May 2, 1961  HOUSE JOURNAL 1625

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 25, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 1060, A bill to be entitled "An Act to create the Farmers Creek Watershed Authority as a conservation and reclamation district in Montague County under the provision of Article XVI, Section 59 of the Constitution of Texas; describing its metes and bounds; prescribing the duties, powers, functions, and procedures for the district; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the District; providing for a governing body and prescribing its duties; adopting certain provisions of the General Law; enacting other provisions required for the functioning of the District; providing a severance clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

FIFTY-FIFTH DAY
(Continued)

(Tuesday, May 2, 1961)

The House met at 10:00 a.m., and was called to order by the Speaker.

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

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. McGregor of McLennan for today, on motion of Mr. Lewis.

COMMITTEE MEETING

Mr. Collins asked unanimous consent of the House that the Committee on Local and Uncontested Bills be permitted to continue its meeting at this time.

There was no objection offered.

HOUSE BILL NO. 960 ON SECOND READING

The Speaker laid before the House, in accordance with a previous motion, on its second reading and passage to engrossment,
H. R. No. 960. A bill to be entitled "An Act to provide additional revenues to permit support of State services at an adequate level by imposing a corporation income tax providing for administration of said tax, providing for disposition of such proceeds from said tax; and declaring an emergency."

The bill was read second time.

Mr. Wilson of Trinity offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend House Bill No. 960 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 12 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby amended so as to read as follows:

"Chapter 12
Corporation Income Tax

Art. 12.01. Short Title. This Chapter shall be known and may be cited as the Corporation Income Tax.

Art. 12.02. Definitions.
(1) The provisions of Articles 10, 11, 12, 14, 22 and 23, Revised Civil Statutes of Texas, 1925 and of Chapter 359, Acts 50th Legislature, Regular Session, 1947, on the interpretation of statutes shall apply to this Chapter. In addition, in this Chapter, unless the context clearly indicates a different meaning:
(a) 'Corporation' includes a corporation having a capital stock, a joint-stock association or limited partnership, either organized under the laws of this State, the United States, or any other state, territory or foreign country or State by or in the name of itself or of any person, partnership, association, limited partnership, joint-stock association, or corporation.
(b) 'Person' means every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment or both, the term 'person' as applied to associations means the partners or members thereof, and, as applied to corporations, the officers thereof.
(c) 'Carrying on activities in this State' includes every act, power, or privilege exercised or enjoyed in this State as an incident to or by virtue of, the powers and privileges acquired by the nature of the corporate organization.
(d) 'Unitary Business' for the purposes of this Chapter shall mean concerns doing one kind of business, component parts of which are too closely connected and necessary to each other to justify provision or separate consideration as separate units, as opposed to 'dual' or 'multi-form' businesses having separate units capable of being maintained as independent business producing owned property.
(e) 'Taxable Income' means the net income for the taxable year as returned to and ascertained by the Federal Government. 'Taxable Income' is, however, subject to any correction thereof for fraud, evasion or error, as finally ascertained by the Federal Government. Additional deductions shall be allowed from taxable income on account of any dividends received from other corporations but only to the extent that these dividends are included in taxable income as returned to and ascertained by the Federal Government. Additional deductions shall be allowed from taxable income on account of any dividends received from corporations but only to the extent that these dividends are included in taxable income as returned to and ascertained by the Federal Government. No deduction shall be allowed for any Federal or State income or excess profits tax whatsoever.
(f) 'Taxable Year' means the calendar year unless the corporation uses a fiscal year or other period for Federal Corporate Income tax purposes. In such case, taxable year means the period used by the corporation in determining income for Federal tax purposes.
(g) 'Comptroller' means the Comptroller of Public Accounts of the State of Texas.
(h) 'State' means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.
(i) 'This State,' 'In this State,' means the State of Texas.

Art. 12.03. Imposition of Tax.
(1) Every corporation, except those listed in Article 12.05, and
paragraph (2) of this Article, carrying on activities in this State or owning property in this State by or in the name of itself or any person, partnership, joint-stock association or corporation is subject to and shall pay a State tax on taxable income derived from sources within this State, as hereinafter provided.

The tax herein imposed shall be at the rate of four and one-half percent (4 1/2%) on taxable income, but not less than twenty-five dollars ($25) per annum.

(2) Corporations, other than those enjoying the use of public highways by virtue of a certificate of public convenience and necessity granted by the Railroad Commission of Texas, which are required by law to pay annually a tax upon intangible assets shall pay a State tax on taxable income derived from sources within this State, as hereinafter provided.

The tax herein imposed shall be at the rate of two and one-fourth percent (2 1/4%) on taxable income, but not less than twenty-five dollars ($25) per annum.

(3) The tax hereby imposed is in addition to all taxes now imposed on any corporation under the provisions of existing laws.


(1) Each corporation liable for payment of this tax shall determine the portion of its entire taxable income which is derived from sources within the State and is taxable by the State of Texas by multiplying the same by an allocation factor which shall be the percentage which the gross receipts from its business done within the State is to the total gross receipts of the corporation from its entire business.

(2) For the purpose of this Article, the term "gross receipts from its business done in Texas" shall include:

(a) Sales of tangible personal property located within Texas at the time of the receipt of or appropriation to the orders where shipment is made to points within this State.

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

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

(d) Services performed within Texas.

(e) Rentals from property situated within the State, but only to the extent of fifty per cent (50%) of the receipts from such rentals, subject to the deduction allowed by the State of Texas in the computation of income derived from the rental, but not less than twenty-five dollars ($25) per annum.

(f) All other business receipts within Texas.

(3) For the purpose of this Article, the term "total gross receipts of the corporation from its entire business" shall include all of the proceeds of all sales of the corporation's tangible personal property, all receipts from services, all rentals, all royalties and all other business receipts, whether within or outside of Texas.

(4) Provided, however, that the Comptroller may authorize any business that is not a unitary business, as defined herein, to use separate accounting in lieu of the aforesaid formula. In such cases the Comptroller must find that the corporation is not a unitary business and that it maintains an accounting system adequate to enable it to determine by separate accounting the amount of income earned in Texas.

Art. 12.05. Corporations Exempt.

The following corporations shall be exempt from the tax levied by this chapter:
(a) All corporations paying a tax under the provisions of Chapter 11, Title 122A.

(b) Any insurance company, surety, guaranty or fidelity company now required to pay a tax measured by their gross receipts or gross premiums.

c) All State and national banks and all savings and loan, and building and loan associations, until all such institutions are uniformly taxed under the Federal and State constitutions and statutes.

d) All corporations having no capital stock and organized for the exclusive purpose of promoting the public interest of any county, city or town or other area within this State and corporations organized for the purpose of religious worship or for providing places of burial not for private profit, and corporations organized for the purpose of holding agricultural pursuits.

e) Any corporation organized as a railway terminal corporation and having no annual net income from the business done by it.

(f) All corporations to which the Texas Non-Profit Corporation Act is applicable.

g) Any mutual investment company registered under the Federal Investment Company Act of 1940, as amended, which holds stocks, bonds, or other securities of other companies solely for mutual investment purposes.

Art. 12.06. Reports.

(1) For the purpose of ascertaining the amount of tax payable under this Chapter, every corporation liable to pay tax under this Chapter shall transmit to the Comptroller of Public Accounts upon a form prescribed, prepared, and furnished by the Controller an annual report which shall set forth:

(a) A true copy of the corporation's return to the Federal Government for Federal Income Tax purposes of the taxable income arising or accruing in the taxable year next preceding, or such portion of said return as the Comptroller may designate;

(b) If no return was filed with the Federal Government, the report made to the Comptroller shall show such information as would have contained in a return to the Federal Government had one been made; and

(e) Such other information as the Comptroller may require.

(2) An affiliated group of corporations who file a consolidated report with the Federal Government for corporate income tax purposes may also file a consolidated report for the tax levied by this Chapter. Any corporation that has filed a separate return with the Federal Government must also file a separate return under this Chapter. Any affiliated group of corporations filing a consolidated return under this Article shall pay the tax based upon the consolidated income reported to the Federal Government. In addition such group of corporations shall pay an additional five per cent (5%) of the tax on said consolidated income for the privilege of filing a consolidated report.

(3) For corporations whose fiscal year ends on December 31, said report shall be due within thirty (30) days after the fifteenth day of April of each year.

(4) For corporations whose fiscal year ends on a date other than December 31, said report shall be due within thirty (30) days after the report to the Federal Government is due or would be due if such a report were made.

(5) If the time for filing a report is extended by the Federal Government, the corporation shall notify the Comptroller of such extension and the time for filing reports under this Chapter shall be extended to thirty (30) days after the report to the Federal Government is due.

(6) If the amount of the taxable income returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States, the corporation, within thirty (30) days after the receipt of such final change or correction shall make a corrected report showing such finally changed or corrected taxable income upon which the tax is required to be paid to the United States.

Article 12.07. Payment of the Tax.

The person making the return herein required shall, at the time of filing such return, pay to the Comptroller the amount of tax herein imposed. If such tax is not paid on or before the last day for filing...
a report, it shall be deemed delinquent, and the taxpayer shall be subject to the penalties and interest imposed by this Chapter. If the tax computed by the Comptroller is greater than the amount of tax reported on the return filed with the Comptroller, the Comptroller shall notify the person filing such return of the deficiency. The taxpayer shall be allowed thirty (30) days after receipt of a notice which to pay the difference between the amount due and the amount that has been paid, provided that such difference shall be subject to interest as hereafter provided. If such deficiency is not paid within thirty (30) days after notice, the amount of the deficiency shall be subject to the penalties hereafter provided.

Article 12.08. Penalties and Interest.

(1) The amount of all taxes imposed under the provisions of this Chapter that are not paid on or before the date due shall bear a penalty of two per cent (2%) for late payment. An additional penalty of eight per cent (8%) shall be assessed if payment is made more than ten (10) days following the time above provided.

(2) If any amount of the tax shall be paid within sixty (60) days following the date it is due, in addition to the above provided penalties, bear interest at the rate of six per cent (6%) per annum beginning sixty (60) days following the date due; such interest shall be computed at the rate of one-half per cent (0.5%) per month or any portion of a month, but compounded annually, until such tax, penalties, and interest is paid.

(3) If any corporation fails to file a report of correction of income taxable by the Federal Government which results in an increase in taxable income within the time prescribed there shall be added to the tax a penalty of Five Dollars ($5) for every day during which the corporation is in default.

Art. 12.09. Forfeiture

Any corporation, either domestic or foreign, which shall fail to pay any income tax provided for in this Chapter when the same shall become due and payable under the provisions of this Chapter, or who shall fail to file any report provided for in this Chapter when the same shall become due, shall, thirty (30) days following notice of tax delinquency by the Comptroller, become liable in addition to the penalties previously set forth, to the forfeiture of its right to do business in this State, which forfeiture shall be consummated without judicial ascertainment by the Secretary of State entered upon the margin of the records kept in his office relative to such corporation. The words, 'right to do business,' and the date of such forfeiture. Any corporation, or its successors whose right to do business shall be thus forfeited shall be denied the right to sue or defend in any court of this State, except in a suit to forfeit the charter or permit of such corporation. In any suit against such corporation on a cause of action arising before such forfeiture, no affirmative relief shall be granted to such corporation, unless its right to do business within this State shall be revived as provided in this Chapter. Each director and officer of any corporation whose right to do business within this State shall be so forfeited shall, as to any and all debts of such corporation, which shall include all income taxes and penalties thereon which shall become due and payable subsequent to the date of such forfeiture, and which may be created or incurred, with his knowledge, approved or ratified by any such directors or officers of any corporation whose right to do business within this State shall be so forfeited, and shall be subject to suit or action for the recovery of such debts of such corporation, which shall include all income taxes and penalties thereon which shall become due and payable subsequent to the date of such forfeiture, and which may be created or incurred, with his knowledge, approved or ratified by any such directors or officers of any corporation whose right to do business within this State shall be so forfeited shall, as to any and all debts of such corporation, which shall include the amounts of all taxes imposed by the provisions of this Chapter.

When all taxes, interest, and penalties have been paid, the Comptroller shall notify the Secretary of State who shall reinstate the corporation's right to do business by cancelling the words 'right to do business for-
The Comptroller shall be responsible for the proper enforcement and administration of this Chapter as he may deem necessary. Appoint such agents and employees as he may deem necessary for the purpose of determining the amount of tax due from any corporation subject to this Chapter, and he is hereby authorized to:

(a) Make and enforce such reasonable rules and regulations not inconsistent with the provisions of this Chapter as he may deem necessary.

(b) Appoint such agents and employees as he may deem necessary for the proper enforcement and administration of this Chapter.

(c) Make such investigations as are necessary for the purpose of ascertaining the correctness of any return, or for the purpose of determining the amount of tax due from any corporation subject to this Chapter. The Comptroller, or any officer or employee of the Comptroller designated in writing, may conduct investigations and may examine any books, papers, records, or memoranda bearing upon the business of any corporation taxed under this Chapter. Such investigations and examinations made by the Comptroller or his authorized representative may be made whether such books, papers, records or memoranda are located within Texas or within any state within the United States, and if any corporation or agent thereof which fails or refuses to allow such examination the corporation shall have its permit or charter cancelled or forfeited. The Comptroller, or any officer or employees designated by him, shall have power to administer oaths to such persons.

(d) Estimate the amount of tax due by such tests as he may deem adequate if the corporation shall fail to keep such books, and records as are necessary to properly record the amount of tax liability. Such estimates shall be prima facie evidence of the tax due.

(2) All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records is authorized in this Chapter and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the terms of this Chapter, shall be and shall remain confidential, and no record, report, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Chapter shall be open to public inspection. Nothing herein contained shall be construed to prevent the delivery to a taxpayer or his duly authorized representative, of a copy of any report or other paper filed by him pursuant to the provisions of this Chapter; the publication of statistics so classified as to prevent the identification of a particular report and the items represented by the use of such records, reports, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Chapter in an action against the same taxpayer for a penalty or any tax due under any provision of Title 122A of the Revised Civil Statutes of Texas: the furnishing at the discretion of the Comptroller, of any information disclosed by said records, reports or files to any official of any other state or of the United States, who shall be concerned with the administration of any other tax in that state or the United States; the Comptroller, or his duly authorized agent, from furnishing information concerning whether or not a retailer has a valid permit.

(3) All notices mailed to the taxpayer under the provisions of this
Chapter. If mailed to him at his last known address as shown on the records of the Comptroller, shall be sufficient for the purposes of this Chapter.

Art. 12.11 Settlement.

(1) All taxes due under this Act shall be settled by the Comptroller.

(2) If any corporation taxable under this Act neglects or refuses to make any report and payment of tax required by this Act, the Comptroller shall estimate the tax due by the corporation and settle the amount due by it for taxes, penalties and interest thereon, from which settlement there shall be no right of review or appeal, but the Comptroller may require a report to be filed, and thereon make a settlement based upon such report and cancel the estimated settlement.

(3) If within six (6) years after the due date for tax of any corporation liable for taxes under this Act, the Comptroller is not satisfied that the tax was fully paid he shall send, by mail or otherwise, a notice to the last known address of the taxpayer, as shown by his returns, stating the correct amount of tax owing and unpaid, and separately stating interest and penalties.

(4) The taxpayer shall pay the amount of tax, interest and penalties stated in the Comptroller's notice, within thirty (30) days of his postmark, unless the taxpayer is not satisfied that the amounts are correct, in which case the taxpayer may petition the Comptroller for settlement.

(5) Within ten (10) days after receipt of a petition for settlement, the Comptroller shall send to the taxpayer written notice of at least forty-five (45) days, but not more than sixty (60) days, setting the date for hearing the petition for settlement.

(6) In the hearing on the petition for settlement, the Comptroller shall receive any oral or documentary evidence, if it is of the quality upon which responsible persons are accustomed to rely in the conduct of serious affairs; however, he may exclude irrelevant, immaterial and unduly repetitious evidence. The taxpayer and the Comptroller may cross-examine any witness on any relevant matter.

(7) After the hearing, the Comptroller shall enter a written order, setting forth the final settlement. In making this order the Comptroller shall take into account the information presented in the hearing and any other information within his possession. The Comptroller shall make this order known promptly to the taxpayer and the taxpayer shall pay within thirty (30) days of the date of this written order the amount of taxes, interest and penalties owing and unpaid as set forth in the order of final settlement.


If the Comptroller is unable to collect the taxes, interest, and penalties imposed by this Chapter within a reasonable time, he shall notify the Attorney General, who shall bring suit according to Article 12.04 of Chapter 1 of this Title, provided that no action shall be brought for collection of delinquent taxes under this Chapter later than seven (7) years from the date such taxes became due.


Every corporation taxable hereunder shall keep records and books in this State and other pertinent papers and documents for a period of seven (7) years prior to the current calendar year. Such books and records, and other papers and documents shall, at all times during business hours of the day, be available for and subject to inspection by the Comptroller, or his duly authorized agents and employees. The Comptroller may prescribe reasonable and uniform methods for keeping of records and books of corporations taxable under the provisions of this Act.


(1) Any person who violates the provisions of Article 12.10(2) by divulging information made confidential under that Article shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than six (6) months, or by a fine of not less than One Hundred Dollars ($100), or by both such fine and incarceration.

(2) Any person who shall refuse to permit the Comptroller to examine
the books, papers, and records of any taxpayer liable to pay a tax under this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding One Thousand Dollars ($1,000) or by confinement in the county jail not exceeding six (6) months, or both. This is in addition to any other penalties imposed by this Chapter. 

(3) Any person required to keep records under the provisions of this Chapter who shall fail to keep and maintain such records is guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine not exceeding One Thousand Dollars ($1,000), or by confinement in the county jail for not more than six (6) months, or both."

Art. 12.15. Allocation. 

Unless otherwise provided all taxes, penalties, interest and fees collected by virtue of this Chapter shall be deposited in the State Treasury to the credit of the General Revenue Fund of the State of Texas.

Art. 12.16 Taxable Years to Which Applicable. 

The provisions of this Chapter shall apply (1) to the taxable years beginning January 1, 1961, and be applicable to the entire year 1961, including that part which has elapsed prior to the effective date of this Act; (2) to fractions of fiscal years ending in 1961 computed from January 1, 1961; (3) to taxable years beginning in 1961 and ending in 1962 and (4) to all ensuing taxable years.

Sec. 2. Article 5.01 of Chapter 5 of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read as follows: 

"Article 5.01 Occupation Tax On Sulphur Producers, Amount of Tax.

Sulphur Producers: Each person, firm, association, or corporation who owns, controls, manages, leases, or operates any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system or manner within this State shall make quarterly, on the first day of January, April, July and October of each year, a report to the Comptroller in this State, or if such person, being other than individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller may prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding, and at the time of making said report shall pay to the Treasurer of this State an Occupation tax for the quarter ending on said date an amount equal to One Dollar and Three Cents ($1.03) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter."

Sec. 3. Chapter 24, Title 122A Taxation-General, Revised Civil Statutes of Texas, 1925, as it relates to the allocation of revenues from Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows: 

"Chapter 12 All to General Revenue Fund."

(Corporation Income Tax)

Sec. 4. Chapter 24, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as it relates to the allocation of revenues from Chapter 23, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows: 

"Chapter 23 (Hotel Occupancy tax) All allocated for Texas industrial and tourist development, and the acquisition, operation and improvement of State Parks System by appropriation of the Legislature."

Sec. 5. Chapter 16 (Stock Transfer Tax), Chapter 17 (Store and Store Exemption Tax), Chapter 19 (Miscellaneous Occupation Taxes including Oil Well Servicing), Article 11.01 (Express Companies), Article 11.04 (Car Companies), and Article 11.05 (Sleeping, Palace and Dining Car Companies) of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, are hereby repealed.

Sec. 6. The repeal of any law by this Act shall not affect or impair any act done or obligation, right, license, permit or penalty accrued or existing under the authority of the law repealed; and such law shall be treated as abrogated and remaining in force for the purpose of sustaining any proper action concerning such obligation, right, license, permit or penalty. Taxes incurred un-
under any law repealed by this Act are an obligation within the meaning of this section. In addition, any permit or license obtained under any law repealed by this Act shall remain effective for the term and under the conditions prescribed by the repealed law under which the permit or license was granted or issued.

Sec. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications to the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 8. This Act shall become effective from and after September 1, 1961.

Mr. Quilliam moved that further consideration of House Bill No. 960 be postponed until next Tuesday, May 9, at 10:00 o'clock, a.m.

Mr. Wilson of Trinity moved to table the motion to postpone further consideration of H. B. No. 960.

A record vote was requested on the motion to table.

The vote of the House was taken on the motion to table the motion to postpone further consideration of H. B. No. 960 until 10:00 o'clock a.m., May 9 and the vote was announced yeas 74, nays 73.

The roll of those voting yea and nay was again called and the verified vote resulted as follows:

Yea—73

Adams of Lubbock
Adams of Titus
Alfred
Aldine
Allen
Atwell
Bailey
Ballman
Barlow
Bass
Berry
Bridges
Burgess
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Collins
Cotner
Cowles
Dewey
Duff, Miss
Dungan
Eckhardt
Flotcher
Gaddeden
Glass
Greene
Guthy
Haring
Harrington
Hartnaf
Hinson
Huebner
Hughes
of Grayson
Jacobs, Miss
Jamison
Johnson of Bexar
Johnson of Bell
Johnson of Trinity
Jones of Travis
Yeak

Nays—73

Adams of Lubbock
Adams of Titus
Alfred
Aldine
Allen
Atwell
Bailey
Ballman
Barlow
Bass
Berry
Bridges
Burgess
Caldwell
Cannon
Carriker
Chapman
Cole of Harris
Collins
Cotner
Cowles
Dewey
Duff, Miss
Dungan
Eckhardt
Flotcher
Gaddeden
Glass
Greene
Guthy
Haring
Harrington
Hartnaf
Hinson
Huebner
Hughes
of Grayson
Jacobs, Miss
Jamison
Johnson of Bexar
Johnson of Bell
Johnson of Trinity
Jones of Travis
Yeak

Nays—73
The Speaker stated that the motion to table the motion to postpone further consideration of H. B. No. 960 was lost by the above vote.

A record vote was requested on the motion to postpone further consideration of H. B. No. 960 until next Tuesday, May 9, at 10:00 o'clock a.m.

The motion to postpone further consideration of H. B. No. 960 prevailed by the following vote:

|-------|------------------|--------|-----------------|------|-------|--------|---------|-------|--------|----------|----------------------|-------|---------|--------|------|---------------------|--------|---------------|--------|--------|---------|--------|----------|--------|-------------|--------|------------|--------|----------|--------|--------|---------|--------|-------------|--------|-------------|--------|----------|--------|--------|---------|--------|-------------|
| Nays  | Alderete         | Bailey | Ballman         | Barlow | Bass  | Berry  | Bridges | McCorpin | Burgess | Caldwell | Carveth | Chapman | Cole of Harris | Collins | Cottin | Cowan | Dewey | Duff, Miss | Eicks | Ekhardt | Fletch | Gladden | Glass | Smith of Bexar | Green | Guernsey | Guice | Hargis | Harris | Hart | Heat | Tones | Stewart | Hays | Wilson of Galveston | Heinan | House | Hubner | Shevlin | Hughes | Ward | of Grayson | Watson | Ichacc, Miss | Wells | Jackson | Wheatley | Johnson of Bexar | Wilson of Trinity | Johnson of Bell | Yeak | "Nays"-64 | McGregor | Townsend | of McLennan | "As ordered by the House, on its third reading and final passage, H. J. R. No. 36, A Joint Resolution "Proposing an Amendment to Sub-
AGAINT the Constitutional Amendment authorizing retirement, disability, and death benefits for elected and appointive officers and employees of counties and political subdivisions who have served in such capacity for twelve (12) years or more.

Sec. 3. Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such legislation shall not be invalid by reason of its anticipatory character.

Sec. 4. The Governor of Texas shall issue the necessary proclamation for the election and the Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

Mr. Harrington offered the following amendment to the amendment offered by himself:

Amend the amendment to H. J. R. No. 36 by adding to Sec. 1 by adding:

"All beneficiaries of the pension fund shall participate only in proportion to their contribution as determined by the Pension Board. No elected official shall participate in a pension fund to any greater extent than other employees of the county, precinct or other political subdivisions." 

The amendment was adopted.

Mr. Harrington offered the following amendment to the first amendment offered by himself:

Amend the amendment to H. J. R. No. 36 by adding after the word "voters in line 5 of Sec. 1 (b)"

"voting in such election."

The amendment was adopted.

Mr. Atwell moved that further consideration of H. J. R. No. 36 be postponed until 11:30 o'clock a.m. today.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed the presence of the House, after giving due notice.
thereof and their captions had been read severally, the following enrolled bills and a resolution:

S. B. No. 18, "An Act to amend Section 9, Article 5932 of Revised Civil Statutes of Texas, 1925, codified as Section 9, Article 5935, of Vernon's Annotated Civil Statutes of Texas, providing that an instrument is payable to bearer when it is payable in the order of a fictitious or nonexistent person of to a living person not intended to have any interest in it and such fact was known to the person making it so payable or was known to his employee or other agent who supplies or causes to be inserted the name of such payee, declaring legislative intent; and declaring an emergency."

S. B. No. 35, "An Act relating to the salaries of all state officers and employees except the salaries and other compensation of District Judges; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court and the Court of Criminal Appeals out of the fees of office, specifically suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 132, "An Act to amend Senate Bill No. 86, Acts 1929, 41st Legislature, First Called Session, Page 57, Chapter 25, as amended by Senate Bill No. 86, Acts 1933, 43rd Legislature, First Called Session, Page 274, Chapter 99, Section 1, same being known as Article 2675-1, Vernon's Texas Civil Statutes, as amended, by adding a new Section immediately following Section 2-b thereof to be known as Section 2-c, pertaining to the severely physically disabled; providing for administration by the Vocational Rehabilitation Division of the Texas Education Agency; providing for repealing and severability clauses; declaring legislative intent; and declaring an emergency."

S. B. No. 256, "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas and having a population according to the Federal census of 1960 of not less than $100 nor more than $300; validating the boundary lines thereof; validating governmental proceedings; validating the adoption of Home Rule Charters; validating the Charter so adopted and providing that such charter so adopted shall constitute the Home Rule Charter of such cities; etc., providing a saving clause and declaring an emergency."

S. B. No. 237, "An Act Authorizing the Board of Regents of the University of Texas to exchange lands in Dallas County, Texas, and to execute deeds with the Dallas County Hospital District, Dallas County, Texas, and to convey the site received in exchange to the governing board of the Children's Medical Center of Dallas, Dallas County, Texas, to be used as a teaching facility fully integrated with the medical program of the University of Texas Southwestern Medical School, Dallas, Texas; specifying certain contractual terms and making provision for other considerations mutually agreed upon by the parties; and declaring an emergency."

S. B. No. 398, "An Act transferring to the State Board of Water Engineers the powers and duties originally vested in the State Reclamation Engineer under Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under general and special laws, and all powers and duties of the State Reclamation Engineer vested by law in the Commissioner of the General Land Office by Senate Bill No. 281, Acts of the 46th Legislature, Regular Session, 1939, Title 128, Revised Civil Statutes of Texas, and declaring an emergency."

S. B. No. 194, "An Act repealing and repealing said Chapter 1 to the extent it is in conflict herewith; and declaring an emergency."

S. B. No. 427, "An Act validating, ratifying, approving and confirming bonds heretofore authorized by any Home Rule City in the State of Texas which pledge the revenues of its water, sewer, or electric systems, or any combination of such revenues, and any and all proceedings pertaining to the authorization thereof, and declaring an emergency."

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and issuance thereof, and authorizing the issuance, sale and delivery of such bonds; providing that this Act shall apply only to bonds authorized at an election or elections where, in a majority of the voting qualified property taxpaying voters who had the right to vote thereon, and who had satisfied the qualifications for voting in favor thereof, provided that this Act shall not affect the determination of the validity of the proceedings or bonds, except as far as such Act might be affected by any such City being engaged in a suit or litigation questioning the validity of its Home Rule Charter and the authority of the governing body of such City to function under such Home Rule Charter may be contested or under attack; providing a savings clause; and declaring an emergency."

H. B. No. 189, "An Act establishing a Position Classification Plan for certain departments, institutions, and agencies of the State and requiring that all regular, full-time salaried employees shall conform to such plan, with the exception of employees from such position classification plan, providing that nothing in this Act shall interfere with existing statutes governing or affecting the salaried or unclassified positions of employees of the State, or abrogating statutory authority for certain state agencies to operate under merit systems; establishing the State Auditor's Office, the Office of Classification Officer, specifying his qualifications and duties, providing for the maintenance, operation, and application of such position classification plan; etc., providing a severability clause; and declaring an emergency." 

H. B. No. 260, "An Act validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of time warrants and refunding bonds for such purposes, of counties, cities (including Home Rule Cities) and towns; etc., providing a saving clause; and declaring an emergency."

H. B. No. 213, "An Act amending Section 1 of Chapter 14, Acts of the Fifty-fifth Legislature, Regular Session, 1957, prohibiting the use of dogs in the taking of any deer in Brazoria County, Matagorda County, Fort Bend County or Wharton County; and declaring an emergency."

H. B. No. 262, "An Act amending Subsection 3 of Article 5.03 of Title 173A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Revenue Fund of the State; abolishing the Highway Motor Fuel Audit Fund, No. 74; transferring warrants and all proceeds, instruments and fund No. 74 to the General Revenue Fund; and declaring an emergency."

H. B. No. 412, "An Act amending Chapter 25, Acts of the Fifty-fifth Legislature, First Called Session, 1957, so as to specifically provide that the Ector Creek Watershed Improvement District may call an election for the authorization of a tax for maintenance purposes; validating actions and proceedings relating to a maintenance tax and bond election heretofore held within said District; and declaring an emergency."

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H. B. No. 432. "An Act abolishing the office of County Superintendent in all counties of this State having a population of not less than forty-five thousand (45,000) and not more than forty-five thousand, five hundred (45,500), according to the last preceding Federal Census, and in which there are no Common School Districts; providing that present County Superintendents in such counties should serve out their terms for which elected; providing that the duties of County Superintendents on the effective day of this Act shall be performed by County Judges of such counties; etc., providing a saving clause; and declaring an emergency."

H. B. No. 515. "An Act repealing Chapter 486, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, relating to the practice of naturopathy; abolishing the Naturopathic Reregistration Fund; transferring the balance in that Fund to the General Revenue Fund; and declaring an emergency."

H. B. No. 579. "An Act relating to terms of office of school trustees in certain school districts; choosing terms by lots; providing for subsequent elections and filling of vacancies; providing that provisions of this Act shall be cumulative; and declaring an emergency."

H. B. No. 660. "An Act authorizing the County Judge, upon an order of the Commissioners Court, to convey certain of the county's interests in certain lands when such interests are necessary for the maintenance of any federally owned or operated military installation or facility; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 760. "An Act amending Section 8 of Chapter 437, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended, codified as Section 8 of Article 6821, Vernon's Texas Civil Statutes, by adding thereto a new Subsection so as to fix the minimum and maximum salaries of certain officials in all counties of the State having a population of one million (1,000,000) or more inhabitants according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 789. "An Act creating Jasper County Road District No. 8, of Jasper County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries of said District and including provisions relating thereto; etc.; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

S. C. R. No. 52. Providing that either House may take up and consider a local and uncontested calendar on any day.

HOUSE JOINT RESOLUTION NO. 6 ON SECOND READING

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

H. J. R. No. 6, A Joint Resolution "Proposing an amendment to Article IV of the Constitution of the State of Texas by adding a new section to be known as Section 27 requiring every elective officer of the State or of the United States to resign before being eligible to be a candidate for any other elective office of the State or of the United States other than the one which he holds; and providing for the necessary proclamation and publication."

The resolution was read second time.

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

Committee Amendment No. 1

Amend H. J. R. No. 6 by striking all below the resolving clause and substituting thereof the following:

Section 1. That Article IV of the Constitution of the State of Texas be amended by the addition of a new section to be known as Section 27 to read as follows:

"Sec. 27. No person holding any elective office of this State or of the United States who has been elected in a statewide election, or any Member of the State Legislature, or..."
any Member of the United States Congress elected from this State, shall be eligible to file as a candidate for any other elective office of this State or of the United States, other than the one he holds, in any party primary, special election or general election without first resigning such office. Such resignation shall be dated to take effect one (1) day prior to the commencement date of the term of the office sought to be held by such person or the expiration date of the term of the office then held by such person whichever shall occur the sooner. Such resignation shall be irrevocable.

Sec. 2. The foregoing Constitution. Amendment shall be submitted to a vote of 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 requiring every elective officer of this State or of the United States who has been elected in a state-wide election, or any Member of the State Legislature, or any Member of the United States Congress elected from this State, to resign before being eligible to be a candidate for any other office other than the one which he holds.

AGAINST the Constitutional Amendment requiring every elective officer of this State or of the United States who has been elected in a state-wide election, or any Member of the United States Congress elected from this State, to resign before being eligible to be a candidate for any other office other than the one which he holds."

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State.

The amendment was adopted.

H. J. R. No. 6 was passed to engrossment by the following vote:

Year—90

Adams of Lubbock
Atwell
Allen
Andrews
Barnes
Barron
Bass
Bell
Berry
Blaine
Bosse
Butler
Caldwell
Chapman
Cole of Harris
Cole of Hunt
Connell
Cook
Cory
Cowles
Crain
Creeds
Curington
de la Garza
Dungan
Fairchild
Foreman
Garrison
Gibbons
Glass
Grover
Guffey
Harrington
Healy
Hughes of Dallas
Isaacks, Miss
James
Jarvis
Johnson of Dallas
Jones of Dallas
Jones of Travis
Kilpatrick
Koliba
Lary
LaVille
Nays—52

Adams of Titus
Alazia
Ballman
Barlow
Bridges
Burges
Burgess
Cannon
Carriker
Collins
Cotten
Dewey
Eckhardt
Fletcher
Floyd
Gladden
Green
Hale
Harding
Haring

Lewis
Longoria
McCoppin
Martin
Millwood
Moore
Murray
Mutcher
Niehmsyer
Nugent
Oliver
Parsons
Peay
Peeler
Petty
Pipkin
Pratson
Price
Radinig
Read
Richards
Robertson
Dawson
Rosson
Sandahl
Shannon
Shipley
Siles
Smith of Jefferson
Snell
Spilman
Stewart of Wichita
Steele
Thurman
Thurmond
Townsend
Tunell
Walcott
Wilson of Potter
Woods

Adams of Titus
Alazia
Ballman
Barlow
Bridges
Burges
Burgess
Cannon
Carriker
Collins
Cotten
Dewey
Eckhardt
Fletcher
Floyd
Gladden
Green
Hale
Harding
Haring

Lewis
Longoria
McCoppin
Martin
Millwood
Moore
Murray
Mutcher
Niehmsyer
Nugent
Oliver
Parsons
Peay
Peeler
Petty
Pipkin
Pratson
Price
Radinig
Read
Richards
Robertson
Dawson
Rosson
Sandahl
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Smith of Jefferson
Snell
Spilman
Stewart of Wichita
Steele
Thurman
Thurmond
Townsend
Tunell
Walcott
Wilson of Potter
Woods
MESSAGE FROM THE SENATE

Austin, Texas, May 2, 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 concurred in House Amendments to Senate Bill No. 157 by the following vote:

Yeas 27, Nays 1.

The resolution was read third time on this morning, and further consideration was postponed until 11:50 o'clock a.m. today.

Mr. Harrington asked unanimous consent of the House to reconsider the vote by which the following Amendment, to the Amendment offered by himself, was on today adopted:

Amend the amendment to H. J. R. No. 36, Sec. 62 (b) of Sec. 1

There was no objection offered and it was so ordered.

Mr. Harrington then withdrew the Amendment to the Amendment.

Amendment to H. J. R. No. 36

Mr. James offered the following Amendment to the Amendment offered by Mr. Harrington on today:

Amend Sec. 62 (b) of Section 1, as amended, by adding:

"All beneficiaries of the pension fund shall participate only in proportion to their contribution as determined by the Pension Board.

No elected official shall participate in a pension fund to any greater extent than other employees of the county, precinct or other political subdivision."

There was no objection offered and it was so ordered.

Amendment to H. J. R. No. 36 was passed by the vote of 29 ayes and 0 nays. Mr. Harrington then withdrew the above Amendment to the Amendment.

Amendment to H. J. R. No. 36

The Amendment by Mr. Harrington, as amended, was adopted.

H. J. R. No. 36 was passed by the following vote:
### Yeas—127

- Adams of Titus
- Allen
- Andrews
- Bailey
- Ballman
- Barfield, Mrs.
- Barlow
- Barnes
- Bartram
- Bass
- Berry
- Blaine
- Boykin
- Bridges
- Butler
- Caldwell
- Canales
- Carriker
- Chapman
- Cole of Harris
- Collins
- Connell
- Cory
- Cotten
- Cowan
- Cowles
- Curlington
- de la Garza
- Dewey
- Duff, Miss
- Dungan
- Eckhardt
- Fairchild
- Fletcher
- Floyd
- Foreman
- Garrison
- Gibbens
- Gladney
- Glass
- Gleason
- Green
- Grover
- Guycey
- Hale
- Harding
- Harting
- Harrington
- Haynes
- Hestly
- Hinson
- Hixson
- Hughes of Grayson
- Hughes of Dallas
- Isacks, Mls
- James
- Jamison
- Jarvis
- Johnson of Bexar

### Nays—14

- Adams of Lubbock
- Hollowell
- Atwell
- Johnson of Dallas
- Bell
- Buchanan
- Cook
- Crain
- Crews
- Spillman

### Absent—Excused

- Cole of Hunt
- Black
- Ehrlie
- Wheatley
- Markgraf
- Wilson of Potter
- Roberts of Dawson

### Motion to table

Mr. Harrington moved to reconsider the vote by which H. J. R. No. 36 was passed and to table the motion to reconsider.

The motion to table prevailed.

### Motion to recess

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

The motion prevailed.

### Motion to recess

In accordance with the motion to recess the House at 12:14 o'clock p.m., took recess until 2:30 o'clock p.m. today.

### Afternoon Session

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

### House Joint Resolution No. 8

**ON SECOND READING**

The Speaker said before the House on its second reading and passage to engrossment, H. J. R. No. 8, A Joint Resolution "Proposing an Amendment to the Constitution of the State of Texas, amending Section 51a, Subsection 51a-1 and Section 51-b of Article III so that the same shall consist of one Section to be known as Section 51a; providing that the Legislature..."
shall have the power to provide assistance to and provide for the pay-ment of same to citizens of Texas who are needy aged persons over the age of sixty-five (65) years, needy blind persons over the age of twenty-one (21) years, needy children under the age of sixteen (16) years, and needy persons who are more than eighteen (18) years of age and less than sixty-five (65) years of age who are permanently and totally disabled; providing for direct or vendor payments for medical care on behalf of such recipients; providing for the acceptance of financial aid from the Government of the United States for such assistance and financial aid for medical care on behalf of such recipients; providing that the amounts for such assistance payments and the amounts for such medical care from State funds shall not exceed the amounts that are matchable out of Federal funds for such purposes; providing for the necessary election, form of ballot, proclamation, and publication.

The resolution was read second time and was passed by the following vote:

Yea—136

Adams of Lubbock Cowles
Adams of Titus Crews
Alans
Alls
Andrews
Atwell
Baxley
Baxfield, Mrs.
Barlow
Barnes
Bartram
Bass
Bell
Berry
Blaine
Boyle
Brennan
Bridges
Buchanan
Burgess
Butler
Caldwell
Cannon
Carroll
Chambers
Chapman
Cole of Harris
Collins
Cox
Cotton
Cowan
Hughes of Dallas Quilliam
Isaacs, Miss Kapp
James Ritcher
Jamison Read
Johnson of Dallas Richards
Johnson of Bell Roberts of Hill
Jones of Dallas Rose
Jones of Travis Rosson
Kilpatrick Schram
Koliba Shannon
Lack Shively
Lutmer Slack
La Valle Sluder
Leaverton Smith of Bexar
Lewis Smith of Jefferson
Longoria Spears
McCoplin Slocum
McGregor Spring
McMillan Stewert
Markgraf Stewert
Miller of Galveston
Moffet of Wichita
Moore Struve
Mullen Thurman
Murray Thurmond
Niemeier Townsend
Nussey Tonnell
Oliver Walker
Osborne Ward
Parens Watson
Pearcy Wells
Peeler Wheatley
Pettv Whittfield
Pieratt Wilson of Trinity
Pipkin Wilson of Potter
Proctor Woods
Price Yeak

Nays—3

Cain Martin
Jarvis

Absent

Bailman Kennard
Cole of Hunt Lary
Cock Roberts of Dawson
Ehle Trevino
Gutrey

Absent—Excused

McGregor of McLennan

Mr. Roberts of Hill moved to reconsider the vote by which H. J. R. No. 8 was passed and to table the motion to reconsider.

The motion to table prevailed.
May 2, 1961

HOUSE JOINT RESOLUTION NO. 9

ON SECOND READING

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

H. J. R. No. 9, A Joint Resolution

"Proposing an amendment to Article III of the Constitution of the State of Texas by adding a new section thereto to be known as Section 62, providing that the Legislature may delegate authority to zone public highways, roads, streets, and alleys or portions thereof, relating to and regulating the speed at which any motor vehicle may be operated thereon: and providing certain exceptions."

The resolution was read second time.

COMMITTEE MEETINGS

Mr. Korioth asked unanimous consent of the House that the Committee on Public Health be permitted to meet at this time.

There was no objection offered.

Mr. Whitfield asked unanimous consent of the House that the Committee on Commerce and Manufactures be permitted to meet at this time.

There was no objection offered.

(Mr. Cory In The Chair)

H. J. R. No. 9 was passed by the following vote:

Yeas—123

Adams of Lubbock, Caldwell, Allen, Carr, Chapman, Cole of Harris, Collins, Connell, Cotten, Cowen, Cowles, Crain, Crewe, Cushing, Dell, Berry, Blaine, Boyden, Bridges, Burgess, Butler

Nays—16


In The Chair

Cory

Absent

Cook, Roberts of Dawson, Heatly, Lary, Quilliam

Smith of Bexar
Mr. James moved to reconsider the vote by which H. J. R. No. 9 was passed and to table the motion to reconsider.

The motion to table prevailed.

H. J. R. No. 25, A Joint Resolution

"Proposing an amendment to Section 60 of Article III of the Constitution of the State of Texas by adding thereto another subsection to be designated as Section 60b, to authorize all political subdivisions of this State to provide insurance for all employees; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof."

The resolution was read second time.

Mr. Harrington offered the following amendment to the resolution:

"Section 1. That Section 60 of Article III of the State Constitution be amended to read as follows:

'Sec. 60. The Legislature shall have the power to pass such laws as may be necessary to enable all counties and other political subdivisions of this State to provide Workman’s Compensation Insurance, including the right to provide its own insurance risk, for all employees of the county or political subdivision as in its judgment is necessary or required; and the Legislature shall provide suitable laws for the administration of such insurance in the counties or political subdivisions of this State and for the payment of the costs, charges and premiums on such policies of insurance and the benefits to be paid hereunder.'"
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Wilson of Potter  Yesak
Woods

Nays—17

Adams of Lubbock  Johnson of Dallas
Atwell  Johnson of Bell
Banfield, Mrs.  Jones of Dallas
Boyle  Lewis
Bueler  Martin
Cotton  Mutscher
Craik  Peeler
Grover  Shuler
Hollowell

In The Chair

Cory

Absent

Buchanan  Osborn
Cole of Hunt  Roberts of Dawson
Cook  Sandahl
Curington  Black
Heatsly  Stewart
Hughes of Dallas  of Wichita
Lary  Wheatley

Absent—Excused

McGregor  of McLennan

Mr. Harrington moved to reconsider the vote by which H. J. R. No. 26 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 27
ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment.

H. J. R. No. 27, A Joint Resolution "Proposing an amendment to Section 2 of Article VI of the Constitution of the State of Texas to provide that three (3) months residence within a county satisfies the residence requirement for voting, and that a voter who removes from his county of residence may vote absentee there until he establishes three (3) months residence in another."

The resolution was read second time and was passed by the following vote:

Year—122

Adams of Lubbock  Alanis
Adams of Tilles  Allen

Butler  Nays—12
In The Chair

Mr. Dewey moved to reconsider the vote by which H. J. R. No. 27 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE JOINT RESOLUTION NO. 30
ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, H. J. R. No. 30, A Joint Resolution "Proposing an amendment to Section 9 of Article 3 of the Constitution of the State of Texas to provide special assembly of members-elect of the House of Representatives for the purpose of taking the oath of office and the election of the Speaker."

The resolution was read second time.

Mr. Dungan offered the following amendment to the resolution:

Amend H. J. R. No. 30 to make the sentence on lines 22 through 26 of the printed resolution to read:

"The Secretary of State shall administer the official oath to representatives-elect whose certificates of election have been duly filed in accordance with law and shall conduct the election of Speaker by secret written ballot. The Secretary of State shall declare elected and administer the oath of office, as Speaker of the House, to the member receiving a majority of the votes of the elected members sworn in."

Mr. Cotten offered the following substitute amendment for the amendment by Mr. Dungan:

Substitute for Dungan amendment to H. J. R. 30 by adding

"The Secretary of State shall administer the official oath to representatives-elect whose certificates of election have been duly filed in accordance with law and shall conduct the election of Speaker by secret written ballot. The Secretary of State shall declare elected and administer the oath of office, as Speaker of the House, to the member receiving a majority of the votes of the elected members sworn in."

Mr. Dungan moved that further consideration of H. J. R. No. 30 be postponed until 10:00 o'clock a.m. tomorrow, May 3.

The motion prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1961
Hon. James A. Terman, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 21, Relating to 4-H Activities.

Respectfully submitted,
CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 41 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,
H. J. R. No. 41, A Joint Resolution

"Proposing an Amendment to Section 3 of Article VII of the Constitution of the State of Texas to abolish the state ad valorem tax provided for public school purposes and to provide that any deficit in the available fund may be met by appropriation from general funds of the State."

The resolution was read second time.

Mr. Stewart of Galveston offered the following amendment to the resolution:

Amend H. J. R. 41 by striking all below the Resolving Clause and substituting in lieu thereof the following:

"Section 1. That Article VII of the Constitution of the State of Texas be amended by adding thereto a new section entitled Sec. 17a.

'Sec. 17a. From and after January 1, 1964, no State ad valorem tax shall be levied for the purpose of creating a special fund for payment of pensions to the widows of Confederate veterans, authorized under Article III, Section 51, of this Constitution, or for the purpose of paying pensions to former Rangers as heretofore provided in Article XVI, Section 46 of this Constitution, or for the establishment or continued maintenance of the State Building Fund, as heretofore provided in Article III, Section 51 h, of this Constitution, or for support of the public schools as heretofore authorized by Article VII, Section 3, provided, however, that there shall from the first money collected each year from the State Inheritance Tax be set aside such sums as the Legislature may appropriate for the continued payment of pensions to the widows of Confederate veterans and former Rangers as provided in this Constitution. Provided, however, that there shall continue to be levied a State ad valorem tax on property of Five Cents ($5) on the One Hundred Dollars ($100) valuation for the purpose of acquiring, constructing, and initially equipping buildings or other permanent improvements at the institutions of higher learning designated in Article VII, Section 17 of this Constitution, or to secure notes and bonds issued for such purpose. Such tax shall be levied until all notes and bonds issued under Article VII, Section 17 are fully paid and discharged; thereafter one-half (½) of the State Inheritance Tax shall be set aside for such purposes. This amendment shall be self-enacting, provided, however, that nothing herein shall be construed as impairing the obligation incurred by the issuance of any outstanding notes or bonds issued by any State institution under Article VII, Section 17 of this Constitution prior to the adoption of this amendment, but such notes and bonds shall be paid both as to principal and interest, from any funds allocated to any such institution and from the ad valorem tax levied for such purposes. Provided further that in those counties or political subdivisions or areas of the State to which tax donations have heretofore been granted, the Automatic Tax Board shall continue to levy the full amount of the State ad valorem tax for the duration of such donation, or until all legal obligations hereon authorized by the law granting such donation or donations shall have been fully discharged, whichever shall first occur. Provided further that upon the adoption of this amendment all State ad valorem taxes then due, together with penalties and interest, shall automatically inure to the benefit of the county in which they were assessed. If the same were assessed by the several counties for the sole benefit of the respective counties in which they were assessed, they shall be excluded from this donation to the counties any part of the Five Cents ($5) levy which shall become delinquent after the adoption of this amendment, but when all of the notes and bonds issued by State institutions under Section 17 of this article are paid in full, then any remaining State ad valorem taxes then delinquent shall inure to the respective counties in which they are assessed. The collection of delinquent ad valorem taxes donated to the counties by this Section shall be governed by the general laws applicable to the collection of ad valorem taxes."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after

May 2, 1961
the first Monday in November, 1962, said election to be held as provided in Section 5 of Article 12.02 of the Election Code, as amended, at which election all ballots shall have printed thereon the following:

'FOR the Constitutional Amendment abolishing all State ad valorem tax levy on January 1, 1964, except Five Cents (5¢) for college building purposes.'

'AGAINST the Constitutional Amendment abolishing all State ad valorem tax levy on January 1, 1964, except Five Cents (5¢) for college building purposes.'

Section 3. The Governor of Texas shall issue the necessary proclamation for the election and this amendment shall be published in the manner and for the length of time required by the Constitution of this State.

MACO STEWART, WADE SPILMAN, TONY KORIOTH, DON GARRISON.

Mr. Oliver raised a point of order on further consideration of the amendment by Mr. Stewart of Galveston on the ground that it is not germane to the resolution in that the caption of the resolution deals with the ad valorem tax and the amendment seeks to deal with inheritance tax.

The Speaker sustained the point of order.

H. J. R. No. 41 was passed to engrossment by the following vote:

Yea—74

Nay—64

Present—Not Voting
Petty

Absent
Ballman Cole of Hunt Butler Crain
Mr. Smith of Jefferson offered the following resolution:

H. S. R. No. 597
Whereas, It is the custom of the House of Representatives to designate a special day in honor of the Speaker of the House; and
Whereas, The Honorable James A. Turman is serving the House of Representatives as Speaker of the Fifty-seventh Legislature; and
Whereas, Members of the House of Representatives do wish to honor the able Speaker and his beloved family; now, therefore, be it
Resolved, That May 17, 1961, be designated as Speaker's Day in honor of James A. Turman; and, be it further
Resolved, That Members of the House do honor former Speakers of the House and their families and extend to them the privileges of the floor on Speaker's Day; and, be it further,
Resolved, That specially invited distinguished friends of the Speaker also be hereby extended the privileges of the floor during the Speaker's Day proceedings.

The resolution was read and was adopted.

RELATIVE TO H. J. R. NO. 9
Mr. James asked unanimous consent of the House to make a correction in H. J. R. No. 9.

HOUSE JOINT RESOLUTION NO. 47 ON SECOND READING
The Chair laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 47, A Joint Resolution "Proposing amendment to Section 9 of Article VIII of the Constitution of the State of Texas so as to increase the county, city or town tax rate maximum to One Dollar ($1) on the One Hundred Dollars ($100) valuation."

The resolution was read second time.

(Speaker In The Chair)
H. J. R. No. 47 failed to pass to engrossment by the following vote:

Yeas-19
Adams of Titus Mcgregor
cole of Hunt of El Paso
gladden McIlhany
ing Utz
Harrington
Hinson
Huebner
Hughes Wells
of Grayson Wilson of Potter
Isaacs, Miss Woods
Korith

Nays-122
Adams of Lubbock Eckhardt
Atkins Ehrle
Andrews Fletcher
Atwell Floyd
Bailey Foreman
Ballman Garrison
Barlow Gibbons
Bartlam Glass
Bass Green
Bell Grover
Berry Hale
Blaine Harding
Boyesen Haring
Bridges Haynes
Buchanan Heatly
Burgess Hollowell
Butler Hughes of Dallas
Butler Hughes of Dallas
Caldwell James
Canty Jarvis
Carriker Johnson of Dallas
Carroll Johnson of Bexar
Cole of Harris Johnson of Bell
Cole of Harris Jones of Dallas
Collins Jones of Travis
Connell Kenard
Cory Kippatrick
Cotten Cowen
Cowles Kobba
Crain Lack
Crawford Larry
Crews Latimer
curilong de La Garza Leavelton
Dewey Lewis
Duff, Miss Longoria
The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 200, "An Act to authorize water improvement districts to sell lands belonging to such districts; providing for the disposition of the proceeds of such sale in certain cases; and declaring an emergency."

H. B. No. 352, "An Act validating Coleman County Water Control and Improvement District No. 1; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds heretofore voted; validating the appointment of election of Directors; providing that bonds of the District shall be authorized investments and eligible to secure deposits of public funds in certain instances; providing for the ad valorem plan of taxation; providing the District, in the exercise of the power of eminent domain or power of relocation, shall bear the expense of any necessary relocation, raising or rerouting of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities; declaring all included land and property shall be benefited; declaring the District essential; enacting provisions incidental and related to the subject; and declaring an emergency."

H. B. No. 392, "An Act amending Article 3.08 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Revenue Fund of the State; abolishing the Natural and Casinghead Gas Audit Fund, No. 73; transferring cash assets of Fund No. 73 to the General Revenue Fund; and declaring an emergency."

H. B. No. 394, "An Act amending Article 7.15 of Title 122A, Taxation-General, of the Revised Civil Statutes of Texas, 1925, to provide that revenues collected thereunder for audits and examinations be deposited to the General Revenue Fund of the State; abolishing the Cigarette Tax Audit Fund, No. 91; transferring cash assets of Fund No. 91 to the General Revenue Fund; and declaring an emergency."

H. B. No. 396, "An Act establishing a juvenile board in Morris County; prescribing the membership of the board and providing for the compensation of its members; providing who shall be the juvenile officer; providing compensation and expenses of the juvenile officer; and declaring an emergency."

H. B. No. 411, "An Act to enlarge the territorial limits of Donna Irrigation District Hidalgo County No. 1; to include and incorporate therein certain described land; and declaring an emergency."
H. B. No. 431, “An Act providing for County Juvenile Boards in each county comprising the 36th Judicial District, and in each county comprising the 144th Judicial District, providing for compensation of members of the Boards; provided compensation allowed County Judges hereunder shall not be counted as fees of office; providing that the Act shall be cumulative of existing laws relating to compensation of Judges of District Courts and County Judges; providing a saving clause; and declaring an emergency.”


H. B. No. 517, “An Act amending Article 13.08 of Title 122A of the Revised Civil Statutes of Texas, 1925, relating to allocation of a portion of the tax on coin-operated machines; abolishing the Vending Machine and other Occupational Tax Enforcement Fund; transferring balances in that fund to the General Revenue Fund; and declaring an emergency.”

H. B. No. 520, “An Act amending Subsection (c) of Section 108B of the Uniform Act Regulating Traffic on Highways as added by Section 2 of Chapter 362, Acts of the Fifty-fourth Legislature, Regular Session, 1955, to provide for the deposit of certain fees in the General Revenue Fund; abolishing the Highway Light Test Fund; transferring the balance of that fund to the General Revenue Fund; providing an effective date; and declaring an emergency.”

H. B. No. 521, “An Act amending Section 9 of Chapter 234, Acts of the Fifty-first Legislature, Regular Session, 1949, and Section 17 of Chapter 245, Acts of the Fifty-first Legislature, Regular Session, 1949, to provide for the deposit of certain fees to the General Revenue Fund; abolishing the Employment Agency Fund; transferring the balance in that fund to the General Revenue Fund; providing an effective date; and declaring an emergency.”

H. B. No. 546, “An Act closing the season for hunting wild deer in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.”

H. B. No. 547, “An Act closing the season for hunting alligators in Chambers County, Texas, for a period of four (4) years; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.”

H. B. No. 582, “An Act relating to the hunting, taking or killing of deer in Hopkins, Delta, and Franklin Counties; amending subsection 8 of Section 1 of Chapter 267, Acts of the Fifty-sixth Legislature, Regular Session, 1959, to establish a ten-day season for the taking of deer in Hopkins, Delta, and Franklin Counties; and declaring an emergency.”

H. B. No. 637, “An Act relating to the regulatory authority of the Game and Fish Commission over the wildlife resources of Williamson, Washington, and Archer Counties; amending Section 1 of Chapter 134, Act of the Fifty-sixth Legislature, Regular Session, 1959, as amended, by removing Washington County from the application of said Act; and declaring an emergency.”

H. B. No. 645, “An Act relating to the change in name of the North Texas State Teachers College to North Texas State College; amending Chapter 258, Acts of the Fifty-first Legislature, 1949, so as to change the name of North Texas State University; ratifying and confirming in behalf of North Texas State University all legislative Acts and appropriations heretofore passed in behalf of North Texas State Teachers College or North Texas State College, or North Texas State University; and declaring an emergency.”

H. B. No. 651, “An Act amending the county Judge, upon an order of the Commissioners Court, to convey certain of the County’s interests in certain lands where such interests are necessary for the construction, operation or maintenance
of flood control, river and harbor improvement, water conservation, or other civil works projects of the United States; ratifying and validating certain previous conveyances; providing severability; and declaring an emergency."

H. B. No. 689, "An Act providing that Houston County Water Control and Improvement District No. 1 shall contain all of the territory contained in Houston County, that no proceedings with reference to excluding land from said District shall be required, and that all taxes voted by the qualified voters of said District shall be ad valorem; providing that, in addition to powers set forth in laws relating to water control and improvement districts, this District is empowered to purchase and construct ponds, facilities and equipment necessary for removing wastes and eliminating or reducing pollution of water before it reaches the Trinity River; providing the District, in the exercise of the power of eminent domain, shall bear the expense of any necessary relocation, raising, or re-routing of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities or pipeline; authorizing said District to make contracts under which it will sell water and to make contracts under which it will transport, treat and dispose of municipal and industrial sewage, waste and effluent; making provision for the issuance of bonds by the District and for the payment and security of such bonds; and declaring an emergency."

H. B. No. 681, "An Act constituting a local law for the maintenance of public roads and highways in McMullen County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency."

H. B. No. 749, "An Act changing the name of State School Farm Colony to Travis State School and defining its purpose and use; fixing an effective date for the change; stating the applicability of general laws to the institution, and of appropriations for and contracts in behalf of the institution under its former name; and declaring an emergency."

H. B. No. 567, "An Act relating to manufacture and sale of bedding; amending Section 6, of Senate Bill No. 399, General Laws of the Forty-sixth Legislature, Regular Session, page 376, which pertains to the permits for manufacturing and selling bedding; enforcement provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."
the 2nd day of May, 1957 (the effective date of the aforementioned Chapter 142 which created the original Authority within said limits) until hereafter enlarged as provided for in this Act; providing that no territory annexed to the City of Athens subsequent to May 2, 1957, shall hereafter be considered a part of said Authority solely by virtue of the annexation thereof to the City of Athens; etc.; providing a savings clause; and declaring an emergency.

HOUSE JOINT RESOLUTION NO. 51 ON SECOND READING

The Speaker laid before the House on its second reading and passage H. J. R. No. 51, A Joint Resolution "Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section to be known as Section 9 to provide that the Legislature may authorize the creation of Hospital Districts composed of all or part of one or more counties, the assumption by the District of any included City, Town or County hospital indebtedness and the transfer of all hospital facilities thereof to the district; the issuance of bonds for hospital purposes and the levy of taxes to pay the district's bonds, assumed indebtedness and for operating and maintaining the district; providing other terms and conditions for accomplishing the purpose of this amendment; and providing that any enabling acts shall not be invalid because of their anticipatory character."

The resolution was read second time.

Mr. Wilson of Potter offered the following amendment to the resolution:

Amendment No. 1

Amend House Joint Resolution No. 51 by inserting after the word "counties" in line 26 of Section 9 of Section 1 and before the word "with" in line 26 of Section 9 of Section 1 the following:

"provided that in the event the district is less than county-wide such district must contain not less than one-third (1/3) of the population of the county or counties according to the last preceding Federal census, and contain not less than one-third (1/3) of the total rendered value of property on the county tax rolls of the county or counties."

The amendment was lost.

H. J. R. No. 51 was passed by the following vote:

Yeas-141

Adams of Lubbock Glusing
Adams of Titus Green
Allen Guffey
Andrews Bailey
Atwell Barlow
Ballman Bass
Barnes Barrow
Barfield, Mrs. Baxter
Bartlam Beall
Bass Bell
Barlow Berry
Bartram Blaine
Bass Bridges
Bailey Butcher
Barnes Butler
Barlow Caldwell
Barrow Cannon
Bartram Carpenter
Bass Carrick
Barrow Chapman
Bailey Cole (of Harris)
Bailey Cole (of Hunt)
Barnes Collin
Barrow Connell
Barnes Cook
Barrow Cory
Bass Cotten
Barrow Cowen
Bass Cowles
Bailey Cowlin
Bass Crews
Barrow Curington
Bass de la Garza
Bailey Dewey
Bass Duff, Miss
Barlow Dunn
Bass Ehrle
Barlow Fairchild
Bass Fletcher
Bass Floyd
Bass Foreman
Bass Garrison
Bass Gibbons
Bass Giddens
Bass Glass
Mr. Buchanan moved to reconsider the vote by which H. J. R. No. 51 was passed and to table the motion to reconsider. The motion to table prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. J. R. No. 55, A Joint Resolution "Proposing an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of Five Members; prescribing their qualifications, election, tenure of office and compensation, and prescribing the term of court of said court."

The resolution was read second time and was passed by the following vote:

Yeas—113
Adams of Lubbock
Adams of Titus
Akins
Allen
Allen
Andrews
Atwell
Ballman
Barnett, Mrs.
Barlow
Barres
Bartram
Bell
Berry
Blaine
Boyce
Bridge
Bultner
Caldwell
Cole of Harris
Cole of Hunt
Consoli
Cory
Cowan
Crews
Curtis
de la Garza
Dewey
Duff, Miss
Dungan
Elrle
Faithchild
Fletcher
Floyd
Foreman
Foreman
Foreman
Garrison
Gibbons
Gladden
Glass
Glasing
Green
Grover
Guffey
Hale
Harding
Haring
Haynes
Healy
Hinson
Hollowell
Hueber
Hughes of Dallas
Huetter, Miss
Hurst
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis

Nays—30
Bailey
Buchanan
Bass
Burgess
Mr. Bartram moved to reconsider the vote by which H. J. R. No. 55 was passed and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO H. J. R. NO. 47

Mr. Bartram moved to reconsider and spread on the Journal the vote by which H. J. R. No. 47 failed to pass to engrossment.

RELATIVE TO THE CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Collins moved to suspend all necessary rules to set a Local and Uncontested Bill Calendar for 9:30 o'clock a.m., tomorrow, May 3.

The motion prevailed by unanimous consent.

RELATIVE TO H. J. R. NO. 37

Mr. Dewey asked unanimous consent of the House to change the year of the election date in H. J. R. No. 37 from 1961 to 1962 and to delete the word "that" in the "For" and "Against" clauses.

There was no objection offered and it was so ordered.

MEMORIAL RESOLUTIONS ADOPTED


H. S. R. No. 555, By Mr. Preston: In Memory of Dr. John Roy McLe- more.

RECESS

Mr. Lewis moved that the House recess until 9:30 o'clock a.m. tomorrow.

The motion prevailed.

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

In accordance with the motion to recess the House at 5:10 o'clock p.m., took recess until 9:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and a resolution, as follows:

Aeronautics: H. B. No. 62.

Commerce and Manufactures: H. B. No. 262.

Contingent Expenses: H. S. R. No. 570.

Highways and Roads: H. B. No. 480.

Public Health: S. B. No. 426.


REPORTS OF THE COMMITTEE ON ENGRASSED BILLS

Austin, Texas, May 1, 1961

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

Sir: Your Committee on Engraved Bills to whom was referred H. B. No. 108, A bill to be entitled "An Act to relieve from liability for civil damages persons who render emergency care at the scene of..."
an emergency; providing certain exception; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 1, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 196, A bill to be entitled "An Act amending Sections 3, 5, 6, 12, 13, 14 and 17, of Senate Bill No. 44, Acts of the Forty-eighth Legislature, Regular Session, 1943, Chapter 204, page 313, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes; providing for transfers of certain cases in Juvenile Courts from the jurisdiction of Juvenile Courts to the jurisdiction of the other courts in this State; providing that certain delinquent children shall be subject to the penal laws and criminal prosecution the same as if they were adults; prescribing the power, authority and jurisdiction of Juvenile Courts; prescribing the power, authority and duties of various State agencies handling delinquent children, making other provisions relating thereto; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, April 27, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 522, A bill to be entitled "An Act relating to the creation of a National Seashore Area on part of Padre Island and the surrounding submerged lands; 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, May 1, 1961

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 243, A bill to be entitled "An Act amending Article 43 of the Code of Criminal Procedure of Texas, 1925, to require the sheriff of each county to report to the district or county attorney each month as to all prisoners in his custody and the authority by which he detains them, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 1, 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. 21, granting permission to Tom D. Taylor, Dr. William M. Crawford, C. L. Meserole, and Robert C. Green to sue the State of Texas and the Texas Highway Department. Hon. James A. Turman, Speaker of the House of Representatives. Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 1, 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. 86, granting permission to Ramon G. Bazaldua, Hortencia B. Esquivel and Florentino L. Esquivel to sue the State of Texas and the State Highway Commission.
Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

Austin, Texas, May 1, 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. 87, requesting the Conference Committee to provide Texas Department of Corrections custodial officers adequate funds and working hours.

Has carefully compared same and finds it correctly engrossed.

H. G. WELLS, Chairman.

FIFTY-FIFTH DAY
(Continued)
(Wednesday, May 3, 1961)

The House met at 9:30 o'clock a.m., and was called to order by the Speaker.

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

"This is the day which the Lord hath made; we will rejoice and be glad in it." (Psalms 118:24).

"Father, we thank Thee for Thy watchcare that has brought us to this place and to this day. May we live today in such a way that this will be a better world that we live in because of the good we do today in Christ's Name.—Amen."

CONSIDERATION OF LOCAL AND UNCONTROVERSIED BILLS

The House, in accordance with a previous motion, proceeded to the consideration of the Local and Uncontested Bill Calendar.

SENATE BILL NO. 243 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,
S. B. No. 243, To extend the existing authority of the Game and Fish Commission to regulate wildlife in Bexar County, and declaring an emergency.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 252 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,
S. B. No. 252, Creating El Lago Municipal District, and declaring an emergency.

(Mr. Dewey in the Chair.)

The bill was read second time.

Mr. Caldwell offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend Senate Bill 252 by amending Sections 2 and 6 as follows:

Section 2, Delete the sentence reading, "Said District shall also have the power to make, construct, or otherwise acquire improvements within or without the boundaries thereof necessary or convenient to carry out the powers and authority granted by this Act and said General Laws," and adding in lieu thereof, "Said District shall also have the power to make, construct or otherwise acquire improvements within the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws."

Section 6 by adding a sentence at the end of said Section reading as follows:

"Nothing in this Act shall be construed as extending the power of eminent domain outside the boundaries of the district created hereby."

Caldwell, Glusking.

The amendment was adopted.

Mr. Burgess offered the following Committee Amendment to the bill:

Committee Amendment No. 5

Amend Senate Bill 252 by adding the following sentence at the end of Section 2 of said bill:

The term "sole expense" shall mean the actual cost of such re-