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
Adams of Fort Worth
Allen of Hidalgo
Andrews of San Antonio
Arweil of El Paso
Bailey of San Antonio
Ballman of Grayson
Banfield, Mrs.
Barlow
Bartram
Barnes
Barron
Barrett
Bass
Bell
Blaine
Boyce
Boysen
Buchanan
Burgess
Butler
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Cole of Hunt
Collins
Conning
Cory
Cottam
Cowles
Craig
Crain
Curington
de la Garza
Dewey
Duff, Miss
Dungan
Eckhardt
Ehrie
Farnsworth
Fletcher
Floyd
Foreman
Garrison
Gibbons
Gladden
Glanz
Glasing
Green
Gruver
Guffey
Hall
Harding
Hargis
Harrington
Harris
Hawkins
Henderson
Hilliard
Hollowell
Huebner
Hughes
Hughes of Dallas
Inaex, Miss
James
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kippatrick
Koliba
Koroth
Lafayette
LaValle
Leaverton
Lewin
Longoria
McGregor
McLaughlin
McCombs
Mclnnis
McKibben
McMurry
Mcleod
McWhorter
McWhorter
Martin
Miller
Moore
Mullen
Mutschler
Niemeyer
Norment
Osborn
Parsons
Perry
Peele
Petty
Pieratt
Pipkin
Preston
Price
Quilliam
Rapp
Ratliff
Read
Richards
Richardson
Roberts of Hill
Robertson of Dawson
Rosas
Ross
Routh
Randall
Scharn
Shannon
Shipley
Shirk
Sluder
Smitherman
Smith of Bexar
Smith of Jefferson
Smith of Trinity
Smeal
Spillman
Sperber
Springer
Rapp
Stewart
Street
Stewart
Stewart
Struwe
Thurman
Thurman
Townsend
Trevino
Tunnell
Walker
Ward
Watson
Wells
Wheatley
Whitefield
Wilson of Potter
Woods
Yatz

A quorum of the House was announced present.

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

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

Mr. Cook for today on motion of Mr. Heatly.

Mr. Bridges for today on motion of Mr. Eckhardt.

Mr. McCombs for today on motion of Mr. Koroth.

Mr. Berry for today on motion of Mr. Murray.

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

Mr. Cowen for today on motion of Mr. Curington.

Mr. Oliver was granted leave of absence for today on account of serious illness in his family, on motion of Mr. James.

HOUSE BILL ON FIRST READING

The following House Bill was today laid before the House, read first time and referred to the appropriate Committee, as follows:
By Mr. Mutscher:

H. B. No. 1081, A bill to be entitled "An Act regulating the hunting, taking, or killing of wild turkey gobblers in Austin County; providing penalties; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 540, By Mr. Bailey:
In Memory of M. M. McMichael.

H. S. R. No. 541, By Mr. Bailey:
In Memory of Mrs. W. R. Ivie.

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 529, By Mr. Pieratt:
Commending the Reverend Arthur W. Arndt.

H. S. R. No. 530, By Messrs. Watson, McGregor of McLennan and Woods:
Commending 4-H Citizenship Group of McLennan County.

H. S. R. No. 531, By Messrs. Sandahl, Foreman and Jones of Travis:
Recognizing students from the Texas School for the Blind.

H. S. R. No. 532, By Messrs. Sandahl, Foreman and Jones of Travis:
Recognizing students from The Special Education Class of Pease School, Austin, Texas.

H. S. R. No. 533, By Messrs. Grover, Miller, Whitfield, Shipley, Eckhardt, Gaden, Cole of Harris and Floyd:
Commending John Davis on his valor and skill in saving the life of Police Officer Ernest A. Boehler.

H. S. R. No. 534, By Messrs. Jones of Travis, Sandahl and Foreman:
Recognizing students from a sixth grade class from Wooten School, Austin, Texas.

H. S. R. No. 535, By Messrs. Jones of Travis, Sandahl and Foreman:
Recognizing students from a third grade class from Meis School, Austin, Texas.

H. S. R. No. 537, By Messrs. Sandahl, Foreman and Jones of Travis:
Recognizing students of the Civics Class of Stephen F. Austin High School, Austin, Texas.

H. S. R. No. 544, By Mr. de la Garza:
To extend best wishes to the Honorable James W. Pay.

EXTENDING AN INVITATION TO ADDRESS A JOINT SESSION AND CONGRATULATING THE HONORABLE BILL DANIEL

Mr. Watson offered the following resolution:

H. C. R. No. 27

Whereas, Bill Daniel, ambassador at large for the State of Texas, has been appointed as Governor of the Island of Guam by President John Fitzgerald Kennedy; and

Whereas, Bill Daniel, of Liberty, Texas, was an outstanding Legislator, having served as a boy in the House of Representatives in the Fifty-first, Fifty-second, and Fifty-third Legislatures from 1949 to 1953; and

Whereas, He is the brother of our esteemed Governor Price Daniel who has sacrificed personal gain to serve the State of Texas as its great leader for three consecutive terms; and

Whereas, Seldom in our State's history have two such noble men from the same heritage chosen to be unselfish and benevolent public servants in their flawless manifestations of true interest in the welfare of the people; and

Whereas, As Governor of Guam, Bill Daniel will have extra-ordinary powers. He will be able to exert his unusual faculty for effective performance of the duties entrusted to him through the interests of our fellow Texan and Vice President, Lyndon B. Johnson, and appointed to him by the President of the United States; and

Whereas, It is the desire of the Texas Legislature to welcome back to the Capitol this distinguished former Representative and to hear his words of hope for the future of Guam; now, therefore, be it

Resolved by the House of Representatives, the Senate of the State of Texas concurring, That the Texas Legislature congratulates Bill Daniel and invites him to speak to a joint session of the House and Senate at his earliest convenience.

The resolution was adopted.

TO REQUEST CERTAIN STUDY OF FIREMEN'S RELIEF AND RETIREMENT FUNDS

Mr. Huebner offered the following resolution:

H. C. R. No. 83
Whereas, Volunteer and paid firemen of Three Hundred Thirty-Five (335) Texas cities, towns and villages are members of and participate in Firemen's Relief and Retirement Funds created under the provisions of Chapter 125, page 229, Acts of the 45th Legislature, Regular Session, 1937, as amended (compiled as Article 6243e of Vernon's Texas Civil Statutes); and

Whereas, Experience has proved many of these funds to be actuarially unsound; and

Whereas, It is in the best interest of all citizens to provide these firemen with a retirement system fair and equitable to both firemen and to those citizens-taxpayers who contribute toward the cost, maintenance and support of such system; and

Whereas, There is an urgent need to find a just and reasonable solution to the problem presented; now therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Texas Legislative Council be requested to study the whole problem related to these Firemen's Relief and Retirement Funds and all matters which may have contributed to their present condition, including benefits, age of retirement, contributions, management, and other appropriate factors; and be it further

Resolved, That the Council be requested to make a complete and comprehensive report of its findings to the 58th Legislature, together with such recommendations and drafts of legislation as it deems appropriate.

The resolution was referred to the Committee on Rules.

MEMORIZATIONING THE CONGRESS OF THE UNITED STATES REGARDING ASSISTANCE TO THE ANTI-Castro FORCES IN CUBA

Mr. Cory offered the following resolution:

H. S. R. No. 539

Whereas, The United States of America cannot afford to allow any nation or group of nations to dominate or intervene directly in the Western Hemisphere. Our Nation has an obligation to its own citizens and to the security of our country. Our Nation is also in position as leader of the free world and must proceed accordingly; and

Whereas, The House of Representatives of the Fifty-seventh Texas Legislature, recognizing the great risk to survival of the free world due to the actions of Fidel Castro of Cuba, expresses its encouragement to the anti-Castro forces in Cuba; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-seventh Legislature of the State of Texas requests the Congress of the United States and President John Fitzgerald Kennedy to give to the anti-Castro people of Cuba all-out aid and assistance to help them actively in their battle against Fidel Castro as he threatens to spread the terrors of Communism throughout the world until the breath of hope in all free people is suffocated.

The resolution was read and was adopted.

CREATING AN INTERIM COMMITTEE TO STUDY THE ELECTION CODE

The Speaker laid before the House for consideration at this time, H. C. R. No. 30, Creating an Interim Committee to Study the Election Code.

The resolution having heretofore been referred to the Committee on Representation before the Legislature and reported favorably by the Committee.

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

Committee Amendment No. 1

Amend H. C. R. No. 30 so that the ninth (9th) paragraph thereof shall read:

"Resolved, That the Committee shall first be assembled at the call of the Governor and shall appoint ten (10) additional members, five (5) of whom shall be county clerks and five (5) of whom shall be chairmen of county executive committees of political parties; the Committee shall then elect from its membership a chairman and a secretary; and, be it further."

And Amend the resolution further so that the eleventh (11th) paragraph shall read:
"Resolved, That legislative members of the Committee shall be reimbursed, out of the Legislative Expense Fund of the 57th Legislature, for actual expenses incurred while attending to the duties of the Committee; provided, however, the total of said expenses for legislative members shall not exceed Two Thousand Dollars ($2,000); and be it further."

The amendment was adopted. S. C. R. No. 30, as amended, was adopted.

RELATIVE TO THE COMPILING OF CERTAIN DATA FOR THE COMMITTEE ON APPROPRIATIONS

The Speaker laid before the House for consideration at this time, H. S. R. No. 203, Relative to the compiling of certain data for the Committee on State Affairs and reported favorably by the Committee.

H. S. R. No. 203 was adopted.

HOUSE BILL NO. 180 WITH SENATE AMENDMENTS

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

H. B. No. 180, A bill to be entitled "An Act relating to award decisions in eminent domain proceedings, providing for notice thereof, and providing for objections thereto, Subdivision 6, Article 3266 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

On motion of Mr. Gladden the House concurred in the Senate Amendments.

TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 180

Senate Amendment No. 1

Amend House Bill No. 180 by striking out lines 54 through 54 of the printed bill and inserting in lieu thereof the following:

"6. If either party be dissatisfied with the decision, such party may within twenty days after the same has been filed with the county judge file his objection thereto in writing, setting forth the grounds of his objection, and thereupon the adverse party shall be cited and the cause shall be tried and determined as in other civil causes in the county court."

Senate Amendment No. 2

Amend caption to conform to body of bill.

HOUSE BILL NO. 11 ON THIRD READING

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

H. B. No. 11, A bill to be entitled "An Act creating the University of Houston as a state-supported institution of higher education; providing for its management and administration; providing that general laws affecting other State institutions of higher learning and not in conflict with this Act shall apply to the University of Houston; repealing laws in conflict; providing for severability; providing an effective date and declaring an emergency."

The bill was read third time and was passed.

Mr. Cole of Harris moved to reconsider the vote by which H. B. No. 11 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I wish to vote nay on H. B. 11 because I do not believe in passing on such great financial obligation to a future Legislature.

GEORGE T. HINSON.

HOUSE BILL NO. 29 ON THIRD READING

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

H. B. No. 29, A bill to be entitled "An Act to protect and preserve rights of employees of street transportation systems which have been acquired by cities, towns or municipalities; declaring the public policy of the State; providing rights, du-
ties, obligations, responsibilities and authorities, of such cities, towns, and municipalities and such employees and their collective bargaining agents; and declaring an emergency."

The bill was read third time.

Mr. Alaniz moved that further consideration of House Bill No. 29 be postponed until next Tuesday, April 25, at 11:00 o'clock a.m.

The motion prevailed.

HOUSE BILL NO. 34 ON THIRD READING

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

H. B. No. 34, A bill to be entitled "An Act relating to duties of the county health officer amending Article 4427 of the Revised Civil Statutes of Texas, so as to further amplify such duties and provide the right of inspection."

The bill was read third time and was passed.

Mr. Harrington moved to reconsider the vote by which H. B. No. 24 was passed and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO CERTAIN ADDRESSES AND PROGRAMS OF ENTERTAINMENT

Mr. Stewart of Galveston offered the following resolution:

H. S. R. No. 645

Whereas, The House of Representatives has had the privilege and pleasure of hearing many fine addresses and excellent musical programs; and

Whereas, In the few remaining days of this session the State of Texas stands at the crossroads of responsibility for solving some of the gravest problems facing our State in decades; now therefore be it resolved,

Resolved, That it is the sense of the House that during the remainder of this session no addresses by any persons other than members of the Legislature nor programs of entertainment shall be allowed to interrupt the regular business of the House.

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

ADDRESS BY SPEAKER JAMES A. TURMAN

On motion of Mr. Wilson of Trinity, the following address by Speaker James A. Turman was ordered printed in the Journal:

The Speaker, as recorded in the House Journal, January 30, p. 115, expressed his confidence that democratic principles would prevail in this chamber so long as this House was guaranteed the right to chart its own course and to determine its own policies. The Speaker pledged you his full support to that end!!

At that time, I accepted full responsibility for charting a course of self-determination for this House in an atmosphere as free from internal and external pressures as possible to achieve! (This is also recorded in the House Journal, January 30, p. 115.)

Although some internal pressures have developed in the conduct of our current legislative activity, the Speaker has attempted to keep them to a minimum, and I am happy to assure you that most of these pressures have been in good faith and their focus has been on issues and not on the compromise of principles.

Unfortunately, we have experienced both internal and external pressures which have been exerted in an open effort to discredit the Speaker's assurance that democratic principles would prevail in this House!!

Please allow me, here and now, to reiterate my pledge to you to preserve the democratic principles by which you elected me your Speaker!!

Even though my personal opinion and vote might be with the majority in some instances and with the minority in other instances, let me assure you, and the people of the State, that only a majority vote by the membership of this House will determine the legislation passed in this chamber!!

There may be a few persons who cry "foul" when their personal views are revealed to be held only by the minority. There are always a few who attempt to take personal credit for having "whipped the majority into line" when their views simply happen to be in accord with the
views conscientiously held by the majority of the House.

Ladies and gentlemen, I submit to you, as I stated on January 31, that there is more mature judgment and wisdom among the membership of this House for meeting the problems of our State than has been available in recent legislatures. Given the Chair’s full assurance of continuing self-determination for this House and the free exercise of your best judgment, I know that the best interest of our State will be served in all instances.

As presiding officer of the House, however, it has been my sincere purpose to give the members of this House full opportunity to work out their own ideas as to the best way to finance our State Government.

The Chair has insured orderly debate in these matters. He has made every effort to give all members an opportunity to “run with his bill”, and members who have had amendments to bills being considered have had an opportunity to run with their amendments. This has been especially true during the consideration of H. B. No. 727.

Whatever the vehicle which finally provides the financing we need, the Chair intends to do his utmost to see that adequate provisions are made for in the following areas:

1. Implementation of the important Hale-Alkin Program.
2. Adequate salaries and support for our institutions of higher learning, including Junior Colleges.
3. Adequate pay for public employees.
4. Medical payments for welfare recipients as well as appropriations to the Constitutional maximum for the pension increases for our seniors, and;
5. That reasonable provisions be made for progress in other areas of our State Government.

I am confident that the untiring efforts of this House will be dedicated in the remaining weeks of the session in our search for equitable solutions to these basic problems. To this end let us reason together to further the best interests of the people of Texas.

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

H. B. No. 727. A bill to be entitled “An Act imposing an excise tax in the amount of 2% of the purchase price of certain retail sales of personal property; imposing a use tax in the amount of 2% of the purchase price on the use of certain personal property; giving definitions setting limitations and exemptions; providing for administration and enforcement; providing for the disposition of revenue; repealing all laws in conflict; providing for severability; providing an effective date; and declaring an emergency.”

The bill was read third time.

Mr. Wilson of Trinity offered the following amendment to the bill:

Amend House Bill No. 727 as follows:

Add a new section to be known as Section 2 to read as follows:

“Sec. 2. Severability. If any provisions of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act in the application of each provision to other persons or circumstances shall not be affected thereby”; and further

Add a new section to be known as Section 3 to read as follows:

“Sec. 3. Emergency Clause. The urgent need for additional revenue to finance the basic services of the State of Texas creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after September 1, 1961, and it is so enacted.”

The amendment was adopted.

Mr. Hale offered the following amendment to the bill:

Amend House Bill No. 727 by striking all of Article 49.37 and inserting in lieu thereof the following:
Art. 40.37. Disposition of Proceeds.

(1) All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this Chapter shall be paid to the Comptroller in the form of remittances payable to the Comptroller of Public Accounts of Texas.

(2) All fee payments and two percent (2%) of all taxes, interest and penalties collected under this Chapter shall be deposited to the credit of a special fund in the State Treasury to be used for the enforcement and administration of this Chapter.

(3) After the allocations for enforcement provided in subsection (2) above have been made, the revenue derived under the provisions of this Chapter shall be allocated in the following manner:

(a) The sum of Fifty-four Million Four Hundred Thousand Dollars ($54,400,000) shall be placed to the credit of the Foundation School Fund in monthly installments during the first nine (9) months of each fiscal year. Such sums allocated to the Foundation School Fund shall be in addition to those amounts calculated by the Foundation School Fund Budget Committee for the purpose of financing a foundation school program as defined in the Foundation School Program Act, and shall not be taken into consideration by the Foundation School Fund Budget Committee in determining the amounts to be allocated to the Foundation School Fund from the Gombrich Tax Clearance Fund, under the provisions of Article XX, Section 2, Subsection (a), Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, but this additional amount, or so much thereof as may be necessary, shall be used to supplement those amounts already provided by law for the purpose of providing an Eight Hundred Dollar ($800) per year raise for those positions covered by Article 2922-14, Vernon’s Annotated Civil Statutes of Texas.

(b) The remainder of the revenue after the allocation made by (a) above shall be credited to the General Revenue Fund of the State.

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

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

Year—52

Yeas—83
Adams of Lubbock Kilpatrick
Ahans
Andrews
Bailey
Ball
Barlow
Barrow
Bartram
Bass
Ball
Hureves
Carricre
Chapman
Cole of Harris
Collins
Corry
Cotten
Cowie
de la Garza
Deewey
Duff, Miss
Dungan
Richardson
Echle
Fletcher
Foreman
Gladden
Glass
Guffey
Hale
Haring
Haynes
Hinson
Hollowell
Huffines
Hunt of Grayson
Jamaslon
Johnson of Bexar
Jones of Travis
Kennard

Nays—58

Adams of Titus
Allen
Alwell
Baxfield, Mrs
Blaine
Boysen
Buchanan
Coppell
Grain
Crews
Fairchild
Fairfield
Frazier

Garrison
Glissing
Green
Grover
Harding
Heathy
Huebner
Hughes of Dallas
Iracek, Miss
James
Jarvis
Johnson of Dallas  Read
Johnson of Bell  Richards
Jones of Dallas  Roberts of Dawson
Larry  Bosson
Latimer  Sandahl
Lewis  Schram
McGregor  of McLennan  Shannon
McGregor  of El Paso  Shiple
Martin  Black
Miller  Spilman
Murray  Thurmond
Mutscher  Tunnell
Parsons  Wells
Price  Wilson of Trinity
Quilliam  Wilson of Potter
Ratchiff  Woods

Present—Not Voting
Cole of Hunt  Read
Floyd  Absent

Absent—Excused
Berry  Cowen
Cook  McCoppin

PAIRED
Mr. Cole of Hunt (present), who would vote "yea" with Mr. Cook (absent), who would vote "nay."

REASON FOR VOTE
I offer this amendment in the belief that if an allocation of funds is not made in this tax bill, the major part of the Hale-Aikin Program will not be financed during this session. For this reason I consider a vote for this amendment as a vote for the Hale-Aikin Program. A vote against this amendment can be construed in no other way than as a vote against the recommendation of the Hale-Aikin Committee.

HALE

REASONS FOR VOTE
I voted against the Hale Amendment to H. B. No. 727 because I feel if it were put on the bill it would prevent its passage. There is plenty of time to pass other tax bills to fully pay the Hale-Aikin program, which this will not do.

JAMES V. ADAMS,
JAMES L. HILDER,
JACK CONNELL JR.,
R. B. ROSSON.

REASON FOR VOTE
Reason for voting against Hale Amendment to H. B. No. 727 Record vote No. 2 4/21/61:

I cannot conscientiously vote to earmark or allocate funds from a tax bill—to new spending until provision has been made to support the present obligations of this state. To vote for such an allocation would be in my mind be shirking our legislative responsibility and embracing political expediency.

BOB HUGHES of Dallas.
WILSON of Trinity.

REASON FOR VOTE
H. B. No. 727 (Hale Amendment) In the event H. B. No. 727 becomes law, we should see to it that Boys and Girls of Texas get their share of this tax money by providing a good system of public schools.

BAILEY.

REASONS FOR VOTE
We voted against the Hale Amendment to H. B. 727 for one reason. We are sincerely interested in the passage of the teacher salary increase, and we want to raise the money to pass such an increase. We knew that adoption of the amendment would seriously jeopardize the passage of H. B. No. 727, since the loss of only a few votes would have meant the defeat of the bill. The proponents of the amendment had been consistently voting against H. B. No. 727, and stated from the microphone that they would continue to vote against the bill even if the amendment was adopted. Thus, if we had permitted the adoption of the amendment, we would have lost a number of votes for the bill, while it is highly questionable that we would have gotten any additional votes for the bill by the adoption of the amendment. Now that H. B. No. 727 has passed the House it appears that we will have funds available for the teacher salary increase. We hereby dedicate ourselves to work with all our efforts to obtain passage of the teacher salary increase which the teachers of this state so justly deserve.

REED QUILLIAM,
TERRY TOWNSEND.
Mr. Yezak offered the following amendment to the bill:

Amend House Bill 727 in Article 40.05, sub-section 1 (r) by inserting after the word "annual" the words "and perennial."

The amendment was adopted.

Mr. Yezak offered the following amendment to the bill:

Amend H. B. No. 727 in Article 40.05 sub-sections (r), (s) and (t) after the words for "human consumption" the following "or feed for any form of animal life"

The amendment was adopted.

H. B. No. 727 was passed by the following vote:

Yeas-76

Adams of Lubbock
Adams of Titus
Atwell
Bansfield, Mrs.
Barnes
Bartram
Bell
Blaine
Buchanan
Burgess
Butler
Chapman
Cole of Harris
Cole of Hunt
Connell
Cory
Cowles
Crain
Crews
Carrington
del la Garza
Dungan
Ehrle
Fairchild
Foreman
Garisson
Gibbons
Gluesing
Groover
Harding
Heaty
Huebner
Hughes of Dallas
James
Jamison
Jarvis

Nays-62

Alaniz
Bailey
Barlow
Bay
Boykin
Caldwell
Cannon
Carriker
Collins
Cotten
Dewey
Duff, Miss
Eickhardt
Edgerton
Gladden
Glass
Green
Guiff
Halse
Haring
Harrington
Haynes
Hinojosa
Hollowell
Hughes
Hughes
Johnson of Bexar
Jones of Dallas
Jones of Travis
La Valle
McGregor
McLennan
Martin
Miller
Murray
Niemeyer
Osborn
Parsons
Perry
Pettit
Price
Quilliam
Read
Richards
Rogers
Rosen
Schaum
Shipley
Slack
Slifer
Sims
Spillman
Thurmond
Townsend
Tunnell
Walker
Wells
Wilson of Trinity
Wilson of Potter

Abstentions:

Mr. Woods (present), who would vote "nay" with Mr. Berry (absent) who would vote "yea."

Mr. Mutscher (present), who would vote "yea" with Mr. Cook (absent) who would vote "nay."

Mr. Leaverton (present), who would vote "yea" with Mr. Bridges (absent) who would vote "nay."

Mr. Stewart of Galveston (present), who would vote "nay" with
Mr. Cowen (absent) who would vote "yea."

Mr. La Valle moved to reconsider the vote by which H. B. No. 727 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
John C. Alaniz, a freshman State Representative from Bexar County, Texas, has this date voted against the General Retail Sales tax. I have always maintained that there are sufficient revenues in the State of Texas without resorting to a General Retail Sales tax which will place the greatest burden on those families who are least able to pay. I would like to further add that I have voted for all of the other tax bills presented to this House this session which said tax bills would have been sufficient to eliminate the deficit, and further that there are sufficient tax revenue bills in the Tax Committee at this time to solve the financial problems of Texas without resorting to the passage of a General Retail Sales tax.

For this reason, I voted against House Bill 727, the General Retail Sales tax bill.

JOHN C. ALANIZ.

REASON FOR VOTE
Since the engrossment of House Bill No. 727, satisfactory information is now available regarding the House General Appropriation Bill which will call for total Federal and State expenditures of approximately 2.5 Billion dollars for the biennium. House Bill 727 will raise approximately $250,000,000 of new funds and provide the necessary revenue for the Appropriation Bill. In addition, it will provide a very large and substantial sum to carry out the Hale-Aikin Proposals and to give to our school teachers a needed pay increase.

If House Bill 727 is not passed I believe the Hale-Aikin Proposals and a pay raise for our teachers will be in serious jeopardy for lack of adequate funds. I therefore voted for House Bill 727.

MARSHALL O. BELL

REASON FOR VOTE
I voted against final passage of H. B. 727, a general retail sales tax, for many reasons, but mainly because it is unfair and discriminatory to the majority of our citizens. The poor and ordinary have no lobby. The wealthy do. It is that simple.

NEIL CALDWELL

REASON FOR VOTE
I voted against final passage of H. B. No. 727 because it was our considered belief that if we were to be consistently logical relative to our request that the University of Houston be placed within the State system as a state-supported institution, we must discard the mantle of "political expediency" and assume a position of political courage to illustrate graphically our position that if we are to request revenue expenditures we must, in good conscience, vote for the only revenue producing measure favored by the majority of the House of Representatives. Furthermore, we had voted nine times prior to this final vote against sales taxes, general and special, and found this bill a last resort.

DON GARRISON
DON SHIPLEY
W. H. MILLER

REASON FOR VOTE
I voted against H. B. 727 as amended, because it will not, in my opinion, adequately finance the Hale-Aikin school proposals and it is not as broad a based tax as contended by the proponents of the bill.

CLYDE HAYNES

REASON FOR VOTE
I voted against House Bill 727, because of the impossibility of adequate enforcement, its regressive features against low income families, the inadequacy of revenues it will raise compared to State needs and the fact it is completely vague as to interpretation.

GEORGE T. HINSON

REASON FOR VOTE
I voted against H. B. 727 because it is a general retail sales tax. It was not necessary to pass this type
of tax in order to take care of the State’s problems. By placing more tax on beer, whiskey, wine and other non-essentials, the state’s financial problem could have been solved. This is an unnecessary and unfair tax that will be placed upon those in the lower income bracket. Specifically, the old-age pensioner, the blind, the crippled, and the disabled. Because this tax was unnecessary and because I had pledged the people of my district I would oppose this measure, I voted against the passage of the general retail sales tax. I also voted against this bill because the House refused to insert an amendment to provide for a teachers pay raise as was recommended by the Hale-Aikin Committee.

BILL HOLLOWELL

REASON FOR VOTE ON HOUSE BILL 727

I voted against House Bill 727 on engrossment because I had not been informed of what was in the Appropriations Bill for the State Employees. I voted for final passage of House Bill 727 since the Appropriations Committee did allow in the Appropriations Bill the forty-hour work week for the State Hospital’s and Special Schools’ employees, and also brought the Job Classification Bill one step higher for the other State Employees. Since the money which is paid to the State Employees is spent with the business people, which is the economy of Travis County, and since I have to vote for necessary appropriations to take care of the State Government and its employees, I feel that I should vote for taxes to pay same.

I know it is not popular to vote for a sales tax, but since the bill did not tax groceries or drugs, I feel that the low-salaried people will be taken care of in this bill.

OBIE JONES

REASON FOR VOTE

I voted against H. B. No. 727, a general retail sales tax, for the reason that it is a regressive tax—a tax whereby the low income people will pay more taxes comparatively speaking than high income people. It is not a tax based on ability to pay. Furthermore, history shows us that taxing poverty has never made a country great. Also this tax will not finance an adequate raise for school teachers and at the same time take care of the deficit.

RAUL L. LONGORIA

REASON FOR VOTE

I voted for H. B. No. 727 on final passage, which was not a general sales tax. After I have reviewed the House Appropriation Bill, I find that it is not filled with unnecessary expenditures. I also feel that the teachers, the old folks, and the feeble-minded must be taken care of; therefore all people must share part of the responsibility. By this tax, it is the cheapest on all people concerned.

SAM H. PARBOS.

REASON FOR VOTE

I voted for House Bill 727 in response to the requests of the school teachers, others in my district and because I consider it a personal responsibility to aid in getting a tax bill passed which will maintain and improve our educational system. I also feel that the teachers, the old folks, and the feeble-minded must be taken care of; therefore all people must share part of the responsibility. By this tax, it is the cheapest on all people concerned.

JAMES L. SLIDER.

REASON FOR VOTE

I voted against H. B. No. 727 on final passage because the measure is a sales tax bill. The bill would exempt taxation under the terms of this Act on gas, water, electricity, telephone service, telegraph service for all purposes except for domestic (home) use. All the provisions of the bill and the impact on taxpayers is very objectionable to me. A huge majority of the people in my district registered opposition to such a sales tax.

YEZAK, KOLIBA.

REMARKS ORDERED PRINTED

On motion of Mr. Townsend, the remarks of Mr. Jones of Travis, made
In addressing the House on this morning, were ordered printed in the Journal.

REMARKS ORDERED PRINTED

On motion of Mr. Price, the remarks of Mr. Roberts of Hill, made in addressing the House on this morning, were ordered printed in the Journal.

ADDRESS BY THE HONORABLE RONALD ROBERTS

The following address by the Honorable Ronald Roberts, addressed to the House on today, was ordered printed in the Journal:

Mr. Speaker, Distinguished Members of the House:

I have never made a speech on this mike before and I am not an orator but I feel impelled to speak up.

Yesterday the "Little Man" was not very well represented here. It has been said that this is a Compromise Tax Bill. Yes sir: This must be a compromise between deciding whether we are going to put 90% of the tax on the $2000 Income bracket or the $4000 Income bracket. This is the same type of compromise that the Apostle Judas made—a compromise of principles!

Census of Retail Trade (July 10, 1960) printed in Sales Management, the magazine of marketing.

<table>
<thead>
<tr>
<th>Per-Capita</th>
<th>Per-Household</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hill</td>
<td>$3,904</td>
</tr>
<tr>
<td>Anderson</td>
<td>$3,832</td>
</tr>
<tr>
<td>Corpus</td>
<td>$3,664</td>
</tr>
<tr>
<td>Bexar</td>
<td>$4,656</td>
</tr>
<tr>
<td>Walker</td>
<td>$3,449</td>
</tr>
</tbody>
</table>

90% of the tax burden on the lower and middle income groups.

It seems to me that some of my colleagues have been enjoying the hospitality of the 3rd House so much that they have forgotten the people back home. I dare you to go home this week and face your people before passing this legislative tax monstrosity.

In closing I want you to remember four things:

1) The "Smaller" your income the "Larger" the proportion goes for taxes.

2) The "Greater" your needs the "Greater" your tax burdens.

3) The "Greater" the family the "Larger" your tax burden.

4) In short, this type of Tax Curtails Consumer Spending.

If you still desire to pass a tax bill that certainly is no compromise remember the words of Christ, "Lord forgive them, they knoweth not what they do."

ADDRESS BY THE HONORABLE TERRY TOWNSEND

Comments of Representative Terry Townsend, April 11, 1961:

Mr. Speaker and ladies and gentlemen of the House, I would like to beg your indulgence for a few moments of your time, for I sincerely feel that there are two matters which should be commented upon.

First, regardless how you feel and how you individually voted on the passage of House Bill 737, I think that everyone should and does recognize the tremendous courage, work, and sincerity of the freshman Legislator from Trinity, Representative Charles Wilson. The herculean task he has done should be appropriately recognized, in my opinion by each and every member, and I hope that you will join me in my salute.

Thank you.

The second thing that concerns me is that, for one, wish to express what I feel is the sentiment of this House in regards to the manner in which Speaker Jim Turman has presided over the discussion of the tax bills. The Speaker has been very fair in his use of the power of the Chair, not only in the consideration of this tax bill, but of those that we have previously considered. I think that we all feel that everyone had an equal opportunity to run with his amendments, and the will of the majority prevailed.

Thank you for joining me with your applause.
REQUESTING CERTAIN INFORMATION FROM THE COMPTROLLER

Mr. Cory moved that the House send a copy of H. B. No. 727 as engrossed to the Comptroller, with the request that he estimate the yield therein, and return a copy of the estimated yield to each Member of the House as soon as possible.

The motion prevailed.

PROVIDING FOR CERTAIN INFORMATION FROM THE STATE COMPTROLLER

Mr. Hinson submitted the following motion:

I move that the House instruct the State Comptroller to thoroughly analyze the cost to adequately enforce the auditing and collection of the proceeds from HB 727, including the number of additional auditors along with the total dollar cost. Further, that he be sure to include request for sufficient auditors to insure the public that the taxes they pay will all be collected and turned to the State Treasury. This information by the Comptroller shall be furnished each Member of the House and Senate and the Governor.

GEORGE T. HINSON.

The motion by Mr. Hinson prevailed.

PROVIDING FOR PRINTING H. B. NO. 727

Mr. Haring moved to suspend all necessary rules so that a printed copy of H. B. No. 727, as passed, shall be placed on the Members' desks, said bill to be printed at the expense of the Contingent Expenses Committee.

The motion prevailed by the necessary two-thirds vote.

RELATIVE TO SENATE BILL NO. 1

Mr. Dewey moved that the Comptroller be requested to give an estimate of the cost to the General Revenue Fund of the House Committee Amendment No. 1 to S. B. No. 1, and also the estimate of the expected deficit as of August 31, 1961.

The motion prevailed.

ADJOURNMENT

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

The motion prevailed.

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

In accordance with the motion to adjourn, the House at 12:05 o'clock p.m., adjourned until 11:00 o'clock a.m. next Monday.

APPENDIX

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 20, 1961
Hon. James A. Turman, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 727, A bill to be entitled "An Act imposing a sales tax in the amount of two per cent (2%) of the purchase price of certain retail sales of personal property; imposing a use tax in the amount of two per cent (2%) of the purchase price on the use of certain personal property; giving definitions; providing exemptions; providing for administration and enforcement; providing for the disposition of revenues; and repealing Chapters 6 and 20, Title 122A, Revised Civil Statutes of Texas and repealing all other laws or parts of laws in conflict. Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK,
Vice-Chairman.

Austin, Texas, April 20, 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. 82, proclaiming Monday, May 1st, 1961, National Youth Day in Texas. Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK,
Vice-Chairman.