February 18, 1957  HOUSE JOURNAL  453

TWENTY-FOURTH DAY
(Monday, February 18, 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 Hensley
Anderson Hollowell
Armor Holman
Aitwell Holstein
Baker Hooks
Ballman Husey
Bartram Hubecker
Bass Huffer
Bell Hughes of Grayson
Bishop Hughes of Dallas
Blaine Hutchins
Blanchard Isaacks, Miss
Bowers Jackson
Boyson Jamison
Branham Johnson
Bristow Jones
Bullock Joseph
Byrd Kennard
Chapman Kennedy
Cline Kilpatrick
Cloud Koliba
Colich Korcho
Conley Kothmann
Court Latimer
Cotten Laurel
Covin Lee

Cox of Montgomery McCoppin
Cox of Bell McDonald
Crostwell McFerron
Day McDonald
de la Garza of McLennan
Dewey McDonald
Duffy Miss McElhaney
Dugas Mann
Dungan Martin
Ehrle Matthew
Elliott Mays
Ellyson Moore of Harris
Fenoglio Moore of Tarrant
Ferrell Mullen
Ford Murray
Foreman Myatt
Forrest Oliver
Glass Osborn
Gus King Parish
Gunn Parsons
Hale Patterson
Harrington Picket
Hestly Pool
Heflin Frazier
Hellman Fucett

Ramsey Springer
Richardson Stewart
Roberts Storey
Russell Strickland
Sadler Stroman
Sands Dudderth
Sanders Sutton
Saul Talasek
Schrack Terrill
Schwartz Thurmond
of Galveston Tunnell
Schwartz Turman
of Washington Walling
Seeligson Watson
Shackelford Welch
Shannon of Erath Wheeler
Shannon of Tarrant Wilson of Young
Shaw Wilson of Potter
Sheridan Winfree
Sherrill Wohlford
Smith of Bell Wooley
Smith of Hays Yezak
Smith of Jefferson Zbranek
Smith of Jefferson Zbranek

Absent

Bryan

Absent—Excused

Huffman

A quorum of the House was announced present.

The Invocation was offered by Dr. Travis A. White, President, Midwestern University, Wichita Falls, Texas, as follows:

"Our Father, Thou who hast been our help in ages past and our hope for days to come. We beseech Thee to bless this assembly as it faces the responsibilities of this day and this session. Grac! O God, to each one humility of spirit, sincerity of purpose and courage of heart that the welfare of our State and Nation may be served in the deliberations of this hour through Jesus Christ, Our Lord.

Amen."

LEAVE OF ABSENCE GRANTED

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

Mr. Huffman, temporarily for today, on motion of Mr. Chapman.
TO NAME WILLIAM ERNEST,
JERRY LANCELOT AND RONALD
LYNN SHACKELFORD AS MASC
COTS OF THE HOUSE

Mr. Schwartz of Galveston offered
the following resolution:

H. S. R. No. 156

Whereas, We find William Ernest
Shackelford, age 8, Jerry Lancelot
Shackelford, age six, and Ronald
Lynn Shackelford, age one, to be
proper candidates for Mascots of
the House of Representatives; and

Whereas, They are the charming
children of our esteemed fellow mem
ber, the Honorable E. E. Shackel
ford and his lovely wife, Marjorie
Shackelford of Kirbyville, Texas;

now, therefore, be it

Resolved by the House of Repre
sentatives of the State of Texas, That
William Ernest Shackelford, Jerry
Lancelot Shackelford, and Ronald
Lynn Shackelford be, and they are
hereby, named Mascots of the House
of Representatives of the Fifty-fifth
Legislature, Regular Session; and, be
it further

Resolved, That William Ernest
Shackelford, Jerry Lancelot Shackel-
ford, and Ronald Lynn Shackelford
have their pictures made and placed
on the Picture Panel of the House
of Representatives, Austin, Texas;
and, be it further

Resolved, That a copy of this Reso
lution be sent to these children, and
that the House go on record as ex-
tending to them its best wishes for
their happiness and success during
their entire lives.

The resolution was referred to the
Committee on Rules.

TO NAME CANDACE SUZANNE
WALLING AS MASCOT OF THE
HOUSE

Mr. Saul offered the following
resolution:

H. S. R. No. 158

Whereas, Candace Suzanne Wall-
ing was born on November 11, 1955,
in Wichita Falls, the daughter of Honorable and Mrs. J. B. Walling;

and

Whereas, This lovely child is the
granddaughter of Mr. and Mrs. M.
Bogg and Mr. W. H. Walling. Her
two brothers, John Scott and Danny
Michael are Mascots of the House
of Representatives; and

Whereas, Candace Suzanne Wall-
ing would make a lovely Mascot of
the House of Representatives; now,
therefore, be it

Resolved, That she be duly de-
clarred Mascot of the House of Repre
sentatives of the Fifty-fifth Texas
Legislature, that her picture be
placed on the picture panel with
the Members, and that a copy of this
Resolution be sent to the beloved
child with our best wishes for her
happiness through life.

SAIL,
STEWART,
WILSON of Potter,
MOORE of Harris,
DAY,
PARISH,
HEITMAN,
CLINE,
SHANNON of Erath,
BASE,
THURMOND,
WHITE,
WILSON of Young,
COTTEN,
HUFFOR,
BRASHEAR,
SLACK,
PUCKETT,
ARMOR,
JOHNSON,
HUGHES of Dallas,
SHERILL,
KORICHT,
TURMAN,
ZBRANEK,
SMITH of Hays,
SEELIGSON,
SPLIMAN,
McCOPPIN,
BLANCHARD,
MOORE of Tarrant,
BOWERS,
NOYSEN,
WHEELER,
SHERIDAN,
BARTRAM,
SANDAHL,
BURKETT,
BEHRE,
COWEN,
POOL,
BELL,
COX of Montgomery,
LAUREL,
SHANNON of Tarrant,
CONLEY,

The resolution was referred to the Committee on Rules.

To Name Laura Susan Hutchins as Mascot of the House

Mr. Puckett offered the following resolution:

H. S. R. No. 160

Whereas, Laura Susan, daughter of our esteemed colleague, Edgar Hutchins, Jr., and his lovely wife, Helen, is an eligible candidate for the office of Mascot of the Texas House of Representatives; and

Whereas, Laura Susan is an outstanding young lady, one and one-half months of age, of winsome ways and a delight to her parents; and

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

Resolved, That Laura Susan be, and she is hereby named Mascot of the House of Representatives, and that her photograph be placed with the official Mascots of the House.

The resolution was referred to the Committee on Rules.

To Name Richard Edgar Hutchins as Mascot of the House

Mr. Puckett offered the following resolution:

H. S. R. No. 161

Whereas, Richard Edgar, son of our esteemed colleague, Edgar Hutchins, Jr., and his lovely wife, Helen, is an eligible candidate for the office of Mascot of the Texas House of Representatives; and

Whereas, Richard Edgar is an outstanding young gentleman, one year and two months of age, of winsome ways and a delight to his parents; and

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

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

The resolution was referred to the Committee on Rules.

Commending Elizabeth Weafer

Mr. Dewey offered the following resolution:

H. S. R. No. 155

Whereas, The National Milk Bowl is an annual football classic organized to stimulate the growth of after-school work, recreation, and sports program for youngsters in Texas and throughout the nation; and

Whereas, Elizabeth Weafer of Bryan, Texas, deserves credit for this great effort to interest thusly the age group from twelve to fifteen years in top competition in "small-fry" football; and

Whereas, Oren Arnold has written a story which has recently been published in Coronet magazine lauding the work of Elizabeth Weafer and her husband Eugene. The story tells of how a Texas housewife has whipped "small-fry" football into big-time fare and at a time when bowl games are the order of the season; and

Whereas, The Texas House of Representatives wishes to pay tribute to Elizabeth Weafer and to all those people who have encouraged her in the project; now, therefore, be it

Resolved, That the House expresses its gratitude and congratulations to this distinguished citizen with a copy of this Resolution and extends to her good wishes for her continued success and happiness.

The resolution was read and was adopted.
IN RECOGNITION OF THE VISIT OF THE FIFTH GRADE STUDENTS OF THE GULLETT SCHOOL OF AUSTIN, TEXAS

Mr. Jones offered the following resolution:

H. S. R. No. 159

Whereas, The Fifth Grade Students of the Gullet Elementary School of Austin, Texas, accompanied by their teacher, Miss Ruth Yowell, were visiting in the State Capitol on the thirteenth day of February, 1937; and

Whereas, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

Whereas, It is the desire of the House of Representatives of the Fifty-fifth Legislature to commend this group for their interest; now, therefore, be it

Resolved, That they be officially recognized and that a copy of this Resolution be forwarded to the Class.

The resolution was adopted.

TO PROVIDE FOR THE APPOINTMENT OF A GENERAL INVESTIGATING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. Sutton offered the following resolution:

H. S. R. No. 163

Whereas, The members of the House of Representatives desire to be fully and accurately informed as to the operations of the various governmental entities of the State of Texas and its political subdivisions; and

Whereas, It is for the best interests of the people of the State of Texas that the House of Representatives create a Committee with the power hereinafter set forth in order to make available to the 55th and the 56th Legislatures full information on matters as should rightfully be brought to the attention of the Texas Legislature; and

Whereas, Recent developments in connection with the financial stability of certain insurance companies in this State and the administration of the State's insurance laws, and particularly the Governor's recommendation that this Legislature enact laws reorganizing the Board of Insurance Commissioners, have made it imperative that the Legislature obtain as speedily as possible complete information on needed changes in the insurance laws and the manner in which the insurance industry is being supervised and regulated in this State, necessitating the immediate creation of a Committee having power to investigate these matters; and

Whereas, The entire insurance industry of Texas, which is the third largest industry of this State, has been damaged immeasurably by the activities of a few companies, and the need to protect the general public from financial losses resulting from the unsound operations of insurance companies and to protect the sound insurance companies from the adverse effects of the publicity attendant upon the failure of other companies calls for the immediate attention of the Legislature to revision of our insurance and securities laws; now, therefore, be it

Resolved: That the House of Representatives create a Committee having power to investigate insurance companies and to protect the sound insurance companies from the adverse effects of the publicity attendant upon the failure of other companies calls for the immediate attention of the Legislature to revision of our insurance and securities laws; now, therefore,

Be It Resolved By the House Of Representatives Of The State Of Texas:

Section 1. That a General Investigating Committee of the House of Representatives be, and the same is hereby, authorized and provided to consist of seven members to be appointed by the Speaker of the House of Representatives. The Speaker shall appoint the Chairman of the Committee, and the Committee shall elect from among its members a Vice-Chairman and a Secretary. The Committee may call and transact business at such times and places between the date of the adoption of this resolution and the date of the convening of the Regular Session of the 56th Legislature as may to the Committee seem necessary and proper. As soon as practicable after its appointment, the Committee shall meet, organize, and promulgate the rules and procedure by which it shall function. Any vacancy on the Committee shall be filled by appointment by the Speaker of the House of Representatives.

Section 2. The Committee shall have authority to continue or initiate any and all inquiries and hearings into matters pertaining to the State government and any agency or subdivision of the Government within the State of Texas, the administr-
tion of all state laws, the expenditure of public funds, and all other matters and things considered by the Committee to be for the welfare and protection of the citizens of the State of Texas.

Section 2. The Committee is specifically directed to make a thorough investigation into all phases of the administration of the insurance laws of this State by the Texas Board of Insurance Commissioners, and particularly into the affairs of the insurance industry in this State and the method of their administration by the Board of Insurance Commissioners, the adequacy or inadequacy of present civil and criminal laws relating to the insurance and sale of stocks or other securities by insurance corporations or associations, investment corporations, trust corporations, and all other types of corporations, associations, or legal entities, and the adequacy or inadequacy of present criminal laws relating to the ownership, management, control and/or use of corporate or business properties and funds by directors, officers, trustees, employees or other persons holding or exercising responsibility in connection with or relating to such corporations, associations, or legal entities; and to make recommendations on needed changes in the insurance laws and the laws regulating the sale of stocks and other securities by insurance companies, the organization of the Board of Insurance Commissioners, the organization of the insurance company, and the duties of officers and directors of insurance companies in financially unsound condition.

Sec. 3. The rules of procedure of the House of Representatives, the rules of evidence and procedure in civil and criminal cases, so far as considered applicable, and such other rules and regulations as may be adopted by the Committee, shall govern the hearings and affairs of the Committee. The Committee is authorized to hold executive sessions, within its discretion, at which the Committee may be governed by the rules of evidence applicable to grand jury inquiries in this State.

Sec. 4. The rules of procedure of the Committee may be governed by the rules of evidence applicable to civil and criminal cases, so far as considered applicable, and such other rules and regulations as may be adopted by the Committee, shall govern the hearings and affairs of the Committee. The Committee is authorized to hold executive sessions, within its discretion, at which the Committee may be governed by the rules of evidence applicable to grand jury inquiries in this State.
Sec. 10. Members of the Committee shall be reimbursed for their actual and necessary expenses incurred while engaged in the work of the Committee and while traveling between their places of residence and the places where meetings and hearings of the Committee are held. Compensation of the Committee’s employees, expenses incurred by members of the Committee, and all other expenses herein provided for incident to the work of the Committee, shall be paid out of the appropriation for mileage and per diem and contingent expenses of the 55th Legislature or out of any funds otherwise appropriated by the Legislature for such purpose, upon approval of the Chairman or Vice-Chairman of the Committee. All vouchers for traveling expenses of the members of the Committee and its employees shall be upon sworn account of persons entitled to such expenses.

The resolution was read.

The resolution was referred to the Committee on Insurance.

CONCERNING STATE SOVEREIGNTY AND STATE RIGHTS

Mr. Atwell offered the following resolution:

H. R. No. 164

Whereas, Significant events have occurred in the course of contemporaneous history under our government of laws which call for a rededication of our constitutional theory of self-government and State sovereignty as established by our forefathers and guaranteed in the 1st and 16th Amendments to our Federal Constitution; and

Whereas, The Legislature of the State of Texas is the appropriate body under mandate from the people of Texas to intervene between Federal encroachment and State sovereignty; and

Whereas, The Texas Legislature explicitly affirms and declares that the powers of the Federal Government in all its branches and agencies are limited by the terms of the Constitution creating the Federal union to which the states are parties and by the plain sense and intended con-
Whereas, The basic concept of the Federal Constitution apparent upon its face is that the ratifying states, parties thereto, agreed voluntarily to delegate certain of their sovereign rights to a Federal government thus constituted and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the respective states or to the people; and

Whereas, Failure of this State to emphasize her clearly-reserved powers could be construed as tacit consent and acquiescence in the surrender thereof; and that subservient acquiescence to palpable delinquency and destruction of the sovereignty of the states contrary to the concepts and ideals embodied in the sacred compact by which this union of the states was created; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the sovereign State of Texas intervenes and registers officially its objection on behalf of its people to the effort of the Federal government to assert an unlawful dominion over her citizens and humbly appeals to her sister states for their help and guidance in protecting the inalienable rights and cherished freedoms; to join in taking appropriate steps for submission of a Constitutional Amendment, Texas declares her firm intention to take all appropriate measures honorably, legally and constitutionally available to the State to resist illegal encroachment upon its sovereign power, and to urge her forty-seven sister states to the North, to the East and to the West to join in protecting these inviolable rights and cherished freedoms of their people and to urge the Congress of the United States to exercise prompt and deliberate efforts to curtail further encroachment by the Federal government upon the reserved powers of the respective States; and, be it further

Resolved, That a copy of this Resolution be transmitted by His Excellency, The Governor of Texas, to the Governor and Legislature of each of the other States, to the President of the United States, to each of the Houses of Congress, to Texas Representatives and Senators in Congress, and to the Supreme Court of the United States.

Mr. Dugas raised a point of order on further consideration of the resolution at this time on the ground that the time for the consideration of resolutions has expired.

The Speaker overruled the point of order.

The resolution was read.

The resolution was referred to the Committee on State Affairs.

DIRECTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT A FIVE MEMBER COMMITTEE TO MAKE A STUDY OF NEEDED INSURANCE LEGISLATION

Mr. Bell offered the following resolution:

H. S. R. No. 165

Whereas, Recent action by the Board of Insurance Commissioners has revealed that the ICT Insurance Company appears to be in a state of insolvency; and

Whereas, District Judge Charles O. Betts of the 94th District Court of Austin, Travis County, Texas, has issued a temporary restraining order forbidding said Company to do any business pending clarification of its financial situation; and

Whereas, The Board of Insurance Commissioners has set a show-cause hearing to be held on February 19, 1957, relating to the question of whether said Company shall be placed in receivership; and

Whereas, The 54th Texas Legislature made substantial revisions in the insurance laws of the State which greatly strengthened the insurance industry and added to the security of insurance policyholders and investors; and
Resolved, That the Committee may issue attachments for witnesses who fail or refuse to obey any subpoena or who are not at liberty to appear voluntarily, and to refer directly defaults to the appropriate District or County Attorney for prosecution in Travis County or any other county where such default may occur; and, be it further

Resolved, That the Committee shall have power to do all things necessary to accomplish lawfully the purposes of this Resolution, and to fix and approve bonds for attached witnesses; and, be it further

Resolved, That all processes, subpoenas, attachments and other orders from this Committee may be served and executed by a sergeant-at-arms appointed by the Committee, or by any peace officer authorized to serve processes in criminal cases, the fees to the latter to be in the amount as paid in criminal cases where applicable, otherwise as set by the Committee; and, be it further

Resolved, That the Committee shall have authority to employ and compensate necessary employees; and that the Committee on Contingent Expenses is hereby empowered, upon approval of the Chairman of the Committee, to pay such employees, and other expenses of the Committee, from the Contingent Expense Fund of the House; and, be it further

Resolved, That this Committee be instructed to make such progress reports to the House on or before April 1, 1987.

The resolution was read.

The resolution was referred to the Committee on Insurance.
Whereas, In the life of our democratic nation, it has become necessary for the people to take notice of and enter a solemn protest against any usurpation of power by those who have been entrusted with high public office and to demand, as of right, that public officers remain subservient to the people and that their desist from assuming powers which have not, by the people, been placed in their hands.

Whereas, All political power is inherent in the people and all government derives all its powers from the consent of the governed.

Whereas, The Constitution of the United States is a grant of powers to the Central Federal Government and all powers not delegated to the Federal Government by the Constitution, nor prohibited to it by the states, are reserved to the states, or to the people.

Whereas, The Assumption by any public official or group of public officials, of power to change the meaning of the Constitution of the United States, other than by the method provided by Article V of the Constitution, is an abuse of public trust.

Whereas, By a decision rendered April 2, 1916, in Commonwealth of Pennsylvania vs. Steve Nelson, the Supreme Court of the United States has declared that, so long as the present federal law providing punishment for sedition exists, the sovereign state of Pennsylvania and those forty-one of her sister states who have enacted laws against sedition, are without power to enforce their statutes against the sister states who have enacted laws against sedition, are without power to enforce their statutes against such sister states as the people of that great city to be unfit to be entrusted with any part in the administration of the public affairs of the city.

Whereas, In so holding the Court rendered the prompt removal from a state school of a teacher whose influence was deemed by the school authorities to be incompatible to the best interest of the students in such school.

Whereas, In so holding the Court construed the due process clause of the Constitution to give to the federal courts the power to examine into minute details of all administrative state action and to apply arbitrarily to such state action the personal concepts of the justices of the Supreme Court rather than fixed principles of constitutional laws, and

Whereas, By decisions rendered May 17, 1954, in Brown vs. Board of Education of Topeka, Harry Briggs, Jr., et al., vs. R. W. Elliott, et al., Dorothy B Davis, et al., vs., County School Board of Prince Edward County, Virginia, Frances B Gebhart, et al., vs., Ethel Louise Belton, et al., the Supreme Court of the United States declared the sovereign states of the American Union the power to regulate public education by the use of practices first declared constitutional by the State of Massachusetts, adopted by the Congress, approved by the Executive, affirmed and reaffirmed by the Supreme Court of the United States and practiced by states for more than a century.

Whereas, The Supreme Court of the United States based these decisions upon matters of fact as to which the parties affected were not given an opportunity to offer evidence or cross-examine the witnesses against them.
Whereas, in reaching its conclusion the Court professing itself to be unable to ascertain the intent of those who adopted the Fourteenth Amendment to the Constitution, chose to repudiate the solemn declaration of its meaning rendered under the sanction of their oaths of office by the Justices of the Supreme Court of the United States at a time when all of its members were contemporaries of those who proposed, discussed, debated, submitted and adopted the amendment.

Whereas, citizens of other states may approve and applaud these decisions, they dare not embrace the theory upon which they are based lest they themselves by the application of the same theory bring destruction to their institutions and to their liberties.

Whereas, acts of the Federal Judiciary in willfully assenting a meaning of the Constitution unsupported by the written document, the history of the times in which it was adopted, the construction placed upon it by contemporary courts and the meaning ascribed to it by the people for generations constitutes usurpation of power which, if condoned by the people and allowed to continue, will destroy the American system of government.

Whereas, it is the duty of the sovereign State of Texas to not supinely permit government to become the master of the people and to never yield unreserved authority to any group of public officials.

Resolved, that the Governor be requested to transmit a copy of the foregoing resolution to the Chief Executive Officer of each State in the union, the Members of Congress of the United States, the Attorney General of each sister state, the American Bar Association, the Texas Bar Association, and to any other persons designated by the Members of the Legislature.

SADLER, KENNEDY.

The resolution was read.

The resolution was referred to the Committee on State Affairs.

(Mr. McGregor of El Paso in the Chair.)

TO GRANT B. AND A. PIPE LINE COMPANY PERMISSION TO SUE THE STATE

Mr. Ford offered the following resolution:

H. C. R. No. 33

WHEREAS, The B. & A. Pipe Line Company is a Delaware Corporation, with a permit to do business in the State of Texas; and

WHEREAS, The said B. & A. Pipe Line Company paid to the State of Texas the sum of Four Thousand, Four Hundred Thirty-eight and Sixty-Five Cents, for the Texas Gas Gathering Tax, for the year 1951 and continuing through July, 1952.

WHEREAS, the said B. & A. Pipe Line Company paid to the State of Texas the sum of Nine Thousand, Ninety-One Dollars and Ninety-One Cents, for the said Texas Gas Gathering Tax, for the month of August, 1952.

WHEREAS, the said B. & A. Pipe Line Company recovered a suit styled The B. & A. Pipe Line Company vs. Calvert, et al., No. 329, in the District Court of Travis County, Texas, the sum of Ten Thousand, Six Hundred Thirty-Eight and Sixty-One Cents, of said tax, which was paid under protest; and the said B. & A. Pipe Line Company recovered in a suit styled The B. & A. Pipe Line Company vs. Culvert, et al., No. 4,303, in the District Court of Travis County, Texas, the sum of Six Thousand, Six Hundred Thirty-Eight and Eighty-One Cents, of said tax, which was paid under protest.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to the Chief Executive Officer of each State in the union, the Members of Congress of the United States, the Attorney General of each sister State, and to any other persons designated by the Members of the Legislature.
February 18, 1957  HOUSE JOURNAL 463

However, a suit on such amount was not brought within the 90-day period as provided by statute, notwithstanding such tax was paid under protest. Further, the sum of Four Hundred Fifty-five and 19/100 Dollars ($455.19) was paid for the calendar month of February, 1957, for which suit was not brought to recover same within the 90-day period provided by statute, notwithstanding same was paid under protest, making a total Gas Gathering Tax paid by The B. & A. Pipe Line Company in the sum of Five Thousand Five Hundred Thirty-seven and 58/100 Dollars ($5,537.58), which was wrongfully extracted from the said The B. & A. Pipe Line Company, for which it has not recovered; and

Whereas, Said taxes being levied by Section XXIII of House Bill No. 285, Chapter 405, Page 749, Acts of the Fifty-second Legislature of the State of Texas, which became effective September, 1951, and which said act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipe Line Company vs. Robert S. Culvert, et al. and Panhandle Eastern Pipeline Company vs. Robert S. Culvert, et al. 347 U. S. 577, 74 S. Ct. 396, 98 L. Ed. 583; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted, and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, The Attorney General of this State is requested to have the questions of law involved finally determined in the Supreme Court of Texas; Now, Therefore, Be It Resolved, By the House of Representatives with the Senate concurring, that The B. & A. Pipe Line Company be, and it hereby granted, permission to bring suit against The State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money herefore illegally extracted and paid by The B. & A. Pipe Line Company under said unconstitutional law that has not heretofore been recovered by the B. & A. Pipe Line Company. Nothing here- in shall be construed as an admission of liability against the State, and the facts upon which Plaintiff may seek to recover must be proved as in any other case.

Service of citation for the purpose herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts; and

Be It Further Resolved, That no interest shall be paid The B. & A. Pipe Line Company in the event a final judgment is obtained by it for recovery of the taxes paid under House Bill No. 285, Fifty-second Legislature; provided if a final judgment is obtained by The B. & A. Pipe Line Company all increases in rates obtained on the basis of taxes paid under House Bill No. 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

FORD. PARSONS.

The resolution was referred to the Committee on State Affairs.

(Speaker in the Chair.)

RELATIVE TO STATES' SOVEREIGNTY AND STATES' RIGHTS

Mr. Atwell offered the following resolution:

H. C. R. No. 33

Whereas, Significant events have occurred in the course of contemporary history under our government of laws which call for a reexamination of our constitutional theory of self-government and State sovereignty as established by our forefathers, and guaranteed in the 1st and 10th Amendments to our Federal Constitution; and

Whereas, Unprecedented examination reveals that an appeal to reason and judgment is necessary as to all issues wherein the Federal government has transcended its delegated authority
and has encroached upon the rights of the citizens of the sovereign State of Texas and of her sister states, and this invasion of our reserved powers must not be unchallenged; and

Whereas, The Legislature of the State of Texas is the appropriate body under mandate from the people of Texas to intervene between Federal encroachment and State sovereignty; and

Whereas, Article V, Section 1, of the Constitution of the United States prescribes the only method of re-establishing those sacred constitutional principles affecting the very sovereign existence of the several states; and

Whereas, The Texas Legislature explicitly affirms and declares that the powers of the Federal Government in all its branches and agencies are limited by the terms of the Constitution creating the Federal union to which the states are parties and by the plain sense and intended construction and interpretation of its provisions; and

Whereas, The basic concept of the Federal Constitution apparent upon its face is that the ratifying states, parties thereto, agreed voluntarily to delegate certain of their sovereign powers to a Federal government thus constituted and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the respective states or to the people; and

Whereas, Failure of this State to emphasize her clearly-reserved powers could be construed as tacit consent and acquiescence in the surrender thereof; and that submissive acquiescence to palpable, deliberate and dangerous encroachment could in the end lead to the surrender of all powers reserved to the states and inevitably to the obliterating and destruction of the sovereignty of the states contrary to the concepts and ideals embodied in the sacred compact by which this union of the states was created; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the sovereignty of Texas intercedes and registers officially its objection on behalf of its people to the effort of the Federal Government to assert an unlawful dominion over her citizens and humbly appeals to her sister states for their help and guidance in protecting the inalienable rights and cherished freedoms; to join in taking appropriate steps for submission of a Constitutional Amendment which clearly and unequivocally defines state rights as understood by our forefathers, the framers of the Texas Constitution and the United States Constitution; and that, until the question of states rights here asserted by the State of Texas be settled by clear Constitutional Amendment, Texas declares her firm intention to take all appropriate measures honorably, legally and constitutionally available to the State to resist illegal encroachment upon her sovereign power, and to urge her forty-seven sister states to the North, to the East and to the West to join in protecting these inviolable rights and cherished freedoms of their people and to urge the Congress of the United States to exercise prompt and deliberate efforts to curtail further encroachment by the Federal government upon the reserved powers of the respective States; and, be it

Further

Resolved, That a copy of this Resolution be transmitted by His Excellency, The Governor of Texas, to the Governor and Legislature of each of the other states, to the President of the United States, to each of the Houses of Congress, to Texas Representatives and Senators in Congress, and to the Supreme Court of the United States.

The resolution was read.

The resolution was referred to the Committee on State Affairs.

TO GRANT THE SOUTHERN COMMUNITY GAS COMPANY PERMIS- SION TO SUR THE STATE

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

S. C. R. No. 13, Granting the Southern Community Gas Company permission to Sue The State.

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

The resolution was read and was adopted.
INVITING THE HONORABLE 
PRENTICE COOPER TO 
ADDRESS A JOINT 
SESSION OF THE 
LEGISLATURE.

The Speaker laid before the House for consideration at this time, H. C. R. No. 27, Inviting the Honorable Prentice Cooper to address a Joint Session of the Legislature.

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

The resolution was read and was adopted.

HOUSE BILL NO. 161 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as a special order for this time, on its passage to engrossment, H. B. No. 161, A bill to be entitled "An Enabling Act to carry into effect the provisions of the proposed amendment adding Section 4f to Article III 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 funds to be used for purposes of this Act; providing the method, manner and mechanics of investing the moneys of the Fund; providing for safeguards to protect the Board during the remainder of the biennium and setting employees salary standards; providing a savings clause; and declaring an emergency."

The bill having been read second time on February 7, and further consideration of same set as a special order for 10:00 o'clock a. m. today.

Mr. de la Garza offered the following amendments to the bill:

Amend Section 4 of H. B. 161 by inserting between the words "as" and "obligations" on line 3, page 3 of the printed bill the words "general."

Amend H. B. 161 by renumbering Section 10-C as Section 10-D and inserting as Section 10-C the following: "Section 10-C. The Comptroller of Public Accounts is hereby authorized and directed to make the transfers required under any provisions of this Act."

Amend H. B. 161 by adding in Section 3 thereof subparagraphs (g) and (h) as follows:

(g) "Weighted average effective interest rate" means that rate which shall be computed by dividing the amount of the net interest coupon and all premiums attached and deducting all premiums
and adding all discounts involved) by the number of years from its date to maturity of such State bond theretofore issued.

(1) "Bonds", unless the context makes reference to the contrary, shall mean the Texas Water Development Bonds authorized or permitted by the Constitutional Amendment submitted at the election to be held on

And by amending Section 15 thereof by striking the following language:

(1) The Board shall compute the weighted average interest rate on all State bonds theretofore issued and sold by the Board. Upon the determination of such weighted average interest rate on said bonds, the Board shall add to such rate so determined an amount of one-half (1/2) of one per centum (1 %) per annum; or (2) the weighted average interest rate of the bonds sold by the issuing agency for the purpose of providing the remaining funds which are required for the project.

And inserting in lieu thereof the following:

(1) the weighted average effective interest rate on all State bonds theretofore sold under the provisions of this Act plus one-half (1/2) of one (1 %) per cent; or (2) the effective interest rate of the bonds sold by the issuing agency for the purpose of providing the remaining funds which are required for the project.

The amendments were severally adopted.

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

Committee Amendment No. 1

Amend H. B. 161 by deleting the figure 4% and words "four per cent" on line 10 of Sec. 4, page 4 of the bill and substituting in lieu thereof the figure (3%) and words "three per cent."

The Committee Amendment was adopted.

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

Committee Amendment No. 2

Amend H. B. 161 by deleting the words "one hundred million dollars and the figure ($100,000,000.00) on line 4 page 4 of the bill and substituting in lieu thereof the words "two hundred million dollars and the figure ($200,000,000.00)."

The Committee Amendment was adopted.

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

Committee Amendment No. 3

Amend H. B. 161, Section 15, by adding the following at the end of Sec. 15, line 11:

"All sales of such political subdivision bonds shall be made without recourse on the Board or the State of Texas."

The Committee Amendment was adopted.

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

Committee Amendment No. 4

Amend H. B. 161, Section 15, by striking the word "municipality" wherever the same may appear in said Section 15, and substituting in lieu thereof the words "political subdivision."

The Committee Amendment was adopted.

Mr. White offered the following amendment to the bill:

Amend H. B. 161, page 6, line 49 of the printed bill by adding after the period the following sentence:

"However, such financial assistance shall not be extended by the Texas Water Development Fund to more than one political subdivision in any one county during any two-year period of time if the financial assistance extended hereunder in such county exceeds $5,000,000.00, the purpose of the legislature being to equalize the opportunities under this act throughout the State."

The amendment was adopted.

Mr. Osborn offered the following amendment to the bill:

Amend House Bill No. 161 by striking out Sections 7 and 8 and by substituting therefore the following:

"Section 7. In the sale of bonds issued pursuant to the provisions of
this Act, a preferential right of pur-
chase shall be given to the adminis-
trators of the Permanent University
Fund and the Permanent Free
School Fund. 

"When the Board shall have au-
thorized the issuance of a series of
said bonds and shall have determined
to call for bids thereof, it shall be
the duty of the Board to publish at
least one time not less than twenty
days before the date of said sale an
appropriate notice thereof. Such pub-
lication shall be made in a daily news-
paper of general statewide circulation
which is published not less than sev-
en times weekly. Said notice shall
also be published for such number of
times as the Board may determine
in one or more recognized financial
journals of general circulation pub-
lished within the State. The Board
shall also give appropriate notice in
writing to administrators of the
Permanent University Fund and the
Permanent Free
School Fund.

"When
the Board shall have au-
thorized the issuance of a series of
said 'bonds and shall have determined
to call for bids therefor, it shall be
the duty of the Board to publish at
least one time not less than twenty
days before the date of said sale an
appropriate notice thereof. Such pub-
lication shall be made in a daily news-
paper of general statewide circulation
which is published not less than sev-
en times weekly. Said notice shall
also be published for such number of
times as the Board may determine
in one or more recognized financial
journals of general circulation pub-
lished within the State. The Board
shall also give appropriate notice in
writing to administrators of the
Permanent University Fund and the
Permanent Free
School Fund.

The amendment to the amendment
was adopted by unanimous consent.

Mr. Osborn offered the following
amendment to the bill:

Amend House Bill No. 161, Sec-
tion 15, by adding another sentence
between the first and second sen-
tences of said Section 15, such new
sentence to read as follows:

"The Board shall issue Texas Wa-
ter Development Bonds only in such
amounts and at such times as money
is then required to purchase bonds
or other securities by a political sub-
division, the face value of the bonds
issued by the Board not to exceed
the nearest multiple of $1000 above
the money then required to purchase
the bonds or other securities of the po-
itical subdivision." 

The amendments by Mr. Osborn
were severally adopted.

Mr. Yezak offered the following
amendment to the bill:

Amend H. B. 161 by adding at the
end of Section 19 the following para-
graph:

"Appeals from any board order may
be as is provided by Chapter 557, Gen-
eral Laws, Regular Session, Fifty-
third Legislature 1953, codified as
Article 7477, Vernon's Civil Stat-
tutes of Texas." 

The amendment was adopted.

H. B. No. 161 was then passed to
engrossment.

HOUSE BILL NO. 161 ON THIRD
READING

Mr. de la Garza moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and that House Bill No. 161
be placed on its third reading and final
passage.

The motion prevailed by the
following vote:

Yeas-145

Anderson
Armor
Atwell
Baker
Ballman
Bartram
Bass

Yeas-145

Bell
Bishop
Blais
Bland
Bland
Boyce
Brash
The Speaker then laid House Bill No. 161 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. de la Garza and by unanimous consent of the House, the Caption of House Bill No. 161 was ordered amended to conform with the body of the bill.

Mr. de la Garza moved to reconsider the vote by which H. B. No. 161 was passed and to table the motion to reconsider.

The motion to table prevailed.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following enrolled resolutions and bills:

- S. C. R. No. 16, Continuing the Harris County Home Rule Commission.
- S. C. R. No. 5, Granting permission to B. F. Clark and wife to sue the State.
- S. C. R. No. 12, Granting permission to Midway Gas Company to sue the State.
- S. B. No. 164, An Act ratifying and validating an election hereafter held in and throughout Jefferson County, Texas, upon the question of authorizing the issuance of $10,400,000 road bonds of said County and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and the notice thereof, the ballots used thereat, and all other orders passed by the Commissioners' Court of said
WHEREAS, The presence of these young people is evidence of their interest in better citizenship and governmental affairs; now, therefore, be it
Resolved, That the House of Representatives of the State of Texas officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed and bearing the official seal of the House of Representatives, be forwarded to each of them in appreciation of their visit.

The resolution was read and was adopted.

REPORT OF THE HOUSE INVESTIGATING COMMITTEE APPOINTED PURSUANT TO H. R. No. 364 OF THE FIFTY-FOURTH LEGISLATURE

The Speaker laid before the House and had read the following report and stated that same would be printed in the Journal:

February 18. 1957

The Hon. Wagoner Carr, Speaker, House of Representatives, Austin, Texas.

Sir: We, your House Investigating Committee, created by virtue of House Simple Resolution No. 364 passed by the 54th Texas Legislature, beg to file this our final report of our activities up to the date of the convening of the regular session of the 55th Legislature.

The House Investigating Committee was authorized under the terms of H. R. No. 364 to conduct or initiate any
and all inquiries and hearings into matters pertaining to State Government and any agencies or subdivisions of government within the State of Texas, the expenditures of public funds, and all other matters and things considered by said Committee to be for the welfare and protection of citizens of the State of Texas. The Committee was specifically directed to make a thorough investigation into all phases of the administration of the General Land Office under the former Land Commissioner and, particularly, into the handling of leasing of the tidelands; and to report its findings to the next regular session of the Texas Legislature.

Your Committee conducted hearings and investigations concerning the following matters during its tenure:

1. The operation of the General Land Office under the former Land Commissioner.

2. The leasing of tidelands as administered by the General Land Office.

3. The operation and subsequent receivership of the U. S. Trust & Guaranty Company and its affiliated companies.

4. The Veterans Land Program.

5. Several local school controversies.

6. Alleged abuses in Absentee Voting.

General Land Office

Your Committee spent a number of sessions inquiring into all phases of the administration of the General Land Office under the former Land Commissioner. We found no evidence of any abuses such as were previously found to exist in the administration of the Veterans Land Program. We did discover that during recent years a great number of records of the General Land Office have seriously deteriorated. Some of these records are of inestimable value and, of course, irreplaceable.

The present Land Commissioner has caused an extensive investigation to be conducted in this regard and has recommended that a preservation process be used by the Library of Congress and a number of other institutions should be used to preserve the important records of the Land Office.

It is recommended that some steps be taken to provide a satisfactory process or procedure whereby the records of the Land Office can be repaired, restored and preserved.

2. Leasing of Tidelands As Administered By The General Land Office

Your Committee conducted extensive inquiries and investigations into all phases of the leasing of tidelands by the General Land Office. The School Land Board, a division of the General Land Office, is charged with the duty principally of leasing and selling state school lands. We found no evidence of any irregularities or illegal acts in the administration of this program.

The statutory procedure for selling or leasing the state school lands, including the tidelands, provides for sealed bids to be filed with the General Land Office and, of course, the Board has the right to reject any and all bids. This procedure of requiring sealed bids is different from the statutory procedure provided for the Board for leasing of University lands. The University lands are leased at public auction and the lease is awarded to the highest bidder.

Your Committee has no recommendations to make as to which is the preferred method, but simply wishes to point out the two different procedures which are presently used concerning the leasing of public school and University lands.

3. Operation and Subsequent Receivership of U. S. Trust & Guaranty Co. of Waco

Your Committee conducted an extensive and thorough inquiry into the failure of the U. S. Trust and Guaranty Company of Waco, Texas, and its affiliated companies.

The actions of the Committee in this regard are matters of public record and to here detail all the activities of the Committee would be pointless and, of course, quite voluminous. As you know, the matter has been fully investigated by several Grand Juries and law enforcement agencies over the State of Texas.

The many ramifications of the Committee's investigation indicated several areas which, in our opinion, demanded exhaustive studies and, in this conne-
Council:

various studies needed by the
strengthen the insurance industry and
following areas:

effective on September 1, 1955.

Hon. Ben Ramsey, Chairman, Texas
Legislative Council, State Capitol,
Austin 11, Texas.

Deer Governor Ramsey:

Knowing that the Texas Legislative
Council is the official research arm of
the Texas Legislature and that it has
available funds and a staff for making
various studies needed by the Legisla-
ture, I have been authorized by the
House Investigating Committee to re-
quest the Council, in the name of the
Committee, to undertake studies in the
following areas:

1. Insurance Laws. We understand
that the Legislative Council made
recommendations to the 54th Legisla-
ture regarding certain needed changes
in our insurance laws. These recom-
mendations were based upon a major
study made by the Council’s staff, and
released late in 1954. In the insurance
industry in Texas from 1939 to 1954.

Utilizing information provided by
the Council, and much more develop-
ed committee hearings, the 54th Legis-
lature passed certain laws to
strengthen the insurance industry and
to protect the public, same becoming
effective on September 1, 1955. Our
Committee would like to know—and
we believe the people of Texas should
be informed—“Were the insurance
laws passed by the 54th Legislature
adequate in whole or in part”? If not,
what laws or modifications of existing
laws would the Council recommend?

If our present laws appear, after
thorough study, to be deficient in any
respect, we are confident that the 54th
Legislature will want to take all neces-
sary steps to amend them so that they
will become the very best in the
nation.

2. Legislative Sessions and Com-
pensation of Legislators. State gov-
ernment today is truly big business.
Texas being one of the larger states
necessarily requires an adequately-
staffed, responsive state government.
During the biennial Regular Session,
the Legislature has to cope with an
ever-increasing number of problems,
many exceedingly difficult and highly
complicated. Some of them are monu-
mental. For example, in the fiscal area
alone the 54th Legislature analyzed
requests for and finally authorized ex-
penditures aggregating approximately
one and one-half billion dollars
for the present biennium. To handle
this vast state operation, legislators
come from all walks of life, with
varied business, professional, and edu-
cational backgrounds.

We hereby request the Council to
study and make recommendations to
the 54th Legislature regarding the fre-
quency and length of legislative ses-
sions needed to discharge adequately
the legislative function. Is the pre-
sent compensation of members of the
Legislature in keeping with the magni-
tude of the public service demanded
of them in the full exercise of their
responsibilities? Is this compensation
sufficient to discourage reliance upon
income sources which might unduly
influence their judgment? Is the pre-
sent compensation fair in view of the
high costs of filing and running for
office, particularly in the larger dis-
tricts, and living in Austin during
sessions? We believe this to be the time
to be realistic about this matter, and
therefore request the Council to re-
evaluate, in the light of all the facts,
the time requirements for perform-
ance of their duties and the compen-
sation that should be paid them
therefor.

3. Code of Ethics for Legislators
and Other State Employees. With the
acceptance of public trust should most
certainly go the will to perform it
with high personal integrity and com-
plete honesty. Recognizing that a
written code of ethics can be both
spirational and a constant reminder,
we hope the Council will undertake
to study and recommend to the next
Legislature a helpful code which will
serve to attract men and women to
the service of our state and which will
be a guide for the personal and public
behavior of all public servants.

4. Lobbying. This subject should
be given much study to determine aims
and adequacy of our present laws deal-
ing with lobbying. We realize that in
the general sense of the word, all
groups—be they business, professional
or otherwise—and all individuals—be
they representing themselves individu-
ally or otherwise—“lobby” when they
contact legislators on matters pend-
ing before the Legislature. This is in-

February 18, 1957

HOUSE JOURNAL

471
Dear Mr. Bullock:

The House Investigating Committee also made the following request of the State Bar of Texas, requesting a study by them:

February 10, 1956
Hon. Maurice R. Bullock, President,
State Bar of Texas, 201 W. 15th,
Austin, Texas.

Dear Mr. Bullock:

The House Investigating Committee has authorized me to request the State Bar of Texas to make a study of all phases of the lawyer-client relationship when the lawyer is a member of the Texas Legislature. This might well include examination of the so-called automatic continuance law and practice by legislators before the state boards, commissions, and other agencies.

You are aware, of course, of recent events which have brought this matter into public focus, and I understand that much thought has already been given to it by members of the Bar.

It is the desire of the House Investigating Committee to obtain as much assistance as possible in bringing to the attention of the Legislature constructive suggestions growing out of the current situation. In the matter of legal ethics we have full confidence in the ability and willingness of the State Bar to guide us to a proper solution.

In asking the Bar to study this lawyer-client relationship we do not mean to imply that the matters to be inquired into are unique to the lawyer members of the Legislature. We believe that corresponding relationships between non-lawyer members and their business connections should undergo a similar study.

Sincerely yours,

Wade F. Spilman, Chairman,
House Investigating Committee.

All of the studies above requested were made and the Legislative Council has caused copies of their reports to be placed on the desks of each member of the Legislature.

The recommendations of the State Bar Association were made public and were the result of studies made by a committee headed by former Governor Dan Moody. Your Committee strongly recommends that each member consider each of these reports and the recommendations therein contained.

4. The Veterans Land Program

We have periodically during the interim observed the operations of the Veterans Land Program and have found that the program is being excellently administered and that House Bill No. 341 passed by the 54th Legislature has provided many necessary safeguards to Veteran purchasers.
We did find that there are a number of minor changes and corrections that probably should be made to the Veterans Land Act.

Local School Controversies
Your Committee was requested on a number of occasions to make investigations into a controversy which had reportedly developed in the Houston Independent School District. The Committee authorized a two-man subcommittee to make a preliminary investigation into a controversy which was of outside influence being exerted into the operation of the Houston schools. The urgency of other matters pending before the Committee prevented the determination on the part of your Committee as to whether or not it should conduct a full investigation of this controversy. The Committee calls the matter to the attention of the House of Representatives for such action as it may in its wisdom deem proper and necessary.

6. Absentee Voting
Your Committee conducted an investigation of alleged abuses of absentee voting in Webb County prior to the Democratic primary of July, 1956.

Your Committee is of the opinion that the present statutes covering absentee voting should be studied by the Legislature, and we recommend that additional safeguards be provided to prevent the occurrence of abuses in this method of voting. It is our opinion that the present statutes are inadequate.

Your Committee has attempted to conduct its hearings and investigations in a dignified and judicious manner, recognizing that under our system of Government the primary responsibility of the Legislature is one of passing adequate laws when appropriate and needed to protect and serve the people of Texas. The overall responsibility for State Government and its operation is ours and no one else; however, we must at all times have due regard for the responsibilities of the Judicial and Executive branches of our State Government. We have attempted to conduct our investigations in an orderly fashion, to the end that we could make recommendations concerning proposed legislation and needed changes in our laws.

It is our recommendation to the House of Representatives that in view of the necessity for maintaining a responsive and responsible State Government that serious consideration be given to the advisability of creating a permanent investigating committee with clear and unquestioned responsibility and authority to act during the interim between the sessions of the Legislature.

Serious consideration should be given to the advisability of reorganizing the Board of Insurance Commissioners and to adequately staffing and financing the operations of the Insurance Commission.

It is our opinion that serious consideration should be given to the creation of a Securities Commission to pass on all issues of stock of both insurance and commercial companies and generally control the sale of securities in Texas.

We particularly again call your attention to the studies of the Texas Legislative Council and strongly urge and recommend that each member of the Legislature study the findings and recommendations made in the Council’s reports.

Respectfully Submitted,

Wade F. Holstein, Chairman.

House Investigating Committee,

Wade P. Spilman, Chairman.
Reagan Hoffman, Vice-Chairman.
Scott McDonald, Jack Welch.
Jesse Osborn.

RELATIVE TO H. C. R. NO. 22
Miss Duff, Mr. Heitman and Mr. Holstein requested that their names be withdrawn as co-signers of H. C. R. No. 22.

RECESS
Mr. Crosthwait moved that the House recess until 2:30 o’clock p.m. today.

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

The motion to recess prevailed and the House accordingly, at 12:31 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.

RELATIVE TO H. B. NO. 161

Mr. de la Garza asks unanimous consent to show his corrective amendment to H. B. No. 161 to Sec. 7, changing the word “Journal” to “publications,” as adopted to the Osborn amendment rather than to the bill proper.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, February 18, 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 adopted the Conference Committee report on Senate Bill No. 96 by the following vote: Yeas 28, Nays 1.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 265 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 265, A bill to be entitled “An Act amending Section 1 of Chapter 196, Acts of the Forty-third Legislature, Regular Session, 1933, respecting the rates of tuition or registration fees to be charged by the institutions of higher education supported in whole or in part by public funds appropriated from the State Treasury; repealing all laws in conflict herewith; and declaring an emergency.”

The bill having been read the second time on last Thursday.

Mr. Watson offered the following amendment to the bill:

Committee Amendment No. 1

Amend House Bill No. 265 by striking out all below the Enacting Clause and substituting in lieu thereof the following:

Section 1. Section 1 of Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended by Chapter 218, Acts of the 50th Legislature, Regular Session, 1947, is hereby amended to read as follows:

Section 1. (a) The Governing Boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury shall cause to be collected from students registering in the said school, tuition or registration fees at the rates hereinafter prescribed.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Type of Student</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resident student registered for twelve or more semester credit hours of work per semester of four and one-half months</td>
<td>$50.00</td>
</tr>
<tr>
<td>2</td>
<td>Resident student registered for twelve or more term hours of work per term of three months</td>
<td>$30.00</td>
</tr>
<tr>
<td>3</td>
<td>Non-resident student registered for twelve or more semester credit hours of work per semester of four and one-half months</td>
<td>$20.00</td>
</tr>
<tr>
<td>4</td>
<td>Non-resident student registered for twelve or more term hours of work per term of three months</td>
<td>$15.00</td>
</tr>
<tr>
<td>5</td>
<td>Resident or non-resident student registered for less than twelve semester credit hours of work, shall pay a sum proportionately less than herein prescribed therefor but not less than</td>
<td>$50.00</td>
</tr>
<tr>
<td>6</td>
<td>Resident or non-resident student registered for less than twelve term hours of work, shall pay a sum proportionately less than herein prescribed therefor but not less than</td>
<td>$10.00</td>
</tr>
<tr>
<td>7</td>
<td>Resident student registered for a summer session of twelve weeks</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
February 18, 1957 HOUSE JOURNAL 475

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Type of Student</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Non-resident student registered for a summer session of twelve weeks</td>
<td>200.00</td>
</tr>
<tr>
<td>9.</td>
<td>Resident or non-resident student registered for less than a full semester credit hour or term hour load in a summer session shall pay a sum proportionately less than herein prescribed therefor but not less than</td>
<td>10.00</td>
</tr>
<tr>
<td>10.</td>
<td>Resident or non-resident student registered in a Medical or Dental Branch, School or College, per semester or its equivalent</td>
<td>150.00-200.00</td>
</tr>
<tr>
<td>11.</td>
<td>Resident or non-resident students registered for a course or courses in art, architecture, drama, speech or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee in addition to the regular tuition, said fee to be designated by the Governing Board of such institution; but in no event shall such fees be more per course per semester of four and one-half months, or per summer session, than</td>
<td>75.00</td>
</tr>
</tbody>
</table>

(b) The Governing Boards of the several State-supported institutions are hereby authorized and directed to have reserved and set apart in a separate account on the books of the respective institutions, out of the fees levied and collected from students under subsection (a), Section 1 of this Act, an amount to be determined by the Legislature for each institution in the Biennial Appropriation Bill, for the purpose of creating a special fund to be used in awarding Tuition Scholarships to needy resident students enrolled in such respective institutions. Tuition Scholarships shall be awarded to students with the approval of the President or other administrative head of each such respective institution, in accordance with such rules and regulations governing the award of such Tuition Scholarships as may be promulgated by the Governing Boards of said respective institutions. Rules and regulations shall be subject to the following conditions:

1. Eligibility shall be based primarily on financial need.
2. Awards shall be based on character and satisfactory scholastic record.
3. Recipients of such Tuition Scholarships must be classified as "resident students" under the provisions of this Act.
4. Tuition Scholarships shall be awarded in an amount of Twenty-Five Dollars ($25.00) per semester or Fifty Dollars ($50.00) per long session for each student. The amount of such awards shall be credited to said student as partial payment of his tuition fees; provided that students otherwise entitled to a refund shall receive such refund based only on that portion of the tuition actually paid by the student.
5. Tuition Scholarships shall be awarded in an amount not to exceed One Hundred Twenty-Five Dollars ($125.00) per semester or Two Hundred Fifty Dollars ($250.00) per long session for each full time medical or dental student. The amount of such awards shall be credited to said student as partial payment of his tuition fees; provided that students otherwise entitled to a refund shall receive such refund based only on that portion of the tuition actually paid by the student.
6. Not later than thirty (30) days after the close of each Fiscal Year, each institution shall transfer any unused balances in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established.

(c) Any non-resident tuition may, within the discretion of the institution, be charged to the United States Government for veterans enrolled under the provisions of any Federal law and regulations authorizing educational or training benefits for veterans.

"(d) The term ‘residence’ as used in this Act means ‘domicile’; the term ‘resided in’ means ‘domiciled in’; provided, the Governing Board of each institution required under this Act to charge a non-resident
registration fee is hereby authorized and directed to promulgate such rules and regulations as may be necessary to administer this Act. For the purposes of this Act, the status of a student as a "resident," or "non-resident" student is to be determined as follows:

(1) A non-resident student is hereby defined to be a student of less than twenty-one (21) years of age, living away from his family and whose family resides in another State, or whose family has not resided in Texas for the twelve months immediately preceding the date of registration; or a student of twenty-one (21) years of age or over who resides out of the State or who has not been a resident of the State twelve months immediately preceding the date of registration.

(2) Individuals who have come from without the State and who are gainfully employed within the State for a period of twelve (12) months prior to registering in an educational institution shall be classified as "resident student," as long as they continue to maintain such legal residence in the State.

(3) Individuals who have come from without the State and who may be or are residents of higher learning educational institutions, regardless of whether such individuals have become qualified voters, registered motor vehicle drivers, and paid personal property taxes thereon, obtained Texas drivers' licenses, or have otherwise established legal residence within the State.

(4) Individuals of twenty-one (21) years of age or less whose families have not resided in Texas for the twelve (12) months immediately preceding the date of registration, shall be classified as "non-resident students" regardless of whether such individuals have become legal wards of residents of Texas or have been adopted by residents of Texas while such individuals are attending educational institutions in Texas or within a year prior to such an attendance or under circumstances indicating that such guardianship or adoption was for the purpose of obtaining status as a "resident student."

(5) All aliens shall be classified as "non-resident students," provided, however, that an alien who is living in this country under a visa permitting permanent residence and who has filed a Declaration of Intention to become a citizen with the proper Federal immigration authorities shall have the same privileges of qualifying for resident status for fee purposes under this Act as has a citizen of the United States.

(6) The Governing Boards of the several State-supported institutions of higher learning are hereby authorized to assess and collect from each non-resident student falling to comply with the rules and regulations of the Governing Boards concerning non-resident fees, a penalty not to exceed Ten Dollars ($10.00) a semester.

(7) All aliens shall be classified as "non-resident students," provided, however, that an alien who is living in this country under a visa permitting permanent residence and who has filed a Declaration of Intention to become a citizen with the proper Federal immigration authorities shall have the same privileges of qualifying for resident status for fee purposes under this Act as has a citizen of the United States.

(8) All aliens shall be classified as "non-resident students," provided, however, that an alien who is living in this country under a visa permitting permanent residence and who has filed a Declaration of Intention to become a citizen with the proper Federal immigration authorities shall have the same privileges of qualifying for resident status for fee purposes under this Act as has a citizen of the United States.
tuition in effect at the Main University of The University of Texas.

“(j) The foregoing provisions requiring the Governing Boards to collect tuition shall not be interpreted as depriving the Boards of the right to collect such special fees as they are authorized by law to collect; provided, however, that laboratory fees or charges shall only cover actual materials and supplies used by the student; and further provided that no additional fees or charges shall be made for "tuition," "registration," "enrollment" or "matriculation" above or in addition to those fees set out in section 1, (a) of this Act.”

Section 2. All tuition and registration fees collected or becoming due prior to the effective date of this Act shall be governed by the laws existing prior to the passage of this Act, and no additional fee shall be charged to students registering before the effective date of this Act for semesters or terms for which they are registered.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Section 4. If any article, section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions may be declared unconstitutional.

Section 5. This Act shall become effective as to tuition and registration fees charged beginning September 1, 1957.

Section 6. The fact that instructional costs per student have greatly increased during the more than twenty (20) years that have elapsed since tuition rates in State supported colleges and universities of Texas were last changed; and the fact that tuition rates herein prescribed are modest in amounts when compared to tuition charges in other States and in private colleges and universities; and the further fact that citizens, prospective students, and college and university administrations are entitled to advance notice respecting tuition rates to be charged by State supported institutions of higher learning, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and It is so enacted.

Mr. Ehrle moved that further consideration of House Bill No. 265 be postponed until Monday, February 25, at 10:30 o'clock a. m.

Mr. Wheeler moved that further consideration of House Bill No. 265 be postponed until Monday, March 18 at 10:00 o'clock a. m.

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

The motion to adjourn was lost.

Mr. Watson moved to table the motion by Mr. Ehrle to postpone further consideration of H. B. No. 265 until Monday, February 25, at 10:30 o'clock a. m.

Question recurring on the motion by Mr. Watson to table the motion by Mr. Ehrle, yeas and nays were requested.

The motion by Mr. Watson to table the motion by Mr. Ehrle prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>91</td>
<td>3</td>
</tr>
</tbody>
</table>

Yeas—91

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

The Reverend E. C. McDonald, Chaplain, offered the Benediction, as follows:

"God of our fathers and our God, deliver us from discouragements, and when we feel most helpless, make us turn to Thee for the answers Thou hast for every question. Enable us to see issues clearly, before crises crowd them, and help us to choose the good course, lest relying upon our own wisdom we have no choice between evils. Give us a boldness of a faith that has conviction as well as sentiment and take from us all fear, save that of failing to do Thy will. We ask in the Name of our Lord.—Amen."

The motion to adjourn prevailed, and the House accordingly, at 3:25 o'clock p.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Rules filed a favorable report on S. C. R. No. 27.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 14, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 99, an Act amending portions of Chapter 118, Acts of the Fifty-second Legislature, 1951, which is codified as Article 6286 of Vernon's Texas Civil Statutes and is sometimes known as the Vocational Nurse Act, amending Section 4, subdivisions (c), by changing the title of "Visiting Secretary" to "Director of Training"; amending Section 4A by renumbering as Section 4 1/2 and by changing the composition of membership of the Board of Vocational Nurse Examiners, beginning in 1957: amend-
February 18, 1957  HOUSE JOURNAL  479

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 169, A bill to be entitled An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, in consideration of certain benefits accruing and to accrue to the State, to convey to the United States of America certain land in Hidalgo County, Texas, for the construction thereon of a federal horticultural and soils laboratory building at no expense to the State of Texas; providing for the reservation of all minerals to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

February 18, 1957

ing Section 5 by adding a provision permitting the Board to accept applicants for examination who are domiciled in this State upon completion of two (2) years of training in certain schools of professional nurse training in lieu of the requirement for completion of an accredited course in an accredited school for training Vocational Nurses and providing any nurse licensed under this Act shall be authorized to wear certain identifying insignia; amending Section 8 by changing the annual renewal fee of Two Dollars ($2), in conformity with Section 9 as heretofore amended; amending Section 9, as amended, by changing the penalty for late annual renewal fee to Two Dollars ($2); amending Section 10 by extending its provisions to include suspension of licenses as well as revocation of licenses; and providing for trial de novo in all cases appealed from the Board; and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.
In Memory of

Mansfield Millard McKnight

Mr. Kennard offered the following resolution:

H. S. R. No. 157, In Memory of Mansfield Millard McKnight.

Whereas, On August 2, 1956, the City of Fort Worth and the State of Texas lost an esteemed and valued citizen in the passing of Mansfield Millard McKnight; and

Whereas, M. M. McKnight was a fine leader, a dedicated public servant and a true humanitarian who had served his city in many capacities, including many years as a member of the City Council and, from 1963 to 1966, mayor pro tem of the city; and

Whereas, M. M. McKnight had devoted much of his life to the labor movement as a member of the International Typographical Union and as a leader of organized labor in Texas, having served as a vice-president of the Texas State Federation of Labor, secretary of the Texas Allied Printing Trades Council and president of the Fort Worth Trades Assembly; and

Whereas, He began his career as an apprentice printer and moved upwards in the ranks of organized labor and was also active in business and was recognized by both organized labor and business leaders as an outstanding citizen and leader; and

Whereas, M. M. McKnight was born in Smith County, the son of C. E. McKnight and Dolan Smyrl McKnight, moving at an early age to Tarrant County where he received his education; and

Whereas, M. M. McKnight made a great contribution to the civic, governmental, business and labor institutions of his beloved city, county and state; and

Whereas, He is survived by his widow, Mrs. M. M. McKnight; one daughter, Mrs. Eugene Sutts; one son, Dolan McKnight; his father, C. E. McKnight; now, therefore, be It

Resolved, That in honor of this public servant that a page of the House Journal be set aside in his memory and that when the House adjourns today it do so in his honor.

KENNARD,
GREEN,
BHANNON of Tarrant,
COWEN,
MOORE of Tarrant,
HOLMAN,
McDONALD.

The resolution was unanimously adopted by a rising vote.
In Memory of

Charles C. Lowrance

Mr. Heitman offered the following resolution:


Whereas, On February 11, 1957, the City of Garrison and the State of Texas lost an esteemed citizen in the passing of Charles C. Lowrance; and

Whereas, He was born on January 6, 1875, the son of Amanda McGuire Lowrance and James Monroe Lowrance. He was married on November 6, 1898. He spent his life in Garrison and was a farmer and stockman; and

Whereas, He is survived by his widow, Mrs. Flora Lowrance of Garrison; two daughters, Mrs. Exa Whitton of Bossier City, Louisiana and Mrs. Pearl Henderson of Houston; one son, Tom Lowrance of Nacogdoches; two grandchildren and five great grandchildren; and

Whereas, In the Book of Saint John in the Holy Bible is the comforting promise, "Peace I leave unto you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid."; now, therefore, be it

Resolved, That the Texas House of Representatives pays tribute to Charles C. Lowrance, and 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.

The resolution was unanimously adopted by a rising vote.
In Memory of

Judge Samuel Jackson Isaacks

Mr. White offered the following resolution:

H. S. R. No. 166, In Memory of Samuel Jackson Isaacks.

Whereas, On October 29, 1956, the life of a distinguished and honored Texan, Samuel Jackson Isaacks, reached its peaceful end; and

Whereas, This loyal son of Texas was a worthy descendant of a family that had proudly been a part of the development of every state in which it had been located, his great great grandfather, Samuel Isaacks, being a resident of North Carolina when a son, Elijah, was born there on February 22, 1775. Elijah Isaacks came to Texas on January 10, 1820, and represented Snow River in the Convention of 1832. Elijah's son, Samuel, had been born in Tennessee on April 21, 1804 and he, like his father, also moved to Texas, Samuel Isaacks becoming one of Stephen F. Austin's three hundred colonists. Samuel's son, Wesley Isaacks, the father of Samuel Jackson Isaacks, was born in Texas in 1822 while the country was still a part of Mexico; and

Whereas, Samuel Jackson Isaacks was born in Salado, Texas, on February 18, 1869, growing up during a period of stress and hardship, yet nevertheless acquiring such a sound education that at an early age he became a school teacher in a country school where he taught for six years; then after studying law in his spare time, he was admitted to the Bar in 1901, rapidly becoming one of the outstanding attorneys of the State, renowned for his knowledge of constitutional law; and

Whereas, His long career of public service, as varied in character as the areas of the State where he lived, began when he was named City Secretary of Elgin, followed by his election to the House of Representatives from Bastrop for the Twenty-eighth Legislature, 1903-1905. He then moved to Midland where he was elected the first Mayor of that city when it was incorporated in 1905. From that position he moved to that of the first District Judge of the Seventieth Judicial District when it was created in 1909, Governor Campbell appointing him to the new office. This was followed by election and re-election to this position in 1910 and 1914. Judge Isaacks resigned the position in 1916 when he moved to El Paso where his ability in public service was swiftly recognized. He was selected as a presidential elector in 1920 and was elected to the El Paso school board for 1921-1923; and

Whereas, In 1939 he returned to the House of Representatives for the first of eight consecutive terms, serving until his resignation in 1954, thereby becoming the only man whose services in the Legislature covered a span of fifty years; and
Whereas, Miss Maud Isaacks, his daughter, was elected in 1954 to succeed her father, thus continuing a family service unequalled in the Legislature; and

Whereas, During these fifteen years of legislative service he attended eight regular and two called sessions of the Legislature at each of which Judge Isaacks was the acknowledged authority on legal matters, having served several terms as Chairman of the Judiciary Committee, and the preferred speaker on occasions marking the anniversaries of important dates in Texas history; and

Whereas, Judge Isaacks was the beloved, patient and competent adviser to whom both new and experienced members of the House turned for aid and counsel in problems ranging from those of government to those of personal concern so that his title of "Dean" of the Legislature was deserved not only because of his extended services but because of his character and wisdom; and

Whereas, Judge Isaacks was married to Minnie Willard Rutledge and to this union were born seven children only one of whom, Jack Willard Isaacks, did not survive him; now, therefore, be it

Resolved, by the House of Representatives of the Fifty-fifth Legislature of Texas that on the eighteenth day of February, 1957, which would have been the eighty-eighth birthday of this beloved and respected friend and counselor, the mingled sorrow and pride of the members of this body, especially those who were fortunate enough to have enjoyed the friendship of Judge Isaacks, be hereby expressed; and, be it further

Resolved, That the sympathy of this House be extended to the surviving children, E. Buford Isaacks, Rutledge Isaacks, Bill Isaacks, Maud Isaacks, Mrs. W. K. Johnston, and Mrs. George T. Foster; and that a copy of this resolution shall be sent to each; and, be it further

Resolved, That when the House adjourns today it do so in honor of Judge Samuel Jackson Isaacks.

WHITE, STOREY, BELL, MISS DUFF, MCGRAGGAN of El Paso, BLAINE, SMITH of Hays, JONES, SANDERS, HOLSTEIN, CRUSTWITHAW, HEPFLIN, MOORE of Harris, MANN, WINFREE.

The resolution was read.

On the motion of Mr. Sadler the names of all Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.