February 26, 1957

TWENTY-NINTH DAY
(Tuesday, February 26, 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
Anderson
Armour
Atwell
Baker
Ballman
Barret
Bass
Bell
Bishop
Blair
Blanchard
Bowers
Boyson
Brabham
Bristow
Bryan
Bullock
Burke
Byrd
Chapman
Cline
Cloud
Cole
Conley
Cotten
Daven
Cox of Montgomery
Cox of Bell
Crowe
Dewey
Duff, Miss
Dugas
Dungan
Ehrle
Bilbott
Bill
Fenoglio
Ferrell
Ford
Foreman
Forreth
Glass
Glanting
Green
Hale
Harrington
Heady
Heffin
Heitman

Ramsey
Richardson
Richards
Roberts
Russell
Sadler
Sandahl
Sanford
Saul
Schram
Schwarts
Scott
Seeligson
Shannon
Shaw
Shgidan
Sherrill
Shields
Shirley
Shirley
Smith
Smith
Spilman
Springer
Stewart
Storey
Strickland
Strom
Sudderth
Sulak
Turner
Wallin
Wes
Wheeler
White
Wilson
Wofford
Wilson of Texas
Wooley
Smith
Zbranek

Absent—Excused

Cory
Maye
Yezak

A quorum of the House was announced present.

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

"Our Father, as we come back to this legislative hall, we are conscious that there are many perplexing problems which we must face, but God reminds us 'For the Lord giveth wisdom: out of His mouth cometh knowledge and understanding.' May we claim these promises and ask Him for the knowledge and wisdom, sufficient for the work. Ask and ye shall find; knock and it shall be given to you. We ask, O God, that ye may verify Thy promise to us today. In His name we pray—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Yezak for today on motion of Mr. Hale.

Mr. Cory for today on important district business on motion of Mr. Spilman.
The following Members were granted leaves of absence on account of illness:

Mr. Talasek for today on account of illness in family on motion of Mr. Cox of Bell.

Mr. Shackelford for today on account of illness in family on motion of Mr. Zavanek.

Mr. Mays for today on account of death in family on motion of Mr. Puckett.

VOTES RECORDED

By unanimous consent of the House, Mr. Terrell was granted permission to be recorded as voting "yea" on the passage of H. B. No. 121, on yesterday.

By unanimous consent of the House, Mr. Sudderth was granted permission to be recorded as voting "nay" on the passage of H. B. No. 121, on yesterday.

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. Hensley:

H. B. No. 530, A bill to be entitled "An Act prescribing the annual license fee for the registration of a motor vehicle owned and operated by a nonprofit, service organization and designated, constructed and used primarily for promotion, demonstration or parade purposes, where such vehicle is not licensed for registration under other laws of this state; providing a severability clause and declaring an emergency."

Referred to the Committee on Motor Traffic.

By Messrs. Schram and Yeak:

H. B. No. 531, A bill to be entitled "An Act validating the organization and creation of the Brushy Creek Water Control and Improvement District No. 1 of Williamson and Milam Counties; validating the confirmation, election of directors, and preliminary bond election and proceedings in connection therewith; validating the preliminary bonds authorized at said election and providing that when said preliminary bonds have been issued and delivered they shall be incontestable; validating governmental proceedings and acts; validating the area and boundary lines of said District; finding and determining that the lands and other property within said District are, and will be, benefited by the District and its improvements, works and measures to be constructed and accomplished; providing that the ad valorem basis or plan of taxation shall be used by the District and that it shall not be necessary to hold a hearing on the adoption of a plan of taxation, or for exclusions; declaring that the District is essential to the accomplishment of the purposes of Section 59, Article 16, Constitution of Texas, and declaring the District to be a governmental agency, body politic; authorizing the District to have all the powers, rights, privileges and duties of a local organization within the purview of Public Law 668, 83rd Congress, Chapter 626, 2nd Session, H. R. 6784, as amended by Public Law 1018, 84th Congress, Chapter 1027, 84th Session, H. R. 8750, including the power or authority to secure a federal loan or loans and enacting the applicable provisions of said public laws into this Act; authorizing the District to issue negotiable bonds for payment of interest and principal thereof; providing that no loan from the Federal Government shall be consummated and no bonds shall be issued unless authorized by an election for such purposes; providing any such bonds to be incontestable after approval by the Attorney General and registration by the Comptroller of Public Accounts; providing that it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data or any subsequent amendments thereto be submitted to the State Board of Water Engineers for approval if the same have been prepared by the Soil Conservation Service and approved by the directors; providing that the District is subject to statutes relating to water control and improvement districts unless otherwise provided; providing a severability clause; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Strickland:

H. B. No. 532, A bill to be entitled "An Act amending Article 109 of Mere Bill No. 6, Chapter 875, Acts Fifty-second Legislature, Regular Session,
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1951 (compiled as Article 8.27, Chapter 8, Vernon's Texas Election Code) and Article 259, Chapter 7, Texas Penal Code, 1925, to make uniform the distances from polling places within which loitering and electioneering are unlawful while the polls are open, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Messrs. Elliott, Mann, Moore of Harris, Cole, Heflin, Baker, Winfree and Pressler:

H. B. No. 533, A bill to be entitled "An Act amending an act of the 48th Legislature, 1943, Page 619, Chapter 358, creating municipal pension systems in all cities in this State having a population of three hundred eighty-four thousand or more according to any preceding or future federal census, as the same may have been amended from time to time, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Anderson:

H. B. No. 534, A bill to be entitled "An Act establishing a juvenile board in Midland County; prescribing the membership and powers of the board and providing for compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Pressler:

H. B. No. 535, A bill to be entitled "An Act making an appropriation to pay the principal of a certain judgment obtained against the State of Texas in Cause No. 162,335 styled Shell Oil Company v. The State of Texas, in the District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; providing that only the principal of such judgment be paid and that no interest be paid thereon; and declaring an emergency."

Referred to the Committee on Claims and Accounts.

SENATE JOINT RESOLUTION ON FIRST READING

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

S. J. R. No. 4, to the Committee on Constitutional Amendments.

TO NAME RUFUS U. JR., EMERY DALE, WILLIAM GERARD, RUBY DIANNE, AND BRADFORD LEE KILPATRICK AS MASCOTS OF THE HOUSE

Mr. Harrington offered the following resolution:

S. J. R. No. 194

Whereas, Representative Rufus U. Kilpatrick and his wife Ruby are the proud parents of five fine children, all born in Beaumont in Jefferson County; and

Whereas, They are Rufus U. Jr., born December 2, 1946; Emery Dale, born December 4, 1947; William Gerard, born November 23, 1949; Ruby Dianne, born August 10, 1951; and Bradford Lee, born September 10, 1956; and

Whereas, It is the custom of the House to name children of Members as Mascots of the House; now, therefore, be it

Resolved, That the five children of the Honorable Rufus U. Kilpatrick be named Mascots of the Fifty-fifth Legislature and that their pictures be placed in the picture panel with Members of the House.

HARRINGTON, OLIVER, CHAPMAN, HEITMAN, SHACKELFORD, SMITH of Jefferson.

The resolution was referred to the Committee on Rules.

CONGRATULATING MR. W. G. VOLLMER ON RECEIVING THE LINZ AWARD

Mr. Sutton offered the following resolution:

H. S. R. No. 197

Whereas, Mr. W. G. Vollmer, known for many years as a leading
Whereas, Mr. Vollmer has received the coveted Linz Award of 1956 for outstanding, unselfish service to his Community, the City of Dallas and the State of Texas, Mr. Vollmer being the Twenty-eight Winner of this Award in recognition of his many services given without stint or reward; and

Whereas, Mr. Vollmer, who, among his business interests, is President of the Texas and Pacific Railway, and yet has found time and interest to work for the promotion of the welfare of the People of the State of Texas, and more particularly, the People of the County of Dallas, Texas, and is, therefore, most deserving of this outstanding honor; and

Whereas, More specifically, Mr. Vollmer served with distinction as Chairman of the Advance-Memorial Gifts Division of the Dallas Methodist Hospital Building Fund Campaign, as leader in the Texas Research Foundation’s 1 $-million-dollar Operating Fund Campaign, as head of the Dallas Long Range Water Committee, and as Campaign Chairman and later President of the Community Chest, and furthermore, has served on the Board of the Salvation Army, the Dallas Chamber of Commerce, and Dallas Citizens Council, and as head of a Campaign Fund for the Greater Dallas Planning Council; and

Whereas, Mr. Vollmer has been described by his fellow citizens as having packed more unselfish service to his community in twelve years time than most of us give in a lifetime, and has been described as a man of remarkable ability, personal efficiency, sure-footed planning, and effective administration; Now, Therefore, He It

Resolved, That this outstanding citizen of Texas be fittingly recognized by his fellow Texans, and that the House of Representatives of the Fifty-fifth Session of the Texas Legislature extend our wholehearted congratulations to Mr. W. G. Vollmer on being selected to receive this high award by the Linz Award Committee, the Dallas Times Herald newspaper, and the People of Dallas, Texas; and

Be It Further Resolved that this Resolution be printed in today's House Journal and a copy of same be sent to Mr. W. G. Vollmer, SUTTON, ATWELL, CROSTHWAIT, HUGHS of Dallas, JOHNSON, POOL, SANDERS.

The resolution was adopted.

REQUIRING MEMBERS OF THE HOUSE OF REPRESENTATIVES TO FILE CERTAIN SIGNED STATEMENTS WITH THE SECRETARY OF STATE

Mr. Sadler offered the following resolution:

H. S. R. No. 196

Whereas, The Members of the House of Representatives, of the State of Texas is now considering several measures of lobbyist control; and

Whereas, The Members of the House of Representatives have voted to raise their salaries, subject to a vote of the people on the necessary Constitutional Amendment; and

Whereas, The House of Representatives has before it the question of enacting rules of conduct for its members and other state officials and employees; now, therefore,

Be It Resolved by the House of Representatives of the State of Texas, That it take steps to restore the confidence of the people of Texas in their elected representatives, and that each member of the House of Representatives has hereby required to file a sworn statement with the Secretary of State of the State of Texas not later than March 15, 1957, such statement to show all income, gifts, retainer fees, monies and anything of value received by the member from any source whatsoever, together with the source from which received, for the applicable period of time hereafter stated. Statements filed by members who were members of the 54th Legislature and who were re-elected at the general election in 1956 shall include such information for the period beginning January 1, 1954, and ending February 28, 1957; and statements filed by members who were elected at the general election in 1956 but who were not members of the 54th Legislature shall include
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such information for the period beginning January 1, 1955, and ending February 28, 1957. The statements shall remain on file in the office of the Secretary of State for two years and shall be open to public inspection.

Be It Further Resolved, That any member who fails to comply with the provisions of this Resolution shall be subject to immediate expulsion from the Legislature.

The resolution was read and referred to the Committee on State Affairs.

ASKING FOR CONTINUANCE OF PRODUCTION SCHEDULES AT LONE STAR ORDNANCE PLANT IN TEXARKANA AREA

Mr. McCoppin offered the following resolution:

H. S. R. No. 199

Whereas, For the past several years the cities of Texarkana, Texas, Arkansas, and the Four States Area in general has suffered severe unemployment due to periodical curtailment in the operations of the Red River Arsenal and the Lone Star Ordnance Plant; and

Whereas, In recent months production schedules at these plants have been reduced approximately 50% or more due to certain operations having been transferred to Picatinny Arsenal, Dover, New Jersey; and

Whereas, Texarkana area and citizens of Texas have suffered from severe drought for a number of years and the welfare of its citizens as a whole are vitally affected by such transfer of work to other areas; now therefore, be it

Resolved, That the 55th Session of the Legislature of the State of Texas request the Chief of Ordnance Ammunition Command to continue the production schedule of the Lone Star Ordnance Plant and Red River Arsenal located in Texarkana Area in joint effort in relieving the critical employment problem that now exists; and, be it further

Resolved, That a copy of this resolution be sent to the Chief Ordnance Ammunition Command and a copy to our United States Senators and Representatives.

The resolution was referred to the Committee on Military and Veteran's Affairs.

INVITING THE MEMBERS OF THE FIFTY-FIFTH LEGISLATURE TO PARTICIPATE IN THE OBSERVANCE OF THE 121st ANNIVERSARY OF THE SIGNING OF THE TEXAS DECLARATION OF INDEPENDENCE

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

S. C. R. No. 32

Whereas, March 2 marks the Anniversary of the signing of the Texas Declaration of Independence from Mexico at Old Washington on the-Brazos 121 years ago; and

Whereas, The State-wide Texas Independence Day Organization is dedicated to perpetuating the memory of those Texans who signed this historic document; and

Whereas, This group is sponsoring a day-long celebration at Washington State Park on March 2, 1957, beginning at 10:00 o'clock a.m. and

Whereas, The program will include youth activities, band concerts, a silver tea at the Anson Jones' home, a display of museum pieces back to 1836, including many items from the State Archives in Austin, Texas; and

Whereas, Representatives from each of Texas 254 counties have been invited to participate in the adoption of a new Texas Declaration of Independence which re-affirms the freedom of man and his willingness to defend that freedom; and

Whereas, Highlighting the program will be an address at 2:00 o'clock p.m. by the Honorable Price Daniel, Governor of Texas; and

Whereas, The Texas Independence Day Organization and the City of Nacogdoches as the designated host, desire to jointly extend an invitation to the members of the 55th Texas Legislature to attend this historic celebration; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that all members of the 55th Legislature are cordially invited to be present as honored guests upon the occasion of this
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121st observance of the birth of the Texas Republic and take a suitable part in the activities of the day; be it further,

Resolved, That a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be forwarded to the proper officials of the Texas Independence Day Organization and the City of Navasota.

The resolution was read and was adopted.

MESSAGE FROM THE SENATE
Austin, Texas, February 26, 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 passed the following:

S. C. R. 23, Requesting the Texas Employment Commission to prepare a classification plan for positions in the state government, etc.

Respectfully,
CHARLES SCHNABEL,
Secretary of the Senate.

MESSAGE FROM THE SENATE
Austin, Texas, February 26, 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 passed the following:

S. B. 241, Creating the Lee County West Yegua Water Control and Improvement District No. 2; and declaring an emergency.

S. B. 249, Validating the incorporation of certain cities, towns, and villages; and declaring an emergency.

S. B. 270, Relating to admission of certain statements as evidence of heirship; and declaring an emergency.

Resolved, That a copy of this Resolution, properly endorsed and being the official seal of the Senate, be forwarded to the proper officials of the Texas Independence Day Organization and the City of Navasota.

The resolution was read and was adopted.

MESSAGE FROM THE SENATE
Austin, Texas, February 26, 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 passed the following:

S. B. 9, Removing authority of water boards to contract for construction by private negotiation; and declaring an emergency.

S. B. 89, Designating certain days as legal holidays on which public offices of the state may be closed; and declaring an emergency.

S. B. 94, Permitting newspapers, wire services, radio and television stations to attend precinct, county and State conventions; and declaring an emergency.

S. B. 106, Authorizing A & M College to convey tract to Hidalgo County to U. S. Government for horticultural and soils laboratory; and declaring an emergency.

H. J. R. No. 4, A joint resolution proposing an amendment to Article III of the Constitution of Texas by adding a new section to be known as Section 28a, requiring the Legislature to apportion the State into congressional districts at its first regular session after the publication of each United States decennial census, and providing for a Board to make such apportionments in the event the Legislature fails to do so.

H. J. R. No. 4 was read the second time.

Mr. Schwartz of Galveston offered the following Committee Amendment to the resolution:

Committee Amendment No. 1

Amend H. J. R. No. 4 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of Texas be amended by adding a new section thereto, to be known as Section 28a and to read as follows:

"Section 28a. After receipt of notice to the Governor, following each United States decennial census, of the number of Representatives to which this State is entitled, the Legislature shall apportion the State into congressional districts in accordance with the number of Representatives to which the State is entitled, agreeable to the provisions
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of the Constitution of the United States and the Federal Statutes. It notice is received by the Governor during the term of a regular session of the Legislature, the apportionment may be made at that session, and shall be made at that session if the notice is received within forty-five days after the commencement of the session. If notice is received at any other time, the apportionment shall be made at the first regular session commencing after the receipt of the notice if the Legislature has not theretofore made the apportionment. In the event the Legislature fails to make such apportionment by the time herein required, same shall be done by the Congressional Redistricting Board of Texas, which is hereby created, and which shall be composed of five (5) members, as follows: The Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, and the Comptroller of Public Accounts, a majority of whom shall constitute a quorum. The Board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the State into congressional districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the Board duly acknowledged as the act and deed of such Board, and, when so executed and filed with the Secretary of State, shall have force and effect of law; providing however, such congressional districts created thereunder shall not be filed until the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such Board to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usage of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the Board, and the Lieutenant Governor and Speaker of the House of Representatives shall be entitled to receive per diem and travel expenses during the Board's session in the same manner and amount as they would receive while attending a special session of the Legislature.

"This section shall become effective January 1, 1961. Nothing in this section shall prevent the Legislature from reapportioning the State into congressional districts between the date of its adoption and the date it takes effect, or thereafter from changing an apportionment made by the Board or a prior apportionment made by the Legislature."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1958, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment requiring the Legislature to apportion the State into congressional districts after each United States decennial census, and providing for a Board to make such apportionments in the event the Legislature fails to do so."

"AGAINST the Constitutional Amendment requiring the Legislature to apportion the State into congressional districts after each United States decennial census, and providing for a Board to make such apportionments in the event the Legislature fails to do so."

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

Mr. Hughes of Grayson moved that further consideration of H. J. R. No. 4 be postponed until Tuesday, March 12, at 10:30 o'clock a. m.

(Mr. Turner in the Chair.)

Mr. McGregor of El Paso moved to table the motion by Mr. Hughes of Grayson to postpone H. J. R. No. 4.

The motion by Mr. McGregor of El Paso to table prevailed.

(The Speaker in the Chair.)

Mr. Zbraneck offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. J. R. No. 4 by: Changing the word "1961" in line 46 to read "1963".
Mr. Parish moved to table the amendment by Mr. Zbranek.

The motion by Mr. Parish to table the amendment by Mr. Zbranek prevailed.

Committee Amendment No. 1 was then adopted.

Mr. Schwartz of Galveston offered the following Committee Amendment to the resolution:

Committee Amendment No. 2

Amend H. J. R. No. 4 by striking out all above the resolving clause and inserting in lieu thereof the following:

A Joint Resolution proposing an amendment to Article III of the Constitution of Texas by adding a new section to be known as Section 28a, requiring the Legislature to apportion the State into congressional districts after each United States decennial census, and providing for a Board to make such apportionments in the event the Legislature fails to do so.

The Committee Amendment was adopted.

The vote of the House was taken on the passage of H. J. R. No. 4 and the vote was announced yea 106, nay 35.

A verification of the vote was requested and granted.

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

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Nays—35

- Byrd
- Kortoth
- Chapman
- Martin
- Cox of Montgomery
- Myatt
- Dysun
- Parman
- Ellis
- Puckett
- Fenoglio
- Ramsey
- Ferrell
- Schwartz
- Ford
- of Washington
- Glass
- Shannon of Erath
- Green
- Sherrill
- Harrington
- Smith of Jefferson
- Hettman
- Springer
- Hollowell
- Stroman
- Hooks
- Terrell
- Huffor
- Thurmond
- Hughes of Grayson
- Turman
- Hutchins
- Wilson of Young
- Koliba
- Zbranek

Absent:

- Atwell
- Jackson
- Burkett
- Johnson
The Speaker stated that H. J. R. No. 4 was passed by the above vote.

Mr. Parish moved to reconsider the vote by which H. J. R. No. 4 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE
I strongly favor redistricting. However, I believe that such redistricting should be done by a compulsory special session of the Legislature rather than by a Board. Time was not allowed for preparation of an Amendment to provide this.

SMITH of Jefferson.

BILL AND RESOLUTION
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 bills and resolution:

H. C. S. No. 36, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 200.

H. B. No. 196. An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of a tract or parcel across Cayo 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; reserving certain rights to the State of Texas; and declaring an emergency.

S. B. No. 151. An Act to amend Section 6 and Section 15 of Senate Bill 236, Acts of the 53rd Legislature, Regular Session, 1947, Chapter 179, page 286 (codified as Section 6 and Section 15, Articles 6116-1 Vernon's Civil Statutes) so as to increase the compensation of the County Road Engineer; and to provide for the method of purchasing equipment, materials and supplies for the county road and bridge department and the approval and payment of claims therefor; providing a repealing clause; providing a severability clause; and declaring an emergency.

HOUSE JOINT RESOLUTION NO. 8
ON SECOND READING

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

H. J. R. No. 8, A joint resolution "Proposing an amendment to Section 5 of Article V of the Constitution of the State of Texas to provide that the Court of Criminal Appeals may sit at the seat of government at any time during the year for the transaction of business, and that its terms shall begin and end with each calendar year."

The resolution was read second time.

Mr. Schwartz of Galveston moved that further consideration of H. J. R. No. 8 be postponed until 11:00 o'clock a. m. next Tuesday.

There was no objection and it was so ordered.

HOUSE BILL NO. 285 ON SECOND READING

Mr. Ehrle moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 285.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 285. A bill to be entitled "An Act amending Section 13 of Chapter 36, Acts of the 53rd Legislature, First Called Session, 1954, relating to the Green Belt Municipal and Industrial Water Authority so as to provide for the exclusion of member cities under certain conditions; providing for the annexation of such territory to the Authority; making other provisions relating to the operation of the Green Belt Municipal and Industrial Water Authority; and declaring an emergency."

SIGNED.

SPEAKER
The bill was read second time and was passed to engrossment.

**HOUSE BILL NO. 286 ON THIRD READING**

Mr. Ehrle moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Yeas</th>
<th>136</th>
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<td>Anderson</td>
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The Speaker then laid House Bill No. 286 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

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Mr. Cowen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 230.

The motion prevailed by the necessary two-thirds vote.

The Speaker laid, before the House, on its second reading and passage to engrossment, "An Act amending the Revised Civil Statutes of Texas, by adding thereto a new Article to be numbered Article 6701, providing for the issuance of permits by the State Highway Department for the movement of over-length and over-width mobile homes and/or component parts thereof over the highways of Texas; providing a method of issuing such permits; providing a bond; providing a fee; and declaring an emergency."

The bill was read second time.

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

Amend House Bill 230 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. The Revised Civil Statutes of Texas of 1925 be amended hereby by the addition of a new Article thereto to be known as Article 6701 ½ and reading as follows:

"Article 6701 ½. A. When any person, firm, or corporation shall desire to move over a state highway a mobile home and/or a component part thereof, which in combination with the towing vehicle, is in excess of the legal length or width provided by law, the State Highway Department may, upon application, issue a permit for the movement of said mobile home and/or component part thereof, subject to such rules and regulations as the State Highway Department may prescribe for the protection of the public safety and public convenience, and the State Highway Department shall require such bond as it may prescribe, the forfeiture of which shall, in case of violation, be sufficient to defray the cost of repairing any damage caused by the violation of the permit."

Atwell
Kilpatrick
Absent—Excused
Cory
Talasek
Yezek
Shackelford
equipment. Provided, however, that all cities and towns having a state highway within their limits shall designate to the State Highway Department the route within the city or town to be used by said equipment moving over the state highways. When so designated, the route shall be shown on said maps routing said equipment by the State Highway Department. In the event a route is not so designated by a city or town, the State Highway Department shall determine the route on the state highway for equipment within such cities or towns. No fee, or license shall be required by any city or town for movement of said over-sized mobile homes and/or component parts thereof on the route of a state highway designated by the State Highway Department or on said special route designated by a city or town.

B. The application for a permit as provided for in this Article shall be in writing and contain the following:

(1) The make and model of the mobile home, the overall length and width, the make and model of the towing vehicle, the length and width of the towing vehicle and the overall length and width of the combined mobile home and/or component part thereof and towing vehicle.

(2) The highway or highways over which the same is to be moved indicating the point of origin and destination.

(3) The same shall be dated and signed by the applicant.

C. Said special permits may be issued by the Highway Department through the agent or agents in each county designated for that purpose as set out in Article 670a, Section 1-a.

D. There shall also accompany the application for permit a fee of $5.00, which fee shall be by the State Highway Department deposited in the Treasury of the State of Texas to the credit of the State Highway fund. Said fee shall be made by cashier's or certified check, postal or express money order.

E. Permits issued by the State Highway Department as provided for under this Article shall be substantially in the following form:

(1) It shall contain the names of the applicant and shall be dated and signed by the State Highway Engineer, a Division Engineer or a designated agent.

(2) It shall state the make and model of the mobile home and/or component part to be transported over the highways, the make and model of the towing vehicle, the combined overall length and width of the mobile home and/or component part thereof and towing vehicle.

(3) It shall state the highway and/or highways over which the same is to be moved.

F. Said special permits shall be good for a period of ten (10) days and valid only for a single continuous movement.

G. Movements authorized by said special permits shall be made during daylight hours only.

Emergency Clause. Due to the fact that there is no method by which an over-sized mobile home may be transported over the highways of this state at this time and there is an urgent need for a method whereby said mobile homes and/or component parts thereof may be transported creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and it is further provided that this act shall be in effect immediately from and after its passage and it is so enacted.

The Committee Amendment was adopted.

H. B. No. 230 was then passed to engrossment.

HOUSE BILL NO. 230 ON THIRD READING

Mr. Cowen moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--129

Anderson

Bell

Armor

Bishop

Baker

Blaine

Ballman

Blanchard

Bartram

Bowers

Bass

Boyson
The Speaker then laid House Bill No. 230 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. Cowen and by unanimous consent of the House, the caption of House Bill No. 230 was ordered amended to conform with the body of the bill.

HOUSE BILL NO. 294 ON SECOND READING

Mr. Hosey moved that all the necessary rules be suspended for the purpose of taking up and considering at this time, House Bill No. 294.

The motion prevailed by the necessary two-thirds vote.

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

H. B. No. 294. A bill to be entitled An Act to amend Section 3 of Chapter 528, Acts of the 54th Legislature, 1955, by providing a method for adopting the provisions of the law; providing the provisions shall be cumulative; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend H. B. 294 by striking the second paragraph of Section 1 and inserting in lieu thereof the following:
"Section 3. The provisions of this Act shall be cumulative of other laws; provided, however, that this Act shall not apply to any school district until and unless a maintenance tax hereunder is adopted by majority vote of the resident, qualified, property-taxpaying voters of the district who own taxable property therein and which has been duly rendered for taxation, voting at an election therefor, and if such tax is so adopted, then the provisions of this Act shall apply to such district; provided, further, that elections for bonds under this Act may be held at the same time as maintenance tax elections (including the first maintenance tax election called and held under this Act)."

The Committee Amendment was adopted.

H. B. No. 294 was then passed to engrossment.

HOUSE BILL NO. 294 ON THIRD READING

Mr. Hosey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 294 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—133
Anderson
Armour
Baker
Hallman
Bartram
Bliss
Bell
Bishop
Bland
Blanchard
Bowen
Brasher
Bratton
Bryan
Henderson
Hullock
Henderson
Harrington
Cline
Cloud
Cole
Conley
Cowan
Cox of Bell
Crosthwaite
Day

Huebner
Huffman
Huff
Hughes of Grayson
Hughes of Dallas
Hutchins
Jackson
Jamison
Jones
Joseph
Kelly
Kennard
Kennedy
Kilpatrick
Koitha
Koroth
Kothmann
Lattimer
Lea
Lee
McCopps
McGregor
McGregor of McLennan
McGregor of El Paso
McIlhany
Martin
Mathews
Moore of Harris
Mullen
Murphy
Myatt
Oliver
Osborn
Parish
Parsen
Patterson
Picket
Pool
Presler
Puckett
Burkett
Burkett of Tarrant
Cotten
Cotten of Sherman
Cotter
Cotter of Tarrant

Yeas—4
Moore of Tarrant
Sheridan

In The Chair

Hale

Abstain

Atwell
Chapman
Cox of Montgomery

Absent—Excused

Cory
Mays
Shackelford
The Chair then laid House Bill No. 294 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

Yeas-131

Anderson
Armour
Baker
Ballman
Hartman
Bass
Bell
Bishop
Blaine
Blackard
Bowers
Boyd
Braisher
Bullock
Burkett
Byrd
Cline
Cloud
Cohn
Comey
Cotten
Cox of Bell
Crosthwait
Day
de la Garza
Dewey
Duff, Miss
Dugan
Ehrle
Elliott
Ellis
Fenoglio
Ferrill
Ford
Fordman
Forsyth
Gails
Green
Harrington
Hardy
Heitman
Hensley
Hollowell
Holman
Holstein
Hooks
Honey
Hubner
Huffman
Hutcheson
Hughes of Dallas
Hutchins
Jackson
Jameson
Johnson
Jones
Kelly
Kennard
Kennedy
Kilpatrick
Koliba
Koziath
Kothmann
Latimer
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McCullom
McDonald
McGregor
McGregor
McElhany
Mann
Martin
Matthew
Mullen
Murray
Myatt
Oliver
Osburn
Parish
Parkins
Patterson
Peck
Peel
Presler
Packet
Ramsey
Richardson
Roberts
Russell
Sadler
Sendahl
Saul
Schram
Schwartz
Schwartz
Schwartz
Seguin
Shannon
Shaw
Sheridan
Sherrill
Shick
Smith of Hays
Smith of Jefferson
Spindletop
Springer
Stewart
Storey
Stroman
Sudderth
Terrell
Terrill
Thurmond
Tinsley
Tinsley
White
Wilson of Young
Wilson of Potter
Winfrey
Woolsey
Zbranek

Nays-1

Moore of Tarrant

In The Chair

Mr. Hosey moved to reconsider the vote by which H. B. No. 294 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 162 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment, House Bill No. 162, A bill to be entitled An Act amending Section 2(1) of House Bill 611, being Chapter 562, Page 914, General and Special Laws of the State of Texas, 47th Legislature, Regular Session, 1941, and being codified in Vernon's Texas Civil Statutes as
Section 2(1) of Article 695c, by adding a new section to be known as Subsection (1)a.; changing the title of the office of "Executive Director" created in Section 2(1) of this Act to "Commissioner of Public Welfare"; defining duties; and providing a repealing clause, a saving clause, and declaring an emergency.

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 162 ON THIRD READING

Mr. Turman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Year—139

Anderson Glasing
Armor Green
Atwell Harrington
Baker Heffin
Ballman Heffin
Bartram Heffin
Baes Hemley
Bell Hollowell
Bishop Holman
Blaine Holstein
Bowers Hooks
Brashier Hosey
Bristow Huesner
Butlock Huffman
Byrd Huffman
Chapman Hughes of Grayson
Clise Hughes of Dallas
Cloud Hutchins
Cole Isaacks, Min
Comley Jackson
Cox of Bell Jamison
Crockett Johnson
de la Garza Jones
Dewey Joseph
Duff, Miss Kelly
Dugas Kennard
Dungan Kennedy
Ehrie Kilpatrick
Elliott Koliba
Ellis Kotho
Fernillo Kochman
Ferrill Lastimer
Ford Laurel
Foreman Lee
Foyeath McCoppin
Glass McDonald

McGregor of McLennan
McGregor of El Paso
McIlhany Shannon
Mann Shaw
Martin Sherrill
Matthew Black
Moore of Harris Smith of Hays
Mullen Smith of Jefferson
Murray Spillman
Myatt Storey
Oliver Sudderth
Osborn Sutton
Parish Terrell
Paterson Thurmond
Pipkin Tunnell
Pool Turman
Pressler Walling
Ramsey Watson
Richardson Weich
Russell Wheeler
Sadler White
Sandidl Wilson of Young
Sanders Wilson of Potter
Schwartz Woolsey
of Galveston Zbranek

Nays—4

Berkett Day
Cotten Sheridan
In The Chair

Hale Absent

Bianchard Parsons
Boyce Roberts
Bryan Strickland
Cohen Winfree
Cox of Montgomery Wobfford

Absent—Excused

Cory Talaek
Mays Yesak
Shackelford

The Chair then laid House Bill No. 163 before the House on third reading and final passage.

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

Year—139

Anderson Baker
Armor Hallman
Atwell Bartram
February 26, 1957  HOUSE JOURNAL 593

Bass    Kennedy
Bell    Kilpatrick
Bishop  Koliba
Blaine    Kothmann
Bowers    Latimer
Bovian    Laurel
Branheir    Lee
Britzow    McClure
Bryan    McDonald
Bulkock    McGregor
Burke    of McLennan
Byrd    McLennan
Chapman    of El Paso
Cline    Mann
Cloud    Martin
Conley    Matthew
Cotten    Moore of Harris
Cowan    Moore of Tarrant
Cox of Bell    Mullen
Crossthwaite    Murray
Day    Myatt
de la Garza    Oliver
Dewey    Osborn
Duff, Miss    Parsons
Dugas    Patterson
Earla    Pipkin
Elliott    Pool
Eills    Prentiss
Fenoglio    Puckett
Ferrell    Ramsey
Ford    Richardson
Foreman    Roberts
Forreth    Russell
Glass    Sadler
Gluskin    Sandahl
Gray    Sanders
Harrington    Saul
Hedley    Schram
Heffin    Schwartz
Hightman    of Galveston
Hensley    of McAllen
Holzclaw    of Washington
Holstein    Shannon of Erath
Hooke    Shannon
Hoebner    Shaw
Hogan    Sheridan
Hoff    Serrill
Hughes of Grayson    Slagle
Hughes of Dallas    Smith of Jefferson
Hutchins    Spliman
James, Miss    Springer
Jackson    Stewart
Jagmen    Stovall
Johnson    Strickland
Jones    Strum
Joseph    Sudder
Kelly    Sutton
Kennard    Terral
Thurmond    Wheeler
Tunnell    White
Turman    Wilson of Young
Wallis    Wilson of Potter
Watson    Woolsey
Weich    Zoranes

In The Chair

Absent

Cox of Montgomery Winfree
Smith of Hays    Wolfsord

Absent—Excused

Cory    Talasek
Hays    Yenaw
Shackelford

Mr. Turman moved to reconsider the vote by which H. B. No. 122 was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 28 ON SECOND READING

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

H. B. No. 28. A bill to be entitled An Act redistricting the 42nd, the 90th and the 91st Judicial Districts of Texas; providing that the county of Taylor shall constitute the 42nd Judicial District; providing that the counties of Stephen, Young and Shackelford shall constitute the 90th Judicial District; providing that the counties of Eastland and Callahan shall constitute the 91st Judicial District; providing the terms and jurisdiction of the District Courts of the 42nd, 90th and 91st Judicial Districts shall continue in office for the terms of office elected; providing the District Judges of the 42nd and 90th Judicial Districts shall continue in office for the terms of office elected; creating the office of District Attorney for the 91st Judicial District; providing for the appointment of a District Attorney for the 91st Judicial District; prescribing his qualifications, duties, powers, term of office and compensation; providing for the continuation of existing courts in said counties in session when this Act takes effect to the end of their terms; providing
all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of District Courts in the affected counties, together with grand and petit juries heretofore selected, are valid and returnable to the first term of such court after this Act takes effect; providing for the appointment, designation and compensation of other officers of the courts; making other provisions relative to the business and functioning of the District Courts in the counties affected by this Act; making necessary appropriations; providing for a severability clause; repealing all laws in conflict with the provisions of this Act; and declaring an emergency.

The bill was read second time and was passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 28 ON THIRD READING

Mr. Brashear moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 28 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving the necessary four-fifths vote).

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<th>No—23</th>
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Present—Not Voting

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| Atwell | Laurel | |
| Barram | Martin | |
| Bell | Moore of Harris | |
| Bewers | Murray | |
| Boyers | Myatt | |
| Bullock | Flicka | |
| Conley | Fressler | |
| Cox of Bell | Puckett | |
| Crosthwaite | Richardson | |
| De la Garza | Russell | |
| Dungan | Sandahl | |
| Elkie | Schram | |
| Ellis | Schwartz | |
| Easley | of Washington | |
| Holman | Seeligson | |
| Hooks | Sherrill | |
| Hughes of Grayson | Spilman | |
| Jackson | Springer | |
| Jones | Terrell | |
| Joseph | Turman | |
| Kotiba | White | |

In The Chair

| Hale | Absent | |
| Baker | Hughes of Dallas | |
| Blake | McGregor | |
| Bryan | of El Paso | |
| Chapman | Parsons | |
| Cole | Salt | |
| Cox of Montgomery | Walling | |
| Forsyth | Wilson of Potter | |
| Gluesing | Wohlford | |
| Heitman | | |

Absent—Excused

| Cory | Talmak | |
| Mays | Yeak | |
| Shackelford | | |
ADDITIONAL SIGNERS OF H.J. R. NO. 4

Mr. Dewey, Mr. Cole, Mr. McGregor of El Paso and Mr. Schwartz of Galveston were granted permission by the author of H. J. R. No. 4, to sign H. J. R. No. 4 as co-authors of the resolution.

ADJOURNMENT

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

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

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

"Now may the God of peace, that brought again the Lord Jesus, the great shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, work in you, that which is well pleasing in His sight, through Jesus Christ; to whom be glory forever and ever.—Amen."

The motion to adjourn prevailed and the House, accordingly, at 12:18 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: H. B. No. 494.


Municipal and Private Corporations: H. B. No. 79 and H. B. No. 128.


The Committee on Game and Fisheries has filed an adverse report on H. B. No. 72.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 26, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 200, An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of a tract or parcel across Caye 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; reserving certain rights to the State of Texas; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ. Chairman.

Austin, Texas, February 26, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 203, 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 limit on the number and size of catfish taken from these waters; providing a penalty for violation; repealing conflicting laws; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ. Chairman.

Austin, Texas, February 26, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 18, Granting permission to the Coca-Cola Bottling Company of Wichita Falls, Texas, to sue the State of Texas and the State Highway Department. Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

Austin, Texas, February 26, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred H. C. R. No. 36, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 200. Has carefully compared same and finds it correctly enrolled.

W. C. SCHWARTZ, Chairman.

SENT TO THE GOVERNOR

February 26, 1957

H. B. No. 200.
H. B. No. 203.
H. C. R. No. 18.
H. C. R. No. 36.
In Memory of

Gordon Langston

Mr. Heitman offered the following resolution:

H. S. R. No. 195, In Memory of Gordon Langston.

Whereas, On November 4, 1956, the State of Texas lost an esteemed citizen in the passing of Gordon Langston at Garrison; and

Whereas, He was born in Rusk County in 1878, the son of Americus and Delila Ann Barham Langston. On March 20, 1905, he married Mrs. Abbie Liverman DeVaughan who died in 1948. He was a member of the Methodist Church, the Garrison Masonic Lodge Number 670. He was a 32nd degree Mason, having taken both York and Scottish Rites. He was a Shriner, a member of the Rabia Temple, Houston. He was former commander of the Knight's Templar; and

Whereas, In the Book of Saint John in the Holy Bible is the comforting promise, "In my Father's house are many mansions: if it were not so, I would have told you."; and

Whereas, He is survived by one son, O. M. Langston of Beaumont; four daughters, Mrs. Gladys Price, Barstow, California; Mrs. Ruth McRuffe and Mrs. Rosalind Ulmer, both of Garrison; Mrs. Jean Wells, Kilgore; one sister, Miss Effie Langston, Garrison; three brothers, J. B. of Garrison; C. R. of Dallas; Don of Mount Enterprise; six grandchildren; two great-grandchildren; now, therefore, be it

Resolved, That the House of Representatives set aside a page in the House Journal in his memory and that when the House adjourns this day, it do so in loving respect to Gordon Langston.

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

Kenneth Donald Horton

Mr. Hollowell offered the following resolution:

H. S. R. No. 198, In Memory of Kenneth Donald Horton.

Whereas, On December 13, 1955, the City of Grand Saline and the State of Texas lost an esteemed and valued citizen in the passing of Kenneth Donald Horton; and

Whereas, He was born June 4, 1929, the son of Mr. and Mrs. Ralph Horton. He was married on December 18, 1949 to Verlin Marie Knight; and

Whereas, Kenneth Donald Horton had devoted much of his life to the service of his Church and Creator; and

Whereas, He began his educational training in Bethany Nazarene College and finished said institution in 1951 with a Bachelor of Arts degree and continued his training at Nazarene Theological Seminary and graduated from said institution in 1954 with a degree of Bachelor of Divinity; and

Whereas, He served faithfully as pastor of the Dell View Nazarene Church in the city of San Antonio until his accidental death; and

Whereas, Kenneth Donald Horton made a great contribution to the civic, governmental, business, and religious life of the State of Texas; and

Whereas, He is survived by his widow, Mrs. Verlin Marie Horton; one son, Kenneth Donald Horton, Jr.; his father and mother, Mr. and Mrs. Ralph Horton, and several brothers and sisters; now, therefore, be it

Resolved by the House of Representatives, That in honor of this fine young clergyman that a page of the House Journal be set aside in his memory, that the members express their deep regret and extend deepest sympathy to the family, and that three copies of this Resolution be sent to his wife and that when the House adjourns today, it do so in memory of Kenneth Donald Horton.

On the motion of Mr. Hollowell 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.