of quail in Camp County; and declaring an emergency.

H. B. No. 476, Providing that the Commissioners Court set the salaries of investigators, assistants and stenographers of the 30th Judicial District; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 3
ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. J. R. No. 3, A Joint Resolution "Proposing an amendment to Article 1 of the Constitution of Texas by adding thereto a new Section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex; providing that the amendment is self-operative; and providing for its effective date; and providing for the calling of an election and the publication and issuance of the proclamation thereof.

The resolution was read second time on March 21.

Mr. Hale offered the following amendment to the resolution:

Amend H. J. R. No. 3 by adding the following to the quoted Section 3a as contained in Section 1 of the resolution:

"Without excluding other matters, "equality under the law," as that term is used herein, shall specifically include the following:
1. During the existence of a marriage, all earnings and other income of the wife shall be the separate property of the wife, and all earnings and other income of the husband shall be the separate property of the husband; and each spouse shall have the exclusive management, control and disposition of his or her separate property without the consent or joinder of the other spouse.

2. During the existence of a marriage, neither the wife nor her separate property shall be liable for the torts or contracts of the husband, and neither the husband nor his separate property shall be liable for the torts or the contracts of the wife.

3. During the existence of a marriage, in the absence of a pre-marital contract to the contrary, neither the wife nor her separate property shall be liable for the support and maintenance of the husband, and neither the husband nor his separate property shall be liable for the support and maintenance or the wife.

4. During the existence of a marriage and after its termination by divorce, both the husband and the wife shall be jointly liable for the support, maintenance, and education of any children born of such marriage in proportion to their respective financial abilities.

Mr. Atwell moved to table the amendment by Mr. Hale.

A record vote was requested on the motion to table.

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

Yeas—136

Adams of Lubbock
Adams of Titus
Albrit
Allen
Andrews
Atwell
Bailey
Bancroft
Barlow
Barrows
Bartram
Bass
Bell
Berry
Blaine
Boyesen
Bridges
Claude de la Garza
Dewey
Duff, Miss
Eckhardt
Ehrin
Fletcher
Floyd
Foreman
Garrison
Gibbons
Glaedden
Glass
Glasing
Green
Grover
Guffey
Hargis
Harrington
Harrington
Haynes
Healy
Henson
Holloway
Hubner
Hughes of Dallas
Inseck, Miss
James
Jamison
Jarvis
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kilgore
Koliba
Koroth
Ladd
Lattimer
LeValle
Leaverton
Longoria
McCoppin
McGregor
of McLennan
McGregor
of El Paso
McNab
McKinnon
McKinnon
McIntyre
McInnis
McKissack
McKissick
McMurrey
McPherson
McWhorter
Meder
Medsger
Mellen
Mellen
Middendorf
Moffett
Morrow
Musser
Nagel
Nance
Nash
Neb satisfy
Neely
Niemeyer
Niswanger
Oliver
Osborn
Parr
Peeler
Pettit
Pierant
Pipkin
Preston
Price
Quillian
Ragg
Reid
Reid
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Ross
Sauk
Scott
Smith of Bexar
Smith of Jefferson
Snelson
Springer
Stewart
Stewart
of Galveston
of Wichita
Struve
Tharman
Thurmond
Towsend
Treve
Tuttle
Walker
Ward
Watson
Wells
Wheatley
Whitehead
Wilson of Trinity
Wilson of Potter
Woods
Wright
Yasuk
Yeak

Nays—6

Ballman
Barlow
Barrows
Bartram
Bass
Bell
Berry
Blaine
Boyesen
Bridges

Coles of Harris
Mr. Buchanan (present), who would vote "nay", with Mr. Kennard (absent) who would vote "yea".

COMMITTEE MEETING

On motion of Mr. Smith of Jefferson, and by unanimous consent of the House, the Committee on Rules was granted permission to meet at this time.

Mr. Cotten offered the following amendment to the resolution:

Amend H. J. R. No. 3 by striking line 16 and 17 and substituting the following language:

"Section 3a. Equality under the law shall not be denied or abridged because of sex.

Provided, however, this Section shall not in any manner affect the community property laws of this State as they now exist, nor shall this Section in any manner abridge the homestead rights of widows and unmarried daughters as they now exist.

This amendment is self-enacting.

The amendment was adopted.

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

Amend H. J. R. No. 3 by striking out the words in Section 2 'July 1, 1965' and adding the words 'July 1, 1967'."

The amendment was adopted.

Mr. Barlow offered the following amendment to the resolution:

Amend House Joint Resolution No. 3 by adding to Subsection 3a of Section 1 at line 16 the following lines:

"Nothing in this Section shall be deemed to repeal any of the criminal laws relating to aggravated assaults by men on women, the crime of seduction, or any other criminal offenses involving relations between men and women."
I voted for H. J. R. 3 because it seems to me it is time we Texas face up to what is right and just and give the Ladies of our grand state equal rights. I gladly support equal rights for the Ladies of Texas.

PAUL CURINGTON.

HOUSE JOINT RESOLUTION
NO. 43 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. J. R. No. 43, A Joint Resolution “Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new section to be known as Section 67, prohibiting the establishment of Special funds in the State Treasury after January 1, 1963; and providing for the necessary proclamation and publication.”

The resolution was read third time and failed to pass by the following vote: (Not receiving the necessary one hundred “yea” votes.)

Yeas—94

Adams of Lubbock
Glass
Adams of Titus
Glasing
Allen
Green
Grover
Andrews
Harding
Atwell
Harrington
Banfield, Mrs.
Healy
Barnes
Hollowell
Bartram
Hughes of Dallas
Bell
Isaacks, Miss
Blaine
James
BoySEN
Jarvis
Butler
Johnson of Dallas
Chapman
Johnson of Bexar
Cole of Harris
Johnson of Bell
Connel
Jones of Dallas
Cook
Koliba
Cory
Lary
Cottem
Latimer
Cowen
La Valle
Cowins
Lewis
Covin
McCoppln de la Garza
Dowey
McGregor of McLennan
duff, Miss
McGregor of El Paso
Ebbie
McGregor
Fairchild
Martin
Fletcher
Miller
Floyd
Moore
Foreman
Murray
Garrison
Niemeyer
Mr. Korioth moved to reconsider and spread on the Journal the vote by which H. J. R. No. 49 failed to pass.

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:

H. C. R. No. 49, to provide for a Joint Session to receive Seals of the State of Texas.

HOUSE JOINT RESOLUTION NO. 2

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

H. J. R. No. 2, A Joint Resolution "Proposing an Amendment to the Constitution of the State of Texas to provide for an exemption of Three Thousand Dollars ($3,000) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.

The resolution was read second time.

Mr. McLlhany offered the following committee amendment to the resolution:

Committee Amendment 1

Amend House Joint Resolution No. 2 by striking out all below the Resolving Clause and substituting in lieu thereof the following:

"Section 1. That Section 1-b of Article VIII of the Constitution of the State of Texas be amended to read as follows:

'Section 1-b. Fifteen Hundred Dollars ($1500.00) of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from all taxation for all State purposes. From and after January 1, 1963, Fifteen Hundred Dollars ($1500.00) of the assessed value of residence homesteads of all persons sixty-five years of age or older shall be exempt from all ad valorem taxes thereafter levied..."
by any county, city, town, school district, or other political subdivision or instrumentality of the State; provided, however, that where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision or instrumentality shall have authority to continue to levy and collect the tax against the homestead property herein exempt at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.'

Section 2. The foregoing Constitutional Amendment shall be submitted to the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1962, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment exempting Fifteen Hundred Dollars ($1,500.00) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.'

"AGAINST the Constitutional Amendment exempting Fifteen Hundred Dollars ($1,500.00) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.'

Section 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published and the election shall be held as required by the Constitution and laws of this State.'

Mr. Harrington offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to House Joint Resolution No. 2 by:

(a) striking the words "Fifteen Hundred Dollars ($1,500)" in line one (1) of Section 1-b and substituting the words and figures "Three Thousand Dollars (3,000)."

(b) inserting the words "and county" immediately before the word "purposes" in the first sentence, Section 1-b.

(c) striking the words "county, city, town, school district, or" in the second sentence of Section 1-b.

(d) striking the words "county, city, town, school district or other" in both the FOR and AGAINST paragraphs of Section 2 and by further striking the period at the end of each of such paragraphs and adding the words "other than a county, in addition to existing State and country exemptions."

The Amendment to the amendment was adopted.

Mr. de la Garza offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to H. J. R. No. 2 by adding the following after the word "older" as it appears on line 16 of the printed bill, "and who have no person over 18 years of age and in good health living on such homestead, and whose annual income is not over $1,500 for each spouse from any source" and continue with "shall be exempt."

Mr. Harrington moved to table the amendment by Mr. de la Garza.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. de la Garza to the amendment by Mr. McIlhany prevailed by the following vote:

Yea—73

yea—73
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Jones of Travis  Price
Kilpatrick  Quilliam
Koliba  Rapp
Koroth  Roberts of Hill
Lack  Rosson
Larry  Sandahl
Leaverton  Shannon
McCoplin  Shipley
McGregor  Smith of Jefferson
McGregor of El Paso  Springer
McIlhany  Stewart
Markgraf  Steward of Galveston
Miller  Stewart of Wichita
Miller  Straye
Mullen  Tharman
Niemeyer  Trevino
Nugent  Waison
Oliver  Wheelley
Pearcy  Whitfield
Pieratt  Wilson of Trinity
Preston  Yeak

Nay—70
Adams of Lubbock  Johnson of Dallas
Adams of Titus  Johnson of Hexas
Allen  Jones of Dallas
Atwell  Latimer
Banfield, Mrs.  LaValle
Barbas  Lewis
Bartram  Longoria
Bell  Martin
Blake  Moore
Boyd  Murray
Burhanan  Otborn
Browning  Parson
Colby of Hunt  Peeler
Connell  Petty
Cook  Pipkin
Cotten  Raisch
Cowen  Read
Cowles  Richards
Crow  Richardson
Curington  Ross
de la Garza  Schram
Dewey  Slack
Duff, Miss  Slater
Fairchild  Smith of Hexas
Foreman  Snead
Garner  Spears
Gibbens  Spilman
Gluesing  Townsend
Grover  Tunnel
Harding  Walker
Hughes of Dallas  Ward
Isaacks, Mrs.  Wells
James  Wilson of Potter
Jarvis  Woods

Present—Not Voting
Thurmond  Absent
Green  Jamison

Robertson of Dawson

Absen—Excused
Dungan

PAIRED
Mr. Thurmond (present), who would vote "Nay", with Mr. Kendrick (absent) who would vote "Yes".

Mr. Jarvis offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to H. J. R. No. 2 by changing the word "assessed taxable" to "market" on line 12.

Mr. Harrington moved to table the amendment by Mr. Jarvis.

A record vote was requested.

The motion to table the amendment by Mr. Jarvis to Committee Amendment No. 1 prevailed by the following vote:

Yeas—114
Adams of Titus  Garrison
Alaniz  Glass
Allen  Glassing
Andrews  Bailey
Barron  Green
Ballman  Grover
Banfield, Mrs.  Guthery
Barlow  Hale
Barnes  Haring
Bass  Harington
Blair  Haynes
Blaine  Healy
Bliss  Hinson
Brown  Hollowell
Calwell  Hesbner
Cannon  Hughes
Carriker  Hughes of Grayson
Chapman  Isaacks, Miss
Cole of Harris  Jamieson
Cole of Hunt  Johnson of Hexas
Collins  Johnson of Bell
Cook  Jones of Travis
Corry  Kilpatrick
Cotton  Koliba
Cowles  Korleth
Curington  Lacy
Dewey  LaValle
Duffy, Miss  Leaverton
Ehrle  Longoria
Fletcher  McCoplin
Floyd  McCoplin
| McGregor of McLennan | Shannon | Bridge | McGregor of El Paso |
| McGregor of El Paso | Smith of Bexar | Burgess | Miller |
| McCallany | Smith of Jefferson | Carriker | Moore |
| Markgraf | Spears | Cole of Harris | Oliver |
| Miller | Springer | Miller | Mullen |
| Moore | Stewart | Mullen | Mutscher |
| Mallen | of Galveston | Niemeyer | Nugent |
| Matscher | Stewart | Nugent | Oliver |
| Niemann | of Wichita | Oliver | of Thurman |
| Neugebauer | Strus | Peery | of Thurmond |
| Oliver | of Thurmond | Pettit | of Townsend |
| Parmer | Trevor | Petty | of Treviso |
| Pickett | Ward | Pierce | of Weils |
| Preston | Watson | Quilliam | of Wheatley |
| Price | Wells | Rapp | of Whitfield |
| Richarson of Trinity | Wilson of Trinity | Richards | of Wilson of Potter |
| Roberts of Hill | Wilson of Potter | Rosas | of Woods |
| Rosson | Yeak | Rodriguez | Yeak |
| Sandahl | Yeak | Venable | Yeak |

Nays—27

Adams of Lubbock | Johnson of Dallas |
Atwell | Jones of Dallas |
Barron | Lewis |
BoySEN | Martin |
Buchanan | Osborne |
Butler | Ratcliff |
Cowan | Read |
Crain | Richards |
Crews | Schram |
Gibbons | Slack |
Harding | Sluder |
Hughes of Dallas | Spelman |
James | Tunell |
Jarvis | Yeak |

Absent

Burgess | Murray |
Connell | Peeler |
Fairchild | Roberts of Dawson |

Absent—Excused

Dungan | Kennard |

Committee Amendment No. 1, as amended, was adopted.

H. J. R. No. 2 was passed to engrossment by the following vote:

Yeas—93

Alaniz | Barlow |
Andrews | Bartram |
Balley | Bass |
Bellman | Berry |

Nays—51

Adams of Lubbock | Crow |
Adams of Titus | Crews |
Allen | Fairchild |
Atwell | Gibbons |
Banfield, Mrs. | Gingles |
Barnes | Harding |
Bell | Height |
Blaine | Hines, Miss |
BoySEN | James |
Buchanan | Jameson |
Purdy | Jarvis |
Chapman | Johnson of Dallas |
Cole of Hunt | Johnson of Bell |
Cook | Jones of Dallas |
Cotten | Latimer |
Crain | Lewis |
MESSAGE FROM THE SENATE

Austin, Texas, March 28, 1961

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

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 203 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

Respectfully submitted,

CHARLES A. SCHNABEL,
Secretary of the Senate.

VOTES RECORDED

By unanimous consent of the House, Mr. Watson was granted permission to be recorded as voting "yea" on the suspension of the rule on S. B. No. 146 on March 23, 1961.

By unanimous consent of the House, Mr. Watson was granted permission to be recorded as voting "yea" on the passage of S. B. No. 146 on March 23, 1961.

By Mr. Townsend:

"H. B. No. 1024, A bill to be entitled "An Act authorizing the County Commissioners Court of any county having a population of not less than Nine Thousand, One Hundred (9,100) and not more than Nine Thousand, Three Hundred (9,300) inhabitants according to the last preceding Federal Census to fix the salaries of the deputies, clerks and assistants of any district, county or precinct officer at a sum not to exceed Four Thousand, Two Hundred Dollars ($4,200) per year; providing that no deputy, assistant or clerk shall receive a greater salary than is allowed the district, county or precinct officer under whom such deputy, assistant or clerk is employed; providing that the provisions of this Act shall be cumulative of all other laws pertaining to the compensation of deputies, assistants and clerks of any district, county or precinct officer; providing for severability; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Townsend:

"H. B. No. 1025, A bill to be entitled "An Act to prohibit the shooting or discharging of guns and firearms in, on, along or across any railroad right-of-way; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Gladden:

"H. B. No. 1026, A bill to be entitled "An Act relating to the method by which a patient or his authorized representative may obtain medical information about himself from a hospital or practitioner of the healing arts who has furnished him with medical care; repealing all laws in conflict; denying such information to unauthorized persons; providing a severability clause; providing penalties for violations; and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Korioth:

"H. B. No. 1027, A bill to be entitled "An Act to provide for fixing the salary of County Attorneys and Assistant County Attorneys of all counties of more than Seventy-One Thou-

HOUSE BILLS ON FIRST READING

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

By Mr. Townsend:

"H. B. No. 1024, A bill to be entitled "An Act authorizing the County Commissioners Court of any county having a population of not less than Nine Thousand, One Hundred (9,100) and not more than Nine Thousand, Three Hundred (9,300) inhabitants according to the last preceding Federal Census to fix the salaries of the deputies, clerks and assistants of any district, county or precinct officer at a sum not to exceed Four Thousand, Two Hundred Dollars ($4,200) per year; providing that no deputy, assistant or clerk shall receive a greater salary than is allowed the district, county or precinct officer under whom such deputy, assistant or clerk is employed; providing that the provisions of this Act shall be cumulative of all other laws pertaining to the compensation of deputies, assistants and clerks of any district, county or precinct officer; providing for severability; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Townsend:

"H. B. No. 1025, A bill to be entitled "An Act to prohibit the shooting or discharging of guns and firearms in, on, along or across any railroad right-of-way; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Gladden:

"H. B. No. 1026, A bill to be entitled "An Act relating to the method by which a patient or his authorized representative may obtain medical information about himself from a hospital or practitioner of the healing arts who has furnished him with medical care; repealing all laws in conflict; denying such information to unauthorized persons; providing a severability clause; providing penalties for violations; and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Korioth:

"H. B. No. 1027, A bill to be entitled "An Act to provide for fixing the salary of County Attorneys and Assistant County Attorneys of all counties of more than Seventy-One Thou-

By Mr. Cowen (present), who would vote "Nay", with Mr. Kennard (absent) who would vote "Yeas".
sand (71,000) population and less than Seventy-Five Thousand (75,000) population according to the last preceding Federal census, repealing provisions of all laws in conflict, and declaring an emergency."

Referred to the Committee on Counties.

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. 417 to the Committee on Representation before the Legislature.

SENATE JOINT RESOLUTION ON FIRST READING

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

S. J. R. No. 8 to the Committee on Constitutional Amendments.

RECESS

Mr. Hinson moved that the House recess until 2:30 o'clock p.m. today.

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

A record vote was requested on the motion to adjourn.

The motion to adjourn until 10:30 o'clock a.m. tomorrow was lost by the following vote:

Yes—44

Adams of Lubbock Johnson of Dallas
Andrews Johnson of Bell
Atwell Jones of Dallas
Banfield, Mrs. Koliba
Bartram Larry
Bell Lewis
Boyd McGregor
Butler of McLennan
Coke Martin
Craws Miller
Ehrle Nagwot
Floyd Oliver
Garrison Redcliff
Gristy Read
Hedley Roberts of Dawson
James Rosson
Jarvis Shipley
Black Townsend
Slider Tunnell
Snelson Walker
Spellman Wilson of Potter
Thurman Woods
Thurmond

Nays—92

Adams of Titus Koriotth
Alabais Lack
Allen Latimer
Bailey La Valle
Ballman Leaveroton
Barlow Longoria
Barnes McCoppin
Bass McGregor
Blaine of El Paso
Bridges McNally
Buchanan Markgraf
Burgess Mullen
Calwell Murray
Cannon McNichol
Carricker Niemeyer
Cole of Harris Osborn
Cole of Hunt Parsons
Collins Peary
Connell Petty
Cory Pefaut
Coffin Pipkin
Cowles Freston
Curlington de la Garza Quilliam
Dewar Quilliam
Duff Rapp
Eckhardt Richards
Fairchild Richardson
Falsbord Roberts of Hill
Fischer Ross
Glaedden Schram
Glass Shannon
Green Smith of Bexar
Grover Smith of Jefferson
Guffey Spears
Hale Springer
Harding Stewart
Harding of Galveston
Harrington Stewart
Haynes of Wichita
Hinson Struve
Hollawell Trevino
Hughes Ward
of Grayson Watson
Isacks, Miss Wall
Jameson Wheatley
Johnson of Bexar Whitefield
Jones of Travis Wilson of Trinity
Kilpatrick Yenck

Absent

Berry Wesner
Chapman Hughes of Dallas
Cowen Moore
Craws Peeler
Foreman Sandahl
Gibbons

YEAS—44

Adams of Lubbock Johnson of Dallas
Andrews Johnson of Bell
Atwell Jones of Dallas
Banfield, Mrs. Koliba
Bartram Larry
Bell Lewis
Boyd McGregor
Butler of McLennan
Coke Martin
Craws Miller
Ehrle Nagwot
Floyd Oliver
Garrison Redcliff
Gristy Read
Hedley Roberts of Dawson
James Rosson
Jarvis Shipley
Black Townsend
Slider Tunnell
Snelson Walker
Spellman Wilson of Potter
Thurman Woods
Thurmond

NAYS—92

Adams of Titus Koriotth
Alabais Lack
Allen Latimer
Bailey La Valle
Ballman Leaveroton
Barlow Longoria
Barnes McCoppin
Bass McGregor
Blaine of El Paso
Bridges McNally
Buchanan Markgraf
Burgess Mullen
Calwell Murray
Cannon McNichol
Carricker Niemeyer
Cole of Harris Osborn
Cole of Hunt Parsons
Collins Peary
Connell Petty
Cory Pefaut
Coffin Pipkin
Cowles Freston
Curlington de la Garza Quilliam
Dewar Quilliam
Duff Rapp
Eckhardt Richards
Fairchild Richardson
Falsbord Roberts of Hill
Fischer Ross
Glaedden Schram
Glass Shannon
Green Smith of Bexar
Grover Smith of Jefferson
Guffey Spears
Hale Springer
Harding Stewart
Harding of Galveston
Harrington Stewart
Haynes of Wichita
Hinson Struve
Hollawell Trevino
Hughes Ward
of Grayson Watson
Isacks, Miss Wall
Jameson Wheatley
Johnson of Bexar Whitefield
Jones of Travis Wilson of Trinity
Kilpatrick Yenck

ABSENT

Berry Wesner
Chapman Hughes of Dallas
Cowen Moore
Craws Peeler
Foreman Sandahl
Gibbons
The motion to recess prevailed.

In accordance with the motion to recess, the House at 12:50 o'clock p.m. took recess until 2:30 o'clock p.m. today.

The resolution was read second time.

Mr. Hale moved that further consideration of H. J. R. No. 32 be postponed until 4:05 o'clock p.m. today.

The motion prevailed.

The resolution was read second time.

Mr. Carriker moved that further consideration of House Bill No. 559 be postponed until 4:10 o'clock p.m. today.
The motion prevailed.

HOUSE BILL NO. 36 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment.

H. B. No. 36, relative to making findings and declaring policies relating to occupational safety; etc., and declaring an emergency.

The bill was read second time on March 14, considered on March 20 and further consideration was postponed until 11:00 o'clock a.m., March 27.

Mr. Hughes of Grayson moved that further consideration of House Bill No. 36 be postponed until 4:15 o'clock p.m. today.

The motion prevailed.

HOUSE BILL NO. 334 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage, H. B. No. 334, A bill to be entitled "An Act providing additional revenue for the support of the state 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, 1969, 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 air conditioners and component parts used in the assembly and installation of air conditioners; providing a savings clause; providing a severability clause; repealing laws in conflict; declaring an emergency; and providing for an effective date."

Mr. Watson offered the following amendment to the bill:

Amend House Bill No. 334 by amending Article IV.

ARTICLE IV

Article 13.02. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1926, as enacted by Chapter 13, Acts of the 56th Legislature, Third Called Session, 1959, is 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 machine' shall pay, and there is hereby levied on each 'coin-operated machine,' 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 records required in this Chapter."

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

The motion to table prevailed by the following vote:

Yea—76
Adams of Titus Dewey
Andrews Duff, Miss
Balch Director
Ballman Fletcher
Barlow Gladden
Bass Glueing
Bridges Groves
Buchanan Guffey
Burnett Haring
Caldwell Harrington
Carroll Haynes
Chapman Hlton
Cole of Harris Holloway
Collins Isaacks, Miss
Connell James
Cook Kilpatrick
Cotter Koliba
Mr. Quilliam offered the following amendment to the bill:

Amend House Bill No. 334 by amending Article VII, at Article 12.02 (1), subsection (a) to read as follows:

(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 in determining the value of all real estate and tangible personal property owned or used by the corporation in this State.

A record vote was requested on the amendment by Mr. Quilliam. The amendment by Mr. Quilliam was lost by the following vote: (not receiving the necessary two-thirds vote)

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>82</td>
<td>66</td>
</tr>
</tbody>
</table>

Quilliam: Smith of Jefferson

Absent—Excused

Dungan: Leonard

PAIRED

Mr. Lewis (present), who would vote "Nay", with Mr. Dungan (absent who would vote "Yea").

Mr. Quilliam was lost by the following vote: (not receiving the necessary two-thirds vote)

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>82</td>
<td>66</td>
</tr>
</tbody>
</table>

Adams of Lubbock: Jarvis

Alam: Johnson of Dallas

Allen: Johnson of Bexar

Atwell: Johnson of Bell

Banfield, Mrs.: Jones of Dallas

Barnes: Jones of Travis

Bartlam: La Valle

Bell: McGregor

Berry: McLennan

Blaine: Martin

Boyd: Miller

Butler: Nugent

Cole of Hunt: Oliver

Cory: Peeler

Cowen: Petty

Cowles: Pipkin

Crews: Read

Crews: Richards

Curtis: Roberts of Dawson

dea la Garza: Roman

Ehrl: Sandahl

Fairchild: Shipley

Floyd: Slack

Foreman: Slider

Garrison: Smith of Bexar

Gibbens: Nelson

Grover: Spillman

Harding: Thurman

Healy: Thurmond

Huebner: Townend

Hughes: Tunnell

Hughes of Grayson: Watson

Hughes of Dallas: Wilson of Potter

Jamison: Woods

Present—Not Voting

Lewis: Smith of Jefferson

Absent—Excused

Dungan: Leonard

PAIRED

Mr. Lewis (present), who would vote "Nay", with Mr. Dungan (absent who would vote "Yea").

Mr. Quilliam was lost by the following vote: (not receiving the necessary two-thirds vote)

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>82</td>
<td>66</td>
</tr>
</tbody>
</table>

Adams of Lubbock: Cowles

Adams of Titus: Crain

Allen: Crews

Andrews: Curlington

Atwell: de la Garza

Banfield, Mrs.: Ehrl

Barnes: Fairchild

Bartram: Floor

Bell: Foreman

Berry: Garrison

Blaine: Gibbons

Boyse of Grayson: Glasure

Butler: Green

Chapman: Grover

Cole of Hunt: Harding

Connell: Healy

Cook: Huebner

Cory: Hughes of Dallas

Cowen: James
Mr. Read (present), who would vote "Yea", with Mr. Kennard (ab­sent) who would vote "Nay".

Mr. Lewis (present), who would vote "Yea", with Mr. Dungan (ab­sent) who would vote "Nay".

Mr. Jones of Dallas offered the following amendment to the bill:


(Speaker occupied the Chair temporarily)

A record vote was requested on the amendment by Mr. Jones of Dallas.

The amendment by Mr. Jones of Dallas was lost by the following vote:

**Yeas-66**

Adams of Lubbock
Johnson of Dallas
Allen
Andrews
Atwell
Boysen
Bridges
Buchanan
Burgess
Calderwell
Cannon
Carver
Cole of Harris
Collins
Colton
Dewey
Duff, Miss
Eckhardt
Fletcher
Gladden
Glass
Giffey
Hale
Haring
Harrington
Haynes
Hixson
Hollowell
Hughes
Hughes, Miss
Johnson of Bexar
Jones of Travis
Kilpatrick

**Nays-88**

Adams of Titus
Ballman
Barlow
Bass
Bridges
Buchanan
Burgess
Caldwell
Cannon
Carver
Cole of Harris
Collins
Colton
Dewey
Duff, Miss
Eckhardt
Fletcher
Gladden
Glass
Giffey
Hale
Haring
Harrington
Haynes
Hixson
Hollowell
Hughes
Hughes, Miss
Johnson of Bexar
Jones of Travis
Kilpatrick

Present—Not Voting

Absents—Excused

Adams of Titus
Ballman
Barlow
Bass

Nays—88

Adams of Titus
Ballman
Barlow
Bass

Present—Not Voting

Absents—Excused

Adams of Titus
Ballman
Barlow
Bass
A record vote was requested on the amendment by Mr. Quilliam. The amendment by Mr. Quilliam was then adopted by the following vote:

Year—130

- Adams of Lubbock
- Hughes
- Adams of Titus
- Grayson
- Allen
- Jaseke, Miss
- Andrews
- Jamison
- Bailey
- Bexar
- Ballman
- Johnson of Bexar
- Bentsen, Mrs.
- Johnson of Bell
- Bivins
- Jones of Travis
- Barnes
- Kilpatrick
- Bartram
- Koliba
- Bass
- Kolloth
- Bell
- Lacy
- Bland
- Latimer
- Boyzen
- LaValla
- Bridges
- Leaverton
- Burgess
- Longoria
- Butler
- McCoppin
- Caldwell
- McGregor
- Carriker
- McGregor
- of McLennan
- Carriker
- of El Paso
- Collins
- Mcllhany
- Colv
- Markgraf
- Connell
- Martin
- Cory
- Miller
- Cowles
- Moore
- Coulter
- Mullens
- Craig
- Murray
- Curlington
- Mutchcher
- de la Garza
- Niemeyer
- Dewey
- Nageotte
- Eckhardt
- Oliver
- Ehrle
- Osborn
- Fairchild
- Parsons
- Fisher
- Peeler
- Floyd
- Petty
- Foreman
- Pioritz
- Gibbens
- Pipkin
- Gifford
- Preston
- Glass
- Price
- Glass
- Quilliam
- Glass
- Rapp
- Glass
- Read
- Glass
- Richards
- Glass
- Richardson
- Glass
- Ross
- Glass
- Rosson
- Glass
- Sandahl
- Glass
- Shannon
- Glass
- Shipley
- Glass
- Smith of Bexar

Mr. Lewis (present), who would vote "Yea", with Mr. Dungan (absent) who would vote "Nay".

Mr. Spears moved to reconsider the vote by which the above amendment by Mr. Quilliam was previously lost.

The motion prevailed.
Mr. Lewis (present), who would vote "Nay", with Mr. Dungan (ab­­sent) who would vote "Yea".

Mr. Andrews offered the following amendment to the bill:

Amend H. B. 334 by adding to Article VII the following new Sec­tion, to be properly numbered:

"Provided however, the terms of this Article shall be null and void

Mr. Murray moved the previous question on the passage of H. B. No.
334 and the pending amendment, and the main question was ordered.

A record vote was requested on the amendment by Mr. Andrews.

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

YEAS—68

Adams of Lubbock
Andrews
Atwell
Banfield, Mrs.

NAYS—75

Adams of Titus
Hinson
Hollowell
Hughes
Johnson of Bexar
Johnson of Dallas
Johnson of Potter
Johnson of Travis

Absent—Exceeds

Dungan
Kennard

PAIRED

Mr. Lewis (present), who would vote "Nay", with Mr. Dungan (ab­­sent) who would vote "Yea".
<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>85</td>
<td>59</td>
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</tbody>
</table>

Mr. Lewis (present), who would vote "Yea", with Mr. Dungan (absent) who would vote "Nay".

A record vote was requested on the passage of H. B. No. 334.

H. B. No. 334 was then passed by the following vote:

**Yeas**—85

Mr. Speaker

Adams of Titus

Ainslie

Ballman

Barron

Buchanan

Burgess

Cannon

Carriker

Chapman

Cole of Harris

Cole of Hunt

Colquitt

Cotter

Cowan

Dawey

Duff, Miss

Eckhardt

Fletcher

Foreman

Gladden

Green

Guffey

Hale

Hatcher

Osborn

Pastry

Pieratt

Preston

Price

Quilliam

Rapp

Richards

Richardson

Roberts of Bexar

Smith of Bexar

Smith of Wichita

Smith of Jetterson

Springer

Stewart

Struve

Trevino

Wells

Whitley

Wilson of Trinity

Yezak

**Nays**—59

Adams of Lubbock

Allen

Andrews

Atwell

Beallfield, Mrs.

Barnes

Barrett

Bell

Blaine

Boyce

Butler

Connell

Cook

Corpus

Cowles

Crain

Crews

Curtlington

de la Garza

de leuk

Duke

Ehle

Fairchild

Floyd

Garrison

Gibbons

Gluesing

Grover

Harding

Healy

Hughes of Dallas

**Present—Not Voting**

Lewis

Thurmond

**Absent**

Niemeyer

**Absent—Excused**

Dungan

**PAIRED**

Mr. Thurmond (present), who would vote "Nay", with Mr. Kennard (absent) who would vote "Yea".
Mr. Lewis (present), who would vote "Nay", with Mr. Dungan (absent) who would vote "Yea".

Mr. Ballman moved to reconsider the vote by which H. B. No. 334 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Smith of Jefferson asked unanimous consent of the House that the Committee on Rules be permitted to meet at this time.

There was no objection offered.

HOUSE JOINT RESOLUTION NO. 7 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as postponed business, on its passage to engrossment, H. J. R. No. 7, Ratifying Senate Joint Resolution 39 of the 86th Congress proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

The resolution was read second time on today and further consideration was postponed until 4:00 o'clock p.m. today.

H. J. R. No. 7 was passed by the following vote:

Yeas—94

- Adams, Miss
- Andrews
- Bailey
- Barlow
- Barnes
- Bass
- Bell
- Berry
- Boyse
- Bridges
- Burgess
- Butler
- Caldwell
- Cameron
- Carrillo
- Cole of Hunt
- Connell
- Cory
- Cowen
- Cowles
- Crain
- Crews of Grayson
- Curlington

Nays—44

- Adams of Lubbock
- Adams of Titus
- Allen
- Atwell
- Bankfield, Mrs.
- Bartram
- Blaine
- Buchanan
- Chapman
- Cole of Harris
- Collins
- Cook
- Cotten
- Duff, Miss
- Ehle
- Fletcher
- Frover
- Healy
- Hollowell
- Jarvis
- Johnson of Dallas
- Jones of Dallas
- Kenney
- Oliver

Present—Not Voting

- Smith of Jefferson
- Absent

- Ballman
- Latimer
- Ratcliff

Absent—Excused

- Dungan
Mr. Oliver (present), who would vote "nay", with Mr. Kennard (absent) who would vote "yea."

Mr. Smith of Jefferson (present), who would vote "yea", with Mr. Dungan (absent) who would vote "nay."

Mr. de la Garza moved to reconsider the vote by which H. J. R. No. 7 was passed and to table the motion to reconsider. The motion to table prevailed.

REASON FOR VOTE
I voted no on H. J. R. 7 because I feel that the District of Columbia should not be given the right to vote unless the remainder of our territories and possessions such as Guam, Virgin Islands, Puerto Rico, have the same right. For in the past only states have such rights.

J. COLLIER ADAMS.

PROVIDING FOR STATE OFFICES TO BE CLOSED ON GOOD FRIDAY AFTERNOON
The Speaker laid before the House for consideration at this time, S. C. R. No. 39, Providing for State offices to be closed on Good Friday afternoon.

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

S. C. R. No. 39 was adopted.

REQUEST OF SENATE GRANTED
On motion of Mr. Springer, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 293.

CONFERENCE COMMITTEE APPOINTED
The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 293:

Messrs. Springer, Chairman; Cotton, Osborn, Townsend and Wilson of Potter.

BILL 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 bill:

H. B. No. 148, An Act amending Article 9 of Chapter 492, Acts of the Fifty-second 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 may be open from six o'clock a.m. in all counties having a population of one million (1,000,000), or more, according to the last Federal Census on order or resolution of the Commissioners Courts of such counties and entered in the minutes thereof, and declaring an emergency.

H. C. R. NO. 57 WITH SENATE AMENDMENT
Mr. Collins called up with Senate Amendment for consideration at this time,

H. C. R. No. 57, Providing for adjournment for the Easter Holidays.

On motion of Mr. Collins, and by unanimous consent, the House concurred in the Senate Amendment to H. C. R. No. 57.

TEXT OF SENATE AMENDMENT TO H. C. R. NO. 57
Amend H. C. R. No. 57 by striking out all of paragraph 5 thereof.

INTRODUCTION OF HOUSE BILL NO. 1058
Mr. Korioth asked unanimous consent of the House to introduce at this time and have placed on first reading, House Bill No. 1058.

There was no objection offered and it was so ordered.

INVITING VICE-PRESIDENT LYNDON B. JOHNSON TO ADDRESS A JOINT SESSION
The Speaker laid before the House for consideration at this time, S. C. R. No. 32, Inviting Vice-President Lyndon B. Johnson to address a Joint Session.

The resolution having heretofore been referred to the Committee on Rules and reported favorably by the Committee.
Mr. Smith of Jefferson offered the following committee amendment to the resolution:

Committee Amendment No. 1
Amend S. C. R. No. 32 by striking out "11:00 o'clock a.m. on April 5, 1961" in paragraphs 4 and 5 and inserting in lieu thereof the following: "his convenience."

The amendment was adopted.

S. C. R. No. 32, as amended, was adopted.

INVITING THE HONORABLE RALPH YARBOROUGH TO ADDRESS A JOINT SESSION

The Speaker laid before the House for consideration at this time, S. C. R. No. 38, Inviting the Honorable Ralph Yarborough to address a Joint Session.

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

Mr. Smith of Jefferson offered the following committee amendment to the resolution:

Committee Amendment No. 1
Amend S. C. R. No. 38 by inserting "11:00 a.m." in the blank spaces in paragraphs 3 and 4.

The amendment was adopted.

The resolution as amended was adopted.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 423, By Mr. Thurman and Mr. Shannon: In Memory of John J. Sandler.
H. S. R. No. 424, By Mr. Slider: In Memory of Mrs. Edna Fuller.
H. S. R. No. 425, By Mr. Slider: In Memory of Mrs. I. F. Cannon.
H. S. R. No. 426, By Mr. Slider: In Memory of Mr. James McCoy.
H. S. R. No. 427, By Mr. Slider: In Memory of Mr. Arthur S. Leard.
H. S. R. No. 428, By Mr. Slider: In Memory of Mr. John E. Hixson.
H. S. R. No. 429, By Mr. Watson: In Memory of Mrs. I. F. Cannon.
H. S. R. No. 430, By Mr. Slider: In Memory of Thurman Byrd.
H. S. R. No. 431, By Mr. Slider: In Memory of Mr. Thurman Byrd.
H. S. R. No. 432, By Mr. Slider: In Memory of Mr. Thurman Byrd.
H. S. R. No. 433, By Mr. Slider: In Memory of Mr. Thurman Byrd.
H. S. R. No. 434, By Mr. Slider: In Memory of Charles McKinney.
H. S. R. No. 435, By Mr. Slider: In Memory of Elmer F. Almond.

ADJOURNMENT

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

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

The motion to adjourn until 10:00 o'clock a.m. tomorrow prevailed.

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

In accordance with the motion to adjourn, the House at 5:03 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions as follows:

Education: H. B. No. 645.
Privileges, Suffrage and Elections: H. R. No. 777.
State Affairs: H. B. No. 548 and H. C. R. No. 33.

The Committee on Education has filed an adverse report on H. B. No. 128 with a minority favorable report.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 27, 1961
Hon. James A. Turman, Speaker of the House of Representatives.
March 28, 1961  HOUSE JOURNAL  903

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 334. A bill to be entitled "An Act amending Article 9.25 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to the allocation of receipts to the Available School Fund out of the Motor Fuel Tax Fund; amending Section (g) of Article 20.01 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to the definition of phonographs; amending Section (1) of Article 20.01 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to the allocation of certain revenues dedicated to the Motor Fuel Tax Fund all funds heretofore allocated to the Available School Fund, except for those funds which are allocated by the Constitution to the Available School Fund; providing for the deposit of certain revenues designated to the Permanent School Fund into the Available School Fund 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; amending Section 1 of Article 12.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to the franchise tax; amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new Chapter to be known as Chapter 30, Gift Tax, levying a tax on certain gifts; amending Section 5 of Chapter 2, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended, relating to the annual license fee for the registration of certain motor vehicles; providing a savings clause; providing for severability; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 28, 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. 32, granting permission to Frankie LeRoy Davis and Mary Jean Davis 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 27, 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. 57, suspending the Joint Rules to permit each House to adjourn from Thursday, March 30, 1961, to Wednesday, April 5, 1961.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, March 28, 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. 59, inviting the International Good Neighbor Council to hold the opening session of its XIV Assembly at a Joint Session of the House and Senate on Tuesday, April 11, 1961, at 11:00 a.m.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Austin, Texas, March 28, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 33, 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.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 28, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred:

H. B. No. 345, An Act amending Article 5728 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall fix and collect fees for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; providing the method of attaching certain test certificates or seals; providing for maximum fees and the manner and time of collection; providing for payments of all moneys collected into the State Treasury and placed by the State Treasurer in the Special Department of Agriculture Fund for enforcement and administration purposes; providing that no city maintaining a weights and measures department for checking weights and checking devices shall be precluded by this Act from operating such department; providing for the repairing, removal of rejection tags and issuance of placards in service reports on devices found inaccurate and condemned and providing for the collection of fees thereafter; providing for testing services during certain periods; providing that the weight, measure, or sealing or measuring instrument shall not be used until such fee is paid; providing a penalty for violation of Act; repealing all conflicting laws; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 28, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred:

H. B. No. 351, An Act to reorganize the 42nd and 90th Judicial Districts in the State of Texas, removing Shackelford County from the 42nd Judicial District and adding Shackelford County to the 90th Judicial District and making certain other provisions relating thereto, and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 28, 1961

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

Sir: Your Committee on Enrolled Bills to whom was referred:

H. B. No. 265, An Act amending Article 5728 of the Revised Civil Statutes of Texas (1925), providing that the Commissioner of Agriculture shall fix and collect fees for testing all weights, scales, beams and any kind of instruments or mechanical devices for weighing or measuring; providing the method of attaching certain test certificates or seals; providing for maximum fees and the manner and time of collection; providing for payments of all moneys collected into the State Treasury and placed by the State Treasurer in the Special Department of Agriculture Fund for enforcement and administration purposes, and declaring an emergency.
March 29, 1961  HOUSE JOURNAL  905

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

Austin, Texas, March 28, 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. 49, providing for a Joint Session at 11:30 a.m. on April 5, 1961, for the purpose of receiving seals from representatives of the Texas Heritage Foundation and the Adjutant General's Department,

Has carefully compared same and finds it correctly enrolled.

JAMES V. ADAMS, Chairman.

SENT TO THE GOVERNOR

March 27, 1961

H. B. No. 33
H. B. No. 54
H. B. No. 265
H. B. No. 58

March 28, 1961

H. C. R. No. 49

FORTY-FIRST DAY

(Wednesday, March 29, 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 Bistine
Adams of Lubbock Boyse
Adams of Tins Allen
Alam Buiness
Allen Burgess
Andrews Butler
Atwell Caldwell
Bailey Cannon
Ballman Carriker
Baxend Hall of Harris
Barrow Barrow
Barrow Barrow
Bass Elle
Bell Cook
Berry Cory

Cotton Mallory
Cowen Markgraf
Crain Martin
Craws Miller
Curfong Moore
de la Garza Mullin
Dewey Murray
Duff, Miss
Dunagan
Ekhardt
Ewle
Fairchild
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Glass
Glusing
Green
Grover
Guffey
Hale
Harding
Haring
Harrington
Haynes
Healy
Hinson
Hollowell
Huebner
Hughes Ichabod
Hughes of Grayson
Hughes of Dallas
Isacks, Miss
James
Jamison
Jarvis
Johnson of Dallas
Johnson of Harker
Johnson of Bell
Jones of Dallas
Jones of Travis
Kennard
Kilpatrick
Koliba
Korich
Lack
Lary
Lattimer
la, Valle
Leaverston
Lewis
Longoria
McCoppin
McGregor
Wilson of Trinity
McGregor
Wilson of Potter
McGregor
Wilson of El Paso

Absent—Excused

Shannon

Ricks
Richards
Richardson
Roberts of Hill
Roberts of Dawson
Ross
Rosson
Sandahl
Schrum
Shipton
Slab
Slder
Smith of Bexar
Smith of Jefferson
Snelson
Spears
Spillman
Springer
Stewart
Street
of Galveston
Street
of Wichita
Strave
Thurman
Thurmond
Townsend
Trevino
Tunnell
Walker
Ward
Watson
Wells
Wheelley
Whitfield
Wilson of Trinity
Wilson of Potter
Woods
Year
Yezak Bass Connell

Bell
Cook

Absent—Excused