February 7, 1957

HOUSE JOURNAL

NINETEENTH DAY
(Thursday, February 7, 1957)

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 Hollowell
Anderson Holman
Armor Holstein
Atwell Hooks
Baker Hopper
Ballman Husem
Bartram Huff
Bass Huffer
Bell Hughes of Grayson
Bishop Hughes of Dallas
Blake Hutchins
Blanchard Isaacks, Miss
Bowers Jackson
Boyzen Jamison
Braheer Jones
Bristow Johnson
Bryan Joseph
Bullock Kelly
Burkett Kennard
Byrd Kennedy
Chapman Kilpatrick
Clino Kolba
Cloud Koroth
Cole Kothman
Conley Latimer
Cory Laurel
Cox Lee
Cox of Montgomery McCoplin
Day McDonald
Cox of Bell McGregor
Day of McLennan
Gars of El Paso
Dewey McIlhany
Dugas Mann
Duncan Martin
Durrie Mathews
Hillott Mays
Ellis Moore of Harris
Penogany Moore of Tarrant
Perrett Mullens
Ford Murray
Foreman Myatt
Forth Myrick
Glass Osborn
Gustine Parish
Green Parsons
Hale Patterson
Harrington Pipskin
Healey Pool
Hoffin Preaster
Heitman Puckett
Hensley Ramsey
Richardson Storey
Roberts Strickland
Russell Strom
Sadler Sudduth
Sands Talneck
Shal Terrell
Schramp Thurmond
Schwartz Tunnell
Seals Tom
Seals of Galveston
Shannon of Erath Watson
Shannon Welch
Shaw Wheeler
Sheridan Wilson of Young
Sherini Wilson of Potter
Slack Winfrey
Smith of Hays Wohlford
Smith of Jefferson Woolsey
Simpson Yens
Springer Zbranek
Stewart

Shackelford

A quorum of the House was announced present.

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"O Lord our God, before whom one day we shall all have to give an account, lend us Thine aid, that this day's work may be well pleasing unto Thee. Forgetful of ourselves, help us to bear cheerfully the forgetfulness of others. Give us courage and faith and the quiet mind. Give life to our good intentions. Bless us in all that is right, and correct us in all that is wrong. We ask of Thee this help and mercy for Christ's sake.—Amen."

A leave of absence was granted on account of illness:

Mr. Crosthwait for today on motion of Mr. Sheridan.

CONGRATULATING BILL ELLINGTON AND THE GARLAND OWLS OF GARLAND, TEXAS

Mr. Pool offered the following resolution:
Whereas, Mr. Bill Ellington, coach of the Garland Owls, which team won the State AAA Football Championship in the year 1956, was chosen by the Dallas Chamber of Commerce Athletic Relations Committee as "Sportsman of the Month;" and

Whereas, This fine coach has been an inspiration not only to the people of Garland but to the State as a whole, and especially to the young athletes under his supervision, to whom he has taught the very highest ideals of morale and sportsmanship; and

Whereas, Coach Ellington, in addition to his duties as football coach, has been a leader in many worthy civic projects for the advancement of his city, county and state, now, therefore, be it

Resolved, That the outstanding citizen of Garland and of Texas be fittingly recognized by his fellow Texans, and that the House of Representatives of the Fifty-fifth Legislature extend our congratulations to Bill Ellington and to the Garland Owls for the honor they have brought to the fine City of Garland; and, be it further

Resolved, That this Resolution be printed in today's Journal and a copy of same be transmitted to Mr. Bill Ellington.

Crosthwait, Atwell, Sutton, Sanders, Pool, Johnson, Hughes of Dallas,

The resolution was read and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, February 7, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives,

Pursuant to request of the Senate, I have directed the Clerk of this House to inform you, on behalf of the Senate, as follows:

S. B. No. 18. A bill to be entitled "An Act regulating the manufacture and sale of commercial feed; and declaring an emergency.

S. B. No. 48. Providing for the issuance of a patent to a certain lot in the City of Austin, Texas; and declaring an emergency.

Respectfully,

Charles Schnabel, Secretary of the Senate.

HOUSE BILLS ON FIRST READING

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

By Mr. Smith of Hays:

H. B. No. 369, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the Biennium beginning September 1, 1957, and ending August 31, 1959, requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Smith of Hays:

H. B. No. 370. A bill to be entitled "An Act appropriating money for the support of the hospitals and special schools branch of the state government for the two-year period beginning September 1, 1957, and ending August 31, 1959; authorizing and prescribing conditions, limitations, rules, and procedures, for allocating and expending the appropriated funds; and declaring an emergency."

Referred to the Committee on Appropriations.

By Messrs. Seeligson, Dugas and Anderson:

H. B. No. 371. A bill to be entitled "An Act creating the State Tax Study Commission; providing for the appointment of the members of said Commission; authorizing the making of a comprehensive tax study by the State Tax Study Commission; providing authority to request aid and service in making a tax study; pro-
An appropriations for moneys in the Treasury of Texas as named in this Act; to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing all funds allocated under the provisions of this Act with the exception of those necessary for paying the costs of audits and supervision by the Texas Education Agency as provided herein shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions; providing for an annual appropriation of Four Million Seven Hundred Seventeen Thousand, Seven Hundred and Sixty-five Dollars ($4,717,765) for each of the fiscal years beginning September 1, 1957, and ending August 31, 1959, both dates inclusive; and for certain other educational agencies of the State, re-appropriating balances in the funds appropriated by Senate Bill No. 7, Chapter 8, Acts of the Fifty-third Legislature, First Called Session, 1954, to the Southwestern Medical School of the University of Texas for constructing and equipping buildings; presenting certain restrictions concerning the expenditures of said appropriations; requiring audits; containing a saving clause; and declaring an emergency.

Referred to the Committee on Appropriations.

By Mr. Smith of Hays:

H. B. No. 373, A bill to be entitled "An Act appropriating money for the support, maintenance and improvement of the several State institutions of higher learning for the two (2) fiscal years beginning September 1, 1957, and ending August 31, 1959, both dates inclusive; and for certain other educational agencies of the State, re-appropriating balances in the funds appropriated by Senate Bill No. 7, Chapter 8, Acts of the Fifty-third Legislature, First Called Session, 1954, to the Southwestern Medical School of the University of Texas for constructing and equipping buildings; presenting certain restrictions concerning the expenditures of said appropriations; requiring audits; containing a saving clause; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Smith of Hays:

H. B. No. 374, A bill to be entitled "An Act appropriating money for the support, maintenance and improvement of the several State institutions of higher learning for the two (2) fiscal years beginning September 1, 1957, and ending August 31, 1959, both dates inclusive; and for certain other educational agencies of the State, re-appropriating balances in the funds appropriated by Senate Bill No. 7, Chapter 8, Acts of the Fifty-third Legislature, First Called Session, 1954, to the Southwestern Medical School of the University of Texas for constructing and equipping buildings; presenting certain restrictions concerning the expenditures of said appropriations; requiring audits; containing a saving clause; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Smith of Hays:

H. B. No. 375, A bill to be entitled "An Act relating to gifts of securities and money to minors and to make uniform the law with reference thereto; to provide for powers, duties, and functions of the several State institutions of higher learning for the two (2) fiscal years beginning September 1, 1957, and ending August 31, 1959, both dates inclusive; and for certain other educational agencies of the State, re-appropriating balances in the funds appropriated by Senate Bill No. 7, Chapter 8, Acts of the Fifty-third Legislature, First Called Session, 1954, to the Southwestern Medical School of the University of Texas for constructing and equipping buildings; presenting certain restrictions concerning the expenditures of said appropriations; requiring audits; containing a saving clause; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Pressler:

H. B. No. 376, A bill to be entitled "An Act to adopt and establish general statutory provisions applicable to non-profit corporations; to provide for the incorporation, registration, admission to conduct affairs in Texas, merger, consolidation, receivership, dissolution, and liquidation of those non-profit corporations to which this Act shall apply; to provide that it shall apply to certain existing Texas corporations and to certain Texas corporations incorporated after the Act becomes effective and certain foreign corporations authorized to conduct affairs in Texas after it becomes effective; to provide for powers, duties, authorizations and responsibilities of affected corporations and their officers, directors, and members; providing the Antitrust Laws of Texas shall not be affected or nullified under the provisions of this Act; containing a saving clause; repealing Acts in conflict herewith; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Pressler:

H. B. No. 377, A bill to be entitled "An Act to adopt and establish general statutory provisions applicable to non-profit corporations; to provide for the incorporation, registration, admission to conduct affairs in Texas, merger, consolidation, receivership, dissolution, and liquidation of those non-profit corporations to which this Act shall apply; to provide that it shall apply to certain existing Texas corporations and to certain Texas corporations incorporated after the Act becomes effective and certain foreign corporations authorized to conduct affairs in Texas after it becomes effective; to provide for powers, duties, authorizations and responsibilities of affected corporations and their officers, directors, and members; providing the Antitrust Laws of Texas shall not be affected or nullified under the provisions of this Act; containing a saving clause; repealing Acts in conflict herewith; and declaring an emergency."

Referred to the Committee on Appropriations.
By Mr. Patterson:

H. B. No. 377, A bill to be entitled
"An Act amending Acts 1929, Forty­first Legislature, Second Called Session, Page 172, Chapter 88, Section 2, as amended (Article 675a-2, Vernon's Civil Statutes, as amended), so as to exempt machinery used solely for the purpose of constructing, reconstructing and repairing public roads and highways from the provisions of said Act; providing a severability clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Patterson:

H. B. No. 378, A bill to be entitled
"An Act providing for a closed season in Borden County upon quail until April 30, 1963; providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Patterson:

H. B. No. 379, A bill to be entitled
"An Act providing for a closed season in Scurry County upon quail until April 30, 1963; providing a penalty; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Talasek:

H. B. No. 380, A bill to be entitled
"An Act amending subsection (1) of Section 1, Chapter 23, Acts 1929, 41st Legislature, Second Called Session, as amended, to clarify the status and county of registration of rented and leased vehicles; amending Section 1, Chapter 88, Acts 1929, 41st Legislature, Second Called Session, as amended by Section 1, Chapter 83, Acts 1929, 41st Legislature, Fifth Called Session, as amended by Section 1, Chapter 110, Acts 1941, 47th Legislature, as amended by Section 1, Chapter 415, Acts 1947, 50th Legislature, Regular Session by adding a new subsection after subsection (a) thereof, to be designated as subsection (f) so as to define "residence"; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Motor Traffic.

By Mr. Stewart and Walling:

H. B. No. 381, A bill to be entitled
"An Act authorizing the Board for Texas State Hospitals and Special Schools to sell certain land located in Wichita County, Texas, being a part of the property of the Wichita Falls State Hospital; prescribing the procedures, terms and conditions of sale; limiting the times within which sales may be made; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Blanchard:

H. B. No. 382, A bill to be entitled
"An Act to amend Section 21 of Article V of Chapter 519, Acts of the Fifty-fourth Legislature, 1955, which was a special proviso prohibiting executive heads or the administrative staff of higher education agencies of this State from being reimbursed for official travel expenses to Austin during sessions of the Texas Legislature without certain advance approval; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Blanchard:

H. B. No. 383, A bill to be entitled
"An Act to amend Section I of House Bill 119 enacted by the First Called Session of the Fifty-third Legislature (being an act authorizing cities having more than 250,000 population to issue Airport Revenue Bonds for purposes, under conditions, and having specifications as provided therein;) to revise the minimum population limit for the issuance of such Airport Revenue Bonds; and declaring an emergency."

Referred to the Committee on Aeronautics.

By Mr. Sudderth:

H. B. No. 384, A bill to be entitled
"An Act imposing an excise tax upon the sale of pleasure boats and motors equal to 3% of the retail value thereof; with certain exemptions; defining terms used in the Act; requiring licensed retailer to collect said tax; for the State of Texas upon the sale or distribution of pleasure boats and motors in Texas, and requiring tax to be added to selling price until it is paid ultimately by the user thereof;
requiring persons importing pleasure boats and motors for use in Texas to pay tax thereon; providing taxes so levied shall be in lieu of any other excise tax imposed by the State or any political subdivision on pleasure boats and motors; fixing time and manner of reporting and paying taxes collected and accrued to the State, and setting forth information to be contained in said reports; making retailers liable for audit expense upon failure and refusal to pay taxes collected over to the State of Texas; providing credit for overpayment of said tax; declaring purpose of tax levy and prescribing felony for failure or refusal to pay taxes so collected over to the State of Texas or for fraudently misapplying or converting to personal use any taxes so collected and fixing venue for trial of such offenses; providing that an application for permit shall be filed and permit obtained from the Comptroller to make a sale, distribution or use of pleasure boats and motors but authorizing waiver of permit for users under certain conditions; requiring bonds to be furnished by retailers to guarantee payment of taxes and setting forth the amounts and the terms and conditions of said bonds; providing that all taxes, penalties and interest due or required to be paid shall be secured by a preferential lien upon property used in the business of a retailer and describing property subject to said lien; requiring retailers to keep records of pleasure boats and motors handled in Texas for a period of 2 years and describing records to be kept; giving Comptroller authority to inspect premises and property where pleasure boats and motors are sold, stored, or transported in Texas, and to audit and examine all books and records kept by retailers in connection therewith; giving Comptroller authority to revoke or refuse the issuance of permits for certain offenses and under certain conditions; giving permittee right to be heard and right to appeal any order of Comptroller to District Court of Travis County, Texas; making certificates executed by Comptroller or his Chief Clerk incident to any order, regulation, bond or other instrument adopted by or filed with the Comptroller in connection with this Act admissible as prima facie evidence in any civil or criminal action involving such order, regulation, bond or other instrument; fixing statutory penalties and interest for failure to pay over taxes when due, and prescribing civil penalties for violation of the law or regulations promulgated by the Comptroller, and fixing venue for suits, injunctions and other proceedings at law in courts of Travis County, Texas, or other courts having venue; appropriating fund for expense of administering law and collecting taxes, and allocating taxes collected; prescribing misdemeanor penalties for certain offenses; containing a savings clause; repealing conflicting laws and fixing date said Act is to become effective.

Referred to the Committee on Revenue and Taxation.

By Mr. Woolsey:

H. B. No. 385, A bill to be entitled "An Act amending Section 137, paragraph (d) of Chapter 56, Acts of the 54th Legislature, Regular Session, 1955, relating to which distributees shall the affidavit." Referred to the Committee on Judiciary.

TO GRANT HUGH M. GLOVER PERMISSION TO SUE THE STATE OF TEXAS AND THE ADJUTANT GENERAL'S DEPARTMENT

Mr. Stewart offered the following resolution:

H. C. H. No. 28

Whereas, Hugh M. Glover, a resident of Wichita County, Texas, alleges that on the 26th day of September, 1955, he struck a track-driven armored tank of the Texas National Guard, which said tank was improperly parked on State Highway 25, approximately one mile north of the city limits of Electra, Texas, damaging the automobile belonging to the said Hugh M. Glover, and causing him personal injuries; and

Whereas, Hugh M. Glover desires to bring suit against the State of Texas and the Texas National Guard for damages suffered by him; now therefore be it

Resolved by the House of Representatives of the State of Texas and the Senate concurring, That Hugh M. Glover is hereby given permission to
The fact that this legislation is necessary in order to maintain an adequate supply of crappie and catfish in Caddo Lake and its tributaries 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 this Rule is hereby suspended, and that this Act take effect and be in force.

Section 1. House Bill 757, Acts of the 54th Legislature, Regular Sessions, 1955, Chapter 439, p. 1156, is amended so as to read hereafter as follows:

"Section 1. This Act shall apply to the waters of Caddo Lake and its tributaries in Harrison and Marion Counties, Texas.

"Section 2. It shall be unlawful to catch and retain or to place in any container, boat, creel, or live box or on any fish stringer any crappie taken from the waters of Caddo Lake and its tributaries in Harrison and Marion Counties that is less than nine (9) inches in length, or in any one (1) day to catch or retain or to place in any container, boat, creel, or live box or on any fish stringer more than fifteen (15) crappie taken from the waters of Caddo Lake and its tributaries in Harrison and Marion Counties.

"Section 3. It shall be unlawful to catch and retain or to place in any container, boat, creel, or live box or on any fish stringer any catfish taken from the waters of Caddo Lake or the tributaries in Harrison and Marion Counties that is less than eight (8) inches in length, or in any one (1) day to catch and retain or to place in any container, boat, creel, or live box or on any fish stringer more than twenty-five (25) catfish taken from the waters of Caddo Lake and its tributaries in Harrison and Marion Counties.

"Section 4. Any person who violates any provision of this Act, upon conviction, be fined a sum not less than Five Dollars ($5) nor more than Fifty Dollars ($50), and each fish unlawfully taken shall constitute a separate offense.

"Section 5. All laws or parts of laws, whether local, special or general, which are in conflict herewith are hereby repealed to the extent of such conflict.

The bill having been read second time on yesterday and further consideration of same postponed until 10:30 o'clock a.m. today.

Amend House Bill 263 by striking out everything under the Enacting Clause and substituting in lieu thereof the following:

Amendment to the bill:


from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Huffman offered the following amendment to the bill:

Amend H. B. No. 203 by striking out all above the enacting clause and substituting in lieu thereof the following:

"An Act relating to fishing in Caddo Lake and its tributaries in Harrison and Marion Counties, Texas; providing a limit on the number and size of crappie taken from these waters; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

The amendment was adopted without objections.

H. B. No. 203 was then passed to engrossment.

HOUSE BILL NO. 203 ON THIRD READING

Mr. Mays moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

|| Yeas-138||
|  | Anderson | Conley |
|  | Armor | Cory |
|  | Atwell | Covian |
|  | Baker | Cox of Montgomery |
|  | Ballman | Cox of Bell |
|  | Bartram | Day |
|  | Bass | de la Garza |
|  | Bell | Dewey |
|  | Bishop | Duff, Miss |
|  | Blaine | Dugas |
|  | Blanchard | Dungan |
|  | Bowens | Ehrle |
|  | Boyzen | Elliott |
|  | Brazos | Ellis |
|  | Britton | Pennington |
|  | Bryan | Ferrell |
|  | Bullock | Ford |
|  | Byrd | Fossum |
|  | Chapman | Forsyth |
|  | Clem | Glass |
|  | Cloud | Glusing |
|  | Cole | Green |

|| Nays-4||
|  | Burkett | Sheridan |
|  | Cotten | Sudderth |
|  |  | Absent |
|  |  | Absent—Excused |

Hale  | Parish  |
Harrington  | Parsons  |
Heatly  | Patterson  |
Heflin  | Pipkins  |
Heflin  | Pool  |
Hensley  | Pressler  |
Hollowell  | Puchett  |
Holman  | Ramsey  |
Holt  | Richardson  |
Hooks  | Roberts  |
Huebner  | Russell  |
Huffman  | Sadler  |
Huff  | Sandahl  |
Hughes of Grayson  | Sanders  |
Hughes of Dallas  | Saul  |
Hutchins  | Schwartz  |
Izard, Miss  | Seals  |
Jackson  | Seals, Miss  |
Jamison  | Shannon of Erath  |
Jones  | Shannon  |
Joseph  | of Tarrant  |
Kelly  | Shaw  |
Kennard  | Sherrill  |
Kennedy  | Slack  |
Kilpatrick  | Smith of Jefferson  |
Kollman  | Spellman  |
Korinth  | Springer  |
Kothmann  | Stewart  |
Latimer  | Storey  |
Laurel  | Strickland  |
Lee  | Stroman  |
McCook  | Sutton  |
McDonald  | Talasek  |
McGregor  | Terrell  |
of McLennan  | Thurmond  |
of El Paso  | Tinsley  |
McGehee  | Turman  |
McMurry  | Uvalde  |
Mann  | Watson  |
Martin  | Welch  |
Matthew  | Wheeler  |
Mays  | White  |
Moore of Harris  | Wilson of Young  |
Moore of Tarrant  | Wilson of Potter  |
Mullen  | Winfree  |
Murray  | Winkler  |
Myatt  | Woolsey  |
Oliver  | Yanek  |
Osborn  | Zbranek  |

Absent.

Crosthwait  | Schwartz  |
of Washington
The Speaker then laid House Bill No. 203 before the House on third reading and final passage.

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

**Yeas-139**

Anderson Huebner
Armor Huffman
Atwell Atwell
Baker Ballman
Ballman Hughes of Grayson
Bartram Ballman Hughes of Dallas
Bass Blunt
Blaine Blunt
Blaine Huffman
Blair Blunt
Blanding
Blanton Bratton
Blanton Kilpatrick
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"and with no good reason to believe the check, draft or order would be paid upon presentation to the person or bank upon which same was drawn."

The amendment was adopted.

Question recurring on the passage of H. B. No. 91 to engrossment, yeas and nays were requested.

H. B. No. 91 was passed to engrossment by the following vote:

**Yeas-130**

Anderson Huebner
Armor Hoffman
Baker Huffer
Ballman Hughes of Grayson
Bartram Hughes of Dallas
Bass Hutchins
Bell Isaacs, Miss
Bishop Jackson
Blaine Jamison
Blanchard Jones
Brandeaure Joseph
Bristow Kelly
Bryan Kennard
Buckett Kennedy
Byrd Kilpatrick
Chapman Koliba
Cline Korioth
Cloud Rothmann
Cole Latimer
Conley Laurel
Cory McCoppin
Cox of Montgomery McGregor
Cox of Bell of McLennan McGregor
Day of El Paso
Dewey Hellbany
Duff, Miss Mann
Ehrle Martin
Elliot Matthew
Eills Mary
Fenoglio Moore of Harris
Forsman Mullen
Forsey Murray
Glass Myatt
Glanting Oliver
Green Osborne
Hale Parish
Harrington Parsons
Heckly Patterson
Hefflin Pipkin
Helman Pessler
Hensley Puckett
Hollowell Ramsey
Holman Richardson
Holstein Roberts
Hooke Russell
Hosey Sadler
Sanders Strickland
Saul Sromen
Schram Sutton
Schwartz Talasek
of Galveston Terrell
Shackelford Thurmond
Shannon of Brath Waring
Shannon of Tarrant Watson
Shaw Wheeler
Sheridan White
Sherrill Wilson of Young
Slack Wilson of Potter
Smith of Hays Winfree
Smith of Jefferson Wohlford
Spillman Woolsey
Sprunger Yeak
Stewart Yezek
Stovey Zberez

**Nays-11**

Bowers Lee
Boyseen Moore of Tarrant
Bullock Sandahl
Cotten Suderth
Dungan Tunnell
Forrell

Present—Not Voting

Pool
Absent
Atwell Johnson
Dugas Seeligson
Ford

Absent—Excused

Crosthwait Schwartz of Washington

HOUSE BILL NO. 91 ON THIRD READING

Mr. Baker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas-116**

Anderson Bristow
Armor Bryan
Baker Byrd
Ballman Cline
Bell Cloud
Bishop Cole
Blaine Conley
Blanchard Cory
Brandeaure Coven
The Speaker then laid House Bill No. 91 before the House on third reading and final passage.

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

**Yeas—121**

Anderson  
Armbrister  
Baker  
Ballman  
Bartram  
Barry  
Bell  
Bishop  
Blaine  
Blanchard  
Braun  
Bristow  
Burkett  
Byrd  
Cline  
Clem  
Collins  
Collins  
Cody  
Cork  
Crockett  
Crawford  
Cox of Bell  
Day  
Cox of El Paso  
McConathy  
Mann  
Martin

**Nays—28**

Atwell  
Bass  
Bowers  
Boyce  
Bullock  
Buckett  
Chapman  
Cotten  
Daggs  
Dungan  
Ferrell

The Speaker then laid House Bill No. 91 before the House on third reading and final passage.

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

**Yeas—121**

Anderson  
Armbrister  
Baker  
Ballman  
Bartram  
Barry  
Bell  
Bishop  
Blaine  
Blanchard  
Braun  
Bristow  
Burkett  
Byrd  
Cline  
Clem  
Collins  
Collins  
Cody  
Cork  
Crockett  
Crawford  
Cox of Bell  
Day  
Cox of El Paso  
McConathy  
Mann  
Martin

**Nays—28**

Atwell  
Bass  
Bowers  
Boyce  
Bullock  
Buckett  
Chapman  
Cotten  
Daggs  
Dungan  
Ferrell

The Speaker then laid House Bill No. 91 before the House on third reading and final passage.

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

**Yeas—121**

Anderson  
Armbrister  
Baker  
Ballman  
Bartram  
Barry  
Bell  
Bishop  
Blaine  
Blanchard  
Braun  
Bristow  
Burkett  
Byrd  
Cline  
Clem  
Collins  
Collins  
Cody  
Cork  
Crockett  
Crawford  
Cox of Bell  
Day  
Cox of El Paso  
McConathy  
Mann  
Martin

**Nays—28**

Atwell  
Bass  
Bowers  
Boyce  
Bullock  
Buckett  
Chapman  
Cotten  
Daggs  
Dungan  
Ferrell

The Speaker then laid House Bill No. 91 before the House on third reading and final passage.

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

**Yeas—121**

Anderson  
Armbrister  
Baker  
Ballman  
Bartram  
Barry  
Bell  
Bishop  
Blaine  
Blanchard  
Braun  
Bristow  
Burkett  
Byrd  
Cline  
Clem  
Collins  
Collins  
Cody  
Cork  
Crockett  
Crawford  
Cox of Bell  
Day  
Cox of El Paso  
McConathy  
Mann  
Martin

**Nays—28**

Atwell  
Bass  
Bowers  
Boyce  
Bullock  
Buckett  
Chapman  
Cotten  
Daggs  
Dungan  
Ferrell

The Speaker then laid House Bill No. 91 before the House on third reading and final passage.

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

**Yeas—121**

Anderson  
Armbrister  
Baker  
Ballman  
Bartram  
Barry  
Bell  
Bishop  
Blaine  
Blanchard  
Braun  
Bristow  
Burkett  
Byrd  
Cline  
Clem  
Collins  
Collins  
Cody  
Cork  
Crockett  
Crawford  
Cox of Bell  
Day  
Cox of El Paso  
McConathy  
Mann  
Martin

**Nays—28**

Atwell  
Bass  
Bowers  
Boyce  
Bullock  
Buckett  
Chapman  
Cotten  
Daggs  
Dungan  
Ferrell
Mr. Baker moved to reconsider the vote by which H. B. No. 91 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Baker and by unanimous consent of the House, the caption of House Bill No. 91 was ordered amended to conform with the body of the bill.

REASON FOR VOTE

I voted "present not voting" as I'm an employer and have an interest in the bill.

JOE POOL.
The Speaker then laid House Bill No. 101 before the House on third reading and final passage.

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

Year—139

Yeas-139

Anderson Moore of Harris
Armour Harrison
Atwell Heatly
Baker Heitman
Ballman Heitman
Barron Hensley
Bass Hollowell
Bell Holfman
Bishop Holstein
Blaine Hooks
Blanchard Hone
Bowers Huffman
Boyson Huffer
Brashen Hughes of Grayson
Bristow Hughes of Dallas
Bryan Hutchins
Bullcock Issacks, Miss
Byrd Jackson
Camps Chapman Jamison
Cline Johnson
Cloud Jones
Cole Joseph
Copy Kelly
Cotten Kenneth
Cox of Montgomery Koliba
Cox of Bell Kothmann
Day Kothmann
de la Garza Latimer
Dewey Laitel
Duff, Miss Lee
Dugas McCoppin
Dunakin McDonald
Elliot McGregor
Ellis of McLennan
Fenoglio McGregor
Ferrell of El Paso
Ford McLennan
Foreman Mann
Fowres Martin
Fowry Matson
Green Moore of Harris
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Mullen
Murray
Nyatt
Oliver
Osborn
Parish
Parsons
Patterson
Pool
Preslar
Puckett
Ramsey
Ransey
Richardson
Roberts
Russell
Sadler
Sandahl
Sanders
 Saul
Schram
Schwartz
Shannon
Shaw
Sheridan

Absent
Burkett
Conley
Evans
Hubner

Crosthwait

The Speaker called the attention of the House to the fact that the House Bill No. 161 had been amended to conform with the body of the bill.

On motion of Mr. Korioth and by unanimous consent of the House, the Chairman of House Bill No. 161 was ordered amended to conform with the body of the bill.

HOUSE BILL NO. 161 ON SECOND READING

The Speaker, said before the House, on its second reading and passage to the Senate,

H. B. No. 161. A bill to be entitled "An Enabling Act to amend Section 49 of Article 3 of the State Constitution; defining certain terms; creating the Texas Water Development Board and prescribing its composition, powers, and duties; authorizing the issuance by the Board of One Hundred Million Dollars ($100,000,000) in state bonds to create the Texas Water Development Fund; providing the method, manner and mechanics of issuing the bonds; authorizing the Board to issue refunding bonds; requiring that moneys from the sale of such bonds and all other income be deposited in the Texas Water Development Fund; requiring the setting aside of certain funds until December 31, 1982 and thereafter for certain purposes; providing for the deposit of excess moneys in the General Fund; providing for the investment of moneys set aside to secure such bond; requiring Legislative appropriations to meet deficiencies; declaring such state bonds to be legal investments and free from taxation; authorizing the Board until December 31, 1982 to provide financial assistance to political subdivisions to construct, acquire or improve water conservation projects; requiring approval by the State Board of Water Engineers and setting standards for eligible projects; authorizing eligible projects to apply to the Board for financial assistance; authorizing the Board to give financial assistance from the Fund by the purchase of political subdivision bonds, even though such bonds may be secondary to other bonds; limiting such assistance to not more than Five Million Dollars ($5,000,000) or one-third the cost of the project; providing for the Board to require and determine the interest of such bonds; authorizing the Board to require that such political subdivision bonds be secured by revenues or taxes or both; providing for safeguards to protect the investment of moneys of the Fund; requiring partial payments on construction contracts; providing for inspection during construction; authorizing the Board to promulgate rules and regulations for the purchase by the Board of supplies from the Board of Control; providing for the hiring of employees and prescribing certain duties; providing for regular and called meetings; appropriating $5,000,000 to pay the expenses of the Board during the remainder of the biennium and setting employees salary standards; providing a savings clause; and declaring an emergency."

The bill was read second time.

Mr. Saul moved that H. B. No. 161 be set as a Special Order for
There was no objection offered and it was so ordered.

**HOUSE BILL NO. 200 ON SECOND READING**

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

H. B. No. 200, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of a tract or parcel across Callo del Oso in Nueces County, lying under, along and adjacent to the Causeway and its approaches on State Highway No. 358; providing that this conveyance shall not interfere nor conflict with the rights of the State Game and Fish Commission except that the State Highway Department shall have the right to take materials from said tract without compensation therefor; and declaring an emergency."

The bill was read second time.

Mr. Smith of Hays offered the following Committee Amendment to the bill:

Committee Amendment No. 1
Amend Section 1 of House Bill 200 by striking the period following the word "therefrom" in the last line of said Section 1, and substituting a semicolon to be followed by the words "provided, however that all mineral rights, together with the right to explore for and develop same by directional drilling are reserved to the State of Texas."

The amendment was adopted.

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

Committee Amendment No. 2
Amend House Bill 200 by striking the word "Callo" wherever same appears in said bill and substituting therefor, the word "Cayo."

The amendment was adopted.

H. B. No. 200 was then passed to engrossment.

**YEAS**

The Speaker then laid House Bill No. 200 before the House on third reading and final passage. The bill was read third time and was passed.

MESSAGE FROM THE SENATE

Austin, Texas, February 7, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives:

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 96 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Moffett, Martin, Hardman, Krueger, Fuller.

Respectfully submitted,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 248 ON SECOND READING

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

H. B. No. 248. A bill to be entitled "An Act amending subsections (a), (b), and (h), of Section 2. and Section 9, and Section 21 of Chapter 147, Acts 1949, 51st Legislature, Regular Session, creating the port of Beaumont Navigation District of Jefferson County, Texas, so as to clarify and make more certain the rights, powers, privileges, functions and authority of said district to acquire, construct, operate, and maintain facilities or aids consistent to or necessary to the operation or development of ports or waterways within the district, and to make more certain that any obligation incurred payable from taxation shall be submitted to a vote of the qualified electorate; and to provide for the election of five port commissioners whose terms shall be staggered and shall be for a period of four years; and to make clear that all general and special laws applicable to navigation districts created pursuant to Section 29, Article 16, of the constitution, except as expressly limited by the Act creating the port of Beaumont Navigation district, shall apply to said district; providing a savings clause; and declaring an emergency."

The bill was read second time.

Mr. Kilpatrick moved that further consideration of House Bill No. 248 be postponed until Thursday, February 14, at 10:30 o'clock a.m. There was no objection offered and it was so ordered.

SENATE BILLS ON FIRST READING

The following Senate Bills received from the Senate were today laid before the House, and referred to the appropriate Committees, as follows:

S. B. No. 146 to the Committee on Judicial Districts.

S. B. No. 109 to the Committee on Municipal and Private Corporations.
S. B. No. 33 to the Committee on State Affairs.

(Mr. Blanchard in the Chair.)

MEETING OF COMMITTEE

Mr. Smith of Hays asked unanimous consent of the House that the Committee on Appropriations be permitted to meet at this time. There was no objection offered.

(Speaker in the Chair.)

(Mr. Bowers in the Chair.)

RELATIVE TO H. B. NO. 200

On motion of Mr. Smith of Hays and by unanimous consent of the House, the Caption of House Bill No. 200 was ordered amended to conform with the body of the bill.

(Speaker in the Chair.)

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message, received today, from Governor Price Daniel:

February 7, 1957

TO THE HOUSE OF REPRESENTATIVES OF THE FIFTY-FIFTH LEGISLATURE:

By a vote of 133 to 46, the House of Representatives has passed HB 4, which provides for a majority vote in the selection of certain public officials in special elections.

Under the authority granted to the two houses under Section 5 of Article III of the Constitution to set aside, by a four-fifths vote, the order of business of a regular session as described therein, the House of Representatives has set its order of business to be as described in the House Rules. The Senate has not so voted.

Therefore, the Governor's submission of the subject as an emergency is the only way in which this bill can be passed in the Senate by less than a four-fifths vote during the first sixty-day period.

Because the question of whether a majority of the people, rather than a minority, shall select their officers as provided in this bill is important to the welfare of Texas and should be decided without delay, I hereby submit the matter for emergency consideration in accordance with Section 5 of Article III of the Constitution of the State of Texas.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

COMMENDING MR. O. B. ELLIS FOR HIS SERVICE AS MANAGER OF THE TEXAS PRISON SYSTEM AND WISHING HIM A SPEEDY RECOVERY

Mr. Huffman offered the following resolution:

H. S. R. No. 124

Whereas, Mr. O. B. Ellis, General Manager of the Texas Prison System, and his son, John Ellis, suffered severe injuries in an automobile accident on January 31, 1957; and

Whereas, Mr. Ellis has rendered and is rendering outstanding service to the State of Texas in the management of the Prison System, and has been a major factor in the improvement of the Prison System during the time he has served in this capacity, so that the System now ranks among the best in the Nation; and

Whereas, The members of this Legislature on their own behalf and on behalf of the citizens of this State wish to pay tribute to Mr. and Mrs. Ellis for this fine service; now, therefore, be it

Resolved, That the House of Representatives of the 55th Legislature hereby expresses its appreciation to Mr. and Mrs. Ellis for this service: now, therefore, be it

Resolved, That a copy of this Resolution be sent to Mr. Ellis with our best wishes.

Signed—Carr, Speaker; Anderson, Armor, Atwell, Baker, Ballman, Bartram, Bax, Bell, Bishop, Blair, Blanchard, Bowers, Boysen, Brasher, Bristow, Bryan, Bollock, Barret, Byrd, Chapman, Cline, Clout, Cole, Conley, Cory, Cotten, Cowen, Cox of Montgomery, Cox of Bell, Crockett, Day, de la Garza, Dewey, Miss Duff, Dugas, Dingman, Ehrie, Elliott, Ellis, Penoglio, Ferrell, Ford, Foreman, Forsyth, Glines, Grubin, Greene, Hale,
The resolution was read.

On the motion of Mr. Schwartz of Galveston the names of all members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

ADJOURNMENT

Mr. Moore of Harris moved that the House adjourn until 10:30 o'clock a. m. next Monday.

The Reverend Philip Leach of St. John's Episcopal Church of Martin, Texas, offered the Benediction as follows:

"Unto God's gracious mercy and protection we commit you. The Lord bless you and keep you; The Lord make His face shine upon you and be gracious unto you: The Lord lift up His countenance upon you, And give you His peace now and forevermore.—Amen."

The motion to adjourn prevailed and the House accordingly, at 11:45 o'clock a. m., adjourned until 10:30 o'clock a. m. next Monday.
Attorney of the 70th Judicial District to employ stenographers, assistants and investigators; prescribing their compensation, powers, duties, authority and method of employment; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, February 6, 1957

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 25, Inviting Bobby Morrow to address a Joint Session.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
Mr. Bell offered the following resolution:

H. S. R. No. 119, In Memory of Dr. Dan A. Russell.

Whereas, On February 2, 1957, the City of San Antonio and the State of Texas lost an esteemed citizen in the passing of Dr. Dan A. Russell; and

Whereas, He was born in Bexar County, Texas, October 22, 1895, the son of Fred Russell and Hulda Benke Russell. He attended the San Antonio Schools, the University of Texas, and graduated from Tulane Medical School. He interned at Santa Rosa Hospital and was a consultant at Brooks Army Medical Center. He specialized in eye, ear, nose, and throat practice in San Antonio for thirty-five years; and

Whereas, He was a member of the Bexar County Medical Society, and of the San Antonio and Texas Ear, Nose and Throat Societies. He was a Diplomat of the American Board of Otology and a Fellow of the American Academy of Ophthalmology and Otology; and

Whereas, He is survived by his widow, Mrs. Naomi Gouger Russell, San Antonio; one son, Dr. Dan Russell, Jr., San Antonio; two daughters, Mrs. J. D. Folbre, San Antonio, and Mrs. Michael Kangerger, Henderson; two brothers, Raymond R. Russell and Ralph W. Russell, both of San Antonio; and ten grandchildren; and

Whereas, Dr. Russell had spent a lifetime serving others, and in the Book of Saint Matthew in the Holy Bible is the comforting promise, “Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me”; now, therefore, be it

Resolved, That the Texas House of Representatives pay tribute to Dr. Russell with a copy of this Resolution, that a House Journal page be set aside in his memory, and that when the House adjourns this day it do so in loving respect to him.

BELL, STRICKLAND, HENSLEY, SEELIGSON.

The resolution was unanimously adopted by a rising vote.
In Memory of
R. W. "Dick" Lindsey

Mr. Walling offered the following resolution:

H. S. R. No. 123, In Memory of R. W. "Dick" Lindsey.

Whereas, On February 2, 1967, the City of Wichita Falls and the State of Texas lost an esteemed citizen in the passing of R. W. "Dick" Lindsey; and

Whereas, He was born August 11, 1889, in Nashville, Tennessee. He moved to Wichita Falls in 1922. He was a member of the Presbyterian Church, and the Men's Bible Class. He was a past president of the Rotary Club and director of the Wichita Falls Boys Club. He was a Scottish Rite Mason and past potenteate of the Mason Temple Shrine. He was a member of the Oklahoma City Masonic Lodge. He was division manager of United Gas Company; and

Whereas, He is survived by a daughter, Mrs. George C. Brown, Bevillle; a son, Richard C. Lindsey, Los Angeles, California; three brothers, Walter Lindsey, Fort Worth; L. Hardin Lindsey, St. Louis, Missouri; Watson C. Lindsey, Jr., Boston, Massachusetts; a sister, Mrs. Robert S. Woodruff, Oak Park, Illinois; now, therefore, be it

Resolved, That the Texas House of Representatives pays tribute to Mr. Lindsey with a copy of this Resolution, that a House Journal page be set aside in his memory, and that when the House adjourns this day it do so in loving respect to him.

WALLING.
STEWART.

The resolution was unanimously adopted by a rising vote.