March 18, 1957  HOUSE JOURNAL  925

Austin, Texas, March 13, 1957.

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 14, A bill to be entitled

"An Act amending Article 1817, Revised
Civil Statutes of Texas, 1926, so as to change the location of the Court
of Civil Appeals for the First Supreme Judicial District from the City of
Galveston to the City of Houston and making provision for
suitable rooms for such Court and for the justices thereof; providing
for the temporary conduct of business at either the City of Galveston
or the City of Houston but providing that the change of location from the City of
Galveston to the City of Houston shall be completed by January 1, 1958; repealing all
laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

H. C. R. No. 51. THIRTY-NINTH DAY
(Monday, March 18, 1957)

The House met at 10:30 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  Cotten
Armour  Cowen
Ariwell  Crosthwait
Baker  Day
Ballman  de la Garza
Bartram  Dewey
Bass  Duff, Miss
Boll  Duncan
Bishop  Ehrie
Blaine  Elliott
Blanchard  Ellis
Bowers  Ellings
Boysen  Edgar
Brashier  Finnell
Brister  Forsman
Bryan  Forsyth
Bullock  Glass
Burkett  Gleaves
Byrd  Green
Chapman  Hale
Cline  Harrington
Cloud  Heitman
Cole  Henley
Conley  Hollowell
Cory  Holman

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Bryan  Forsyth
Bullock  Glass
Burkett  Gleaves
Byrd  Green
Chapman  Hale
Cline  Harrington
Cloud  Heitman
Cole  Henley
Conley  Hollowell
Cory  Holman
This morning we would pray that
Thou would take something from us.
Take out of our hearts any bitterness
that lies there, any resentment
that curdles and corrodes our Peace.

Take away the stubborn pride
that keeps us from apologizing and confessing
our fault and makes us unwilling to open
our hearts to one another. For if our
hearts are closed to our colleagues,
they are open To Thee.

We ask Thy mercy in Jesus' name.

—Amen.

LEAVES OF ABSENCE GRANTED

The following Member was granted
leave of absence on account of important business:
Mr. Kennedy for today on motion
of Mr. Bullock.

The following Members were granted
leaves of absence on account of illness:
Mr. Kilpatrick for today on account of illness in family on motion of Mr. Oliver.
Mr. Ford for today on motion of Mr. Puckett.
Mr. Heflin for today and remainder of week on motion of Mr. Baker.
Mr. Terrell for today on account of death in family on motion of Mr. McCoppin.

On motion of Mr. Saul, Mr. Heflin
was granted leave of absence, temporarily on last Thursday, on account of illness.

INTRODUCTION OF HOUSE BILL

NO. 857

Mr. Laurel asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 857.

There was no objection offered
and it was so ordered.

INTRODUCTION OF HOUSE BILL

NO. 858

Mr. Hutchins asked unanimous consent of the House to introduce at
this time and have placed on first reading, H. B. No. 859.
There was no objection offered and it was so ordered.

INTRODUCTION OF HOUSE BILL NO. 859
Mr. Pressler asked unanimous consent of the House to introduce this time and have placed on first reading, H. B. No. 859.
There was no objection offered and it was so ordered.

INTRODUCTION OF HOUSE BILL NO. 860
Mr. Hale asked unanimous consent of the House to introduce at this time and have placed on first reading, H. B. No. 860.
There was no objection offered and it was so ordered.

HOUSE BILL NO. 7 WITH SENATE AMENDMENT
Mr. Stewart called up with Senate Amendment for consideration at this time.
H. B. No. 7, A bill to be entitled "An act relating to admissions taxes on places of amusement; amending Section 6 of Article III, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, as last amended by Chapter 49, Acts of the Fifty-third Legislature, Regular Session, codified as Article 7047a-19 of Vernon's Texas Civil Statutes; changing provisions relative to filing reports on amusements not held at a regular fixed place or establishment; changing the base rate of the tax as to admissions to entertainments such as motion picture theaters; adding a provision expressly exempting from taxation complimentary tickets and passes for which no admission charge is collected; providing for the keeping of records and the inspection thereof; providing civil and criminal remedies and penalties for violations and fixing venue of court actions; repealing Sections 2 and 3 of Chapter 49, Acts of the Fifty-third Legislature, Regular Session; and declaring an emergency."
Amend Subdivision (9) of Section 1 of H. B. No. 7, so that such subdivision (9) will read as follows: "(9) Every person, firm, association of persons, or corporation who operates any place of amusement as designated in this section upon which an admission tax is due shall make and keep records in Texas at Headquarter office, or if an itinerant producer the place where records are to be kept shall be at the address shown on remittance report if outside the boundaries of Texas, or at a place to be named on said remittance report if to be kept in Texas, for a period of two (2) years. Said records shall correctly reflect (1) the date of event for which a ticket of admission was required, (2) the value of each ticket of admission, (3) number of patrons admitted by each ticket of admission, and (4) if admitted gratuitously, the number of patrons so admitted. Said records shall be open to the inspection of the Comptroller of Public Accounts and the Attorney General, or their duly authorized agents. If any person, firm, association of persons, or corporation shall fail to keep such records or shall refuse to allow the inspection of such records as above provided for, such person, firm, association of persons, or corporation shall forfeit to the State of Texas as a penalty not less than Twenty-Five Dollars ($25) nor more than One Thousand Dollars ($1,000) for each violation, and each violation shall constitute a separate offense. The venue for the collection of such penalties by suit shall be in Travis County, Texas."

HOUSE JOINT RESOLUTION NO. 3 WITH SENATE AMENDMENTS

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

H. J. R. No. 3, Proposing an amendment to the Constitution of Texas adding a section to be known as Section 59-c of Article III, authorizing the issuance and sale of bonds by the State of Texas to create the Texas Water Development Fund to provide financial assistance to certain political subdivisions or bodies politic and corporate of the State of Texas in the conservation and development of the water resources of the State; providing for the calling of an election and the publication and issuance of the proclamation therefor.

Mr. Saul moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 141 WITH SENATE AMENDMENTS

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

H. B. No. 141, A bill to be entitled An Enabling Act to carry into effect the provisions of the proposed amendment adding Section 49c 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 Two Hundred Million Dollars ($200,000,000) in state bonds to create the Texas Water Development Fund; providing the method, manner and mechanics of issuing the bonds;
giving a preferential right of purchase to the administrators of the Permanent University Fund and Permanent Free School Fund; authorizing the Board to issue refunding bonds; requiring that moneys from the sale of such bonds and all other income be deposited in the Texas Water Development Fund; requiring the setting aside of certain funds until December 31, 1982, and thereafter for certain purposes; authorizing and directing the Comptroller of Public Accounts to make the necessary transfers; providing for the deposit of excess moneys in the General Fund; providing for the investment of moneys set aside to be legal investments and free from taxation; requiring approval of such political subdivision bonds shall be secondary to other bonds; limiting such assistance to not more than Five Million Dollars ($5,000,000) or one-third (1/3) the cost of the project; providing for the Board to require and determine the interest on such bonds; providing sales of such political subdivision bonds shall be made without recourse on the Board or the State of Texas; authorizing the Board to require that such political subdivision bonds be secured by revenues or taxes or both; providing for safeguards to protect the investment of moneys of the Fund; requiring partial payments on construction contracts; providing for inspection during construction; authorizing the Board to promulgate rules and regulations; providing appeals from any Board order may be as provided by Chapter 357, General Laws, Regular Session, Fifty-third Legislature, 1953 (codified as Article 7477, Vernon’s Civil Statutes); providing for the purchase by the Board of supplies from the Board of Control; providing for the hiring of employees and prescribing certain duties; providing for regular and called meetings; setting employee salary standards; providing a saving clause; and declaring an emergency.

Mr. Saul moved that the House do not concur in the Senate Amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

CONFEREE COMMITTEE APPOINTED ON H. J. R. NO. 3 AND H. B. NO. 161

The Speaker announced the appointment of the following Conference Committee on the part of the House on H. J. R. No. 3 and H. B. No. 161:

Messrs. Saul, Sadler, Shaw, de la Garza, and Woolsey.

HONORING THE SIXTH GRADE CLASS OF METZ SCHOOL, AUSTIN, TEXAS

Mr. Foreman offered the following resolution:

H. R. No. 258

Whereas, The Sixth Grade students of Metz School, Austin, Texas accompanied by their teacher, Mrs. Hage, were visiting the Texas Legislature and other points of interest in the State Capitol on the 12th day of March, 1957; and

Whereas, These fine young American citizens, who are the future leaders of our State and nation, were on an educational tour to observe and learn the workings of our State government; and

Whereas, The Texas House of Representatives of the 55th Legislature commends this group for their interest and for their desire to learn more of their democratic form of government, which is the foundation of our country and our State; now, therefore, be it

Resolved, That they be officially recognized and commended and that
a copy of this resolution be forwarded to the class.

FOREMAN,
SANDAHL,
JONES.

The resolution was adopted.

COMMENDING THE JUNIOR AND SENIOR GOVERNMENT CLASSES OF MULLIN HIGH SCHOOL

Mr. Sudde•th offered the following resolution:

H. S. R. No. 266

Whereas, The Junior and Senior Government Classes of Mullin High School, accompanied by Mr. N. H. Fields and Mrs. Gracie Lockridge, visited in the State Capitol March 14, 1957; now, therefore, be it

Resolved, That the House of Representatives officially recognizes their visit and commends them for their interest in the State government with a copy of this Resolution.

The resolution was adopted.

TO NAME MICHAEL SHANNON AS MASCOT OF THE HOUSE

Mr. Kennedy offered the following resolution:

H. S. R. No. 259

Whereas, Michael Shannon is the fine son of the Honorable Tommy Shannon and his lovely wife; and
Whereas, Michael’s father is the able Representative from Tarrant County and Fort Worth; and
Whereas, It is the custom of the House of Representatives to name children of Members as Mascots; now, therefore, be it

Resolved, That Michael Shannon be named Mascot of the Fifty-fifth Legislature and that his picture be placed in the picture panel with the Members of the House of Representatives.

The resolution was referred to the Committee on Rules.

TO NAME ELSA IRMA LAUREL AND OSCAR M. LAUREL, JR., AS MASCOTS OF THE HOUSE

Mr. Pipkin offered the following resolution:

H. S. R. No. 260

Whereas, Elsa Irma Laurel, a young lady, age five years, and Oscar M. Laurel, Jr., a young man, age three years, are outstanding candidates for Mascots of the House of Representatives where their Father, Oscar M. Laurel, is serving the State of Texas with honor and distinction, and representing the people of Webb County for his initial term, and
Whereas, These young Texans are a constant source of pleasure to their father and to their mother, Elsa G. Laurel, and are the grandchildren of the late Zaragoza Laurel and the late Maria Martinez Laurel; Edgardo A. Gonazles and Virginia Penn Gonzales; and are the great-grandchildren of the late Judge Justo R. Penn and Alicia Herrera Penn of Laredo, Texas, and
Whereas, It is the desire of the Texas House of Representatives of the 55th Legislature to recognize and honor these young Texans; now, therefore, be it

Resolved, That as evidence of our admiration, we hereby declare Elsa Irma Laurel and Oscar M. Laurel, Jr., to be Mascots of the Texas House of Representatives of the 55th Legislature, and be it

Resolved, That their photographs be placed with the Official Mascots, and, be it further
Resolved, That a copy of the Resolution be sent to those young people under the Official Seal of the House and that like copies be sent to the parents, grandparents, and great-grandparents, and, be it further
Resolved, That this House go on record as extending to Elsa Irma Laurel and Oscar M. Laurel, Jr., its best wishes for their happiness and success throughout their lives.

PIPKIN, MURRAY.

The resolution was referred to the Committee on Rules.

RELATIVE TO THE AIR-CONDITIONING OF THE HALL OF THE HOUSE OF REPRESENTATIVES AND ADJOINING ROOMS

Mr. Bell offered the following resolution:
March 18, 1957

HOUSE JOURNAL

H. C. R. No. 55

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring:

That, under the provisions of Senate Bill No. 134 passed by the 54th Legislature, the State Building Commission is hereby directed to proceed immediately to completion, the air-conditioning of the House of Representatives with air-cooled, electrical, self-contained package air-conditioning units, and to install immediately the necessary electrical wiring to complete the air-conditioning of the House of Representatives, the Chief Clerk's office, the Appropriation Room, and other committee and stenographic rooms adjacent to the House of Representatives and located on the first and third floors.

The State Building Commission is authorized and directed to take competitive bids, time being of the essence, to obtain the lowest and best bid, and to spend such sums from the Five Hundred Thousand Dollars ($500,000.00) heretofore appropriated from the State Building Fund for this purpose.

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

RELATIVE TO THE AIR-CONDITIONING OF THE SENATE CHAMBER

Mr. Bell offered the following resolution:

H. C. R. No. 58

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring:

That, under the provisions of Senate Bill No. 134 passed by the 54th Legislature, the State Building Commission is hereby directed to proceed immediately to completion, the air-conditioning of the Senate Chamber with air-cooled, electrical, self-contained, package air-conditioning units, and to install immediately the necessary electrical wiring to complete the air-conditioning of the Senate Chamber, the Enrolling and Engrossing Room, the Appropriation Room, and other committee rooms adjacent to the Senate Chamber.

The State Building Commission is authorized and directed to take competitive bids, time being of the essence, to obtain the lowest and best bids, and to spend such sums from the Five Hundred Thousand Dollars ($500,000.00) heretofore appropriated from the State Building Fund for this purpose.

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

REQUESTING THE GOVERNOR TO RETURN H. B. NO. 145 FOR CERTAIN CORRECTIONS

Mr. Bell offered the following resolution:

H. C. R. No. 61

Whereas, House Bill No. 145 has passed the House and Senate and is now on the Governor's desk; and

Whereas, Through an inadvertent error the word "filling" was omitted in a House Amendment to said Bill on line 23, page 2 of the enrolled Bill, and is necessary for the original purpose and intent of the Act; now therefore, be it

Resolved, That the Governor be respectfully requested to return House Bill No. 145 to the House of Representatives and the Enrolling Clerk be authorized and instructed to insert the word "filling" after the word "certified" and before the word "for" in said House Bill No. 145; and, be it further

Resolved, That the President of the Senate and the Speaker of the House be instructed to remove their signatures from the Bill and that the Enrolling Clerk of the House be instructed to re-enroll said Bill with the correction authorized in this Resolution.

The resolution was read and was adopted.

TO GRANT HIGHLANDER GASOLINE COMPANY PERMISSION TO SUE THE STATE

Mr. Dewey offered the following resolution:

H. C. R. No. 69

Whereas, The Highlander Gasoline Company, a partnership composed of Johnny Clinganmuth, John D. Woodward, and John Lindsay, with its principal place of business in Dallas, Texas, paid to the State of Texas tax gathering taxes levied by Section XXIII of Chapter 402, Acts
of the 52nd Legislature of the State of Texas, which became effective September 1, 1961, and which was declared unconstitutional by the Supreme Court of the United States in a decision rendered on February 8, 1964:

Whereas, The Highlander Gasoline Company desires to bring suit against the State for the recovery of the taxes so paid; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring: That Highlander Gasoline Company, a partnership, be and is hereby granted permission to bring suit against the State of Texas, at any time within two years after the effective date of this Resolution, in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money paid by it to the State under the aforementioned law. Service of citation may be had by serving the Attorney General, the State Treasurer, and the Comptroller of Public Accounts of the State of Texas. No interest shall be paid to Highlander Gasoline Company in the event a final judgment is obtained by it for recovery of such taxes, nor shall any increases in rates obtained on the basis of the payment of such taxes shall be refunded in full to all those having paid such rate increase before any judgment was obtained hereunder is paid by the State. The sole purpose of this Resolution is to grant permission to the aforesaid Highlander Gasoline Company to bring suit against the State of Texas, and no admission of liability of the State or any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts of which recovery is sought must be proved in court as in other civil cases.

The resolution was referred to the Committee on State Affairs.

TO INVITE REVEREND ORAL ROBERTS TO ADDRESS A JOINT SESSION

Mr. Fenoglio offered the following resolution:

H. C. R. No. 66

Whereas, Oral Roberts, one of America's foremost evangelists, and one of the leading theologians of the entire world, is to hold a series of meetings in Austin, Texas, March 30-31, 1967; and

Whereas, It is the desire of the House of Representatives and the Senate concurring to hear this leading evangelist during his stay in Austin, Texas; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, that the Reverend Oral Roberts be and he is hereby invited to address a joint session of the Fifty-Second Legislature of Texas at 11:00 o'clock a.m. on March 30, 1967.

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

TO GRANT ANASTACIO VARGAS PERMISSION TO SUE THE STATE

Mr. Strickland offered the following resolution:

H. C. R. No. 64

Whereas, Article 5, Section 51c, of the Constitution of the State of Texas authorizes the Legislature, under such regulations and limitations as the Legislature may deem expedient, to grant aid and compensation to any person who has herefore served a sentence in prison under the laws of this State for an offense for which he is not guilty; and

Whereas, There is no machinery set up by the laws of the State of Texas to accurately and definitely determine the entitlement to and the amount of aid and compensation, and it is neither feasible nor practicable for the Legislature itself to determine such amounts as a matter of general law or in individual cases; and

Whereas, According to Proclamation No. 21027 by the Governor of the State of Texas on the 31st day of October 1929, Anastacio Vargas, citizen and resident of Bexar County, Texas, was convicted in the District Court of Bexar County, Texas, at the October Term, 1928, of murder and sentence to death and, following days of execution and commutation of such sentence to life imprisonment, was granted a full pardon on the 31st day of October, 1929, on recommendation of the Pardon Board on application by the Honorable W. W. McCrory, Judge of the District Court of San Antonio, who
NOW, THEREFORE, BE IT RESOLVED BY THE TEXAS HOUSE OF REPRESENTATIVES, WITH THE SENATE CONCOURING, THAT ANASTACIO VARGAS OF BEXAR COUNTY, TEXAS, BE, AND HE IS HEREBY, GRANTED PERMISSION TO BRING SUIT AGAINST THE STATE OF TEXAS IN ANY COURT OF COMPETENT JURISDICTION IN BEXAR COUNTY, TEXAS, TO DETERMINE DEFINITELY AND ACCURATELY HIS ENTITLEMENT TO AND THE RESULTS OF THE CONSTRUCTION OF THE ROLOVER FISH PASS, CREATION OCCURRED WHICH NECESSITATED THE MOVING OF A CERTAIN HOUSE THAT LESTER DE CORDOVA OWED; AND THEREFORE BE IT

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Lester De Cordova be and he is hereby given permission to sue the State of Texas in any court of competent jurisdiction, to determine whether or not the State of Texas is liable for any damages for the act hereinabove alleged; and be it further

Resolved that service of citation and any other legal process shall be served upon both the Commissioner of the Game and Fish Commission and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas and be it further

Resolved That the sole purpose of this resolution is to grant permission to the said Lester De Cordova, to bring suit against the State of Texas. No admission of liability or of any fact is made in any way by the passage of this resolution; but on the contrary, it is specifically provided that the facts upon which the said Lester De Cordova seeks to recover must be proved in court as in other civil cases; and be it further

Resolved that any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way
Resolved That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

The resolution was referred to the Committee on State Affairs.

CONGRATULATING THE KNIGHTS OF COLUMBUS ON THEIR 75th ANNIVERSARY OF THE GRANTING OF THE CHARTER TO THE KNIGHTS OF COLUMBUS

Mr. Murray offered the following resolution:

H. C. R. No. 99

Whereas, Governor Price Daniel has proclaimed March 29, 1957, as Knights of Columbus Day in the State of Texas, and

Whereas, On that date more than one million members of the Knights of Columbus, in 3,900 Councils in the United States, Canada, Cuba, Mexico, Puerto Rico, Panama, and the Philippines, will observe the 75th Anniversary of the Granting of the Charter to the Knights of Columbus by the General Assembly of the Connecticut State Legislature, and

Whereas, This outstanding organization has contributed much in the field of religious, social welfare, youth work, and patriotic endeavors, and continues to serve in this commendable manner, now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That we join with the State and Nation in commending this fine organization on its splendid work, and extend to them our sincere congratulations on this their Diamond Jubilee, and, be it further

Resolved, That copies of this Resolution be sent to the Honorable Luke E. Hart, Supreme Knight of the Knights of Columbus and the Honorable James F. Houlihan, State Deputy of the Texas State Council.

The resolution was read and was adopted.
NOTING THE DEVELOPMENT AND PROGRESS MADE IN THE RICE INDUSTRY IN TEXAS

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

S. C. R. No. 42

Whereas, The Governor of Texas has proclaimed the week of March 10-16 as Rice Week, and

Whereas, Rice is the staff of life for over one-half of the world's population, and

Whereas, Rice has for centuries been known as the complete diet, and

Whereas, Rice can be used in food preparation in over one thousand different ways, and

Whereas, Rice is a major crop in four of our southern states, and

Whereas, Texas being among these four has consistently ranked No. 1, and

Whereas, Much of the development and progress made in the rice industry in Texas and elsewhere has been brought into prominence through the forceful, wise and able leadership of such stalwart citizens as the late Joe M. Broussard and Sons of Beaumont, and R. H. Hancock and Sons of El Campo, all of whom have stood foremost in bringing to the attention of the people of Texas and America the life-giving and nourishing qualities of rice as a food, and

Whereas, Their efforts have been unceasing since before the turn of the 19th Century in every phase of the rice industry including growing, milling and distribution.

Now, Therefore, Be It Resolved, By the Senate of the State of Texas, the House of Representatives concurs, that in honor of these distinguished men of the rice industry and others and in acknowledgement of the vital part rice has played in the affairs of mankind all over the world, and in peace, that we do hereby call upon all Texans and Americans to take full advantage of the life-giving and saving benefits derived by the eating of more rice, personally and as a benefit to a great Texas industry.

The resolution was read and was adopted.

ENDORSE THE OBJECTIVES OF THE LOYALTY DAY PROGRAM OF THE VETERANS OF FOREIGN WARS

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

S. C. R. No. 43

Whereas, In keeping with National, State and Municipal Proclamations Loyalty Day will be observed in all States of the U. S. A., and in every County of Texas on or about May 1, 1957, the purpose of which is to bring to the attention of our people the increasing menace of the greatest danger to the freedom and security of our beloved Country, i.e., Atheistic Communism; and

Whereas, Loyalty Day, a nonpartisan, nonsectarian, and cooperative effort to exhibit national unity and reeducation to our democratic ideals, also serves to stimulate that feeling of "Love-of-Country" and affords us an opportunity to reaffirm our loyalty to God, our Country and to our Flag; and

Whereas, The world situation continues to become more serious and the safety of our fellow-citizens imperiled, we will turn our thoughts more to Almighty God to Whom we will intercede for victory in this global life and death struggle with the Red Hordes; and

Whereas, The Veterans of Foreign Wars, founded in 1899, sponsors of the nation-wide Loyalty Day program, in which our Governor, his predecessor, and members of our Senate and House, are numbered in its ranks; and

Whereas, The V. F. W. in the last six years, has won Freedom Foundation awards for its unifying and diligent Loyalty Day programs; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, in its 1897 session, heartily endorses the objectives of the Loyalty Day program of the Veterans of Foreign Wars, commands this great organization to Texans,
COMMENDING THE

The resolution was read and was adopted.

(Mr. Moore of Tarrant in the Chair)

COMMENDING THE ROOSEVELT HIGH SCHOOL GIRLS BASKETBALL TEAM

Mr. Blanchard offered the following resolution:

H. S. R. No. 268

Whereas, The Roosevelt High School Girls Basketball Team won the State Class B Girls Basketball Championship with the inspired help of Coach Marvin Williams; and

Whereas, This fine team demonstrated the highest type of competitive spirit, having won thirty-seven games and lost only one, and brought recognition to Lubbock County; now, therefore, be it

Resolved, That the House of Representatives congratulates them on their victory and wishes them continued success in the game of life.

BLANCHARD, CARR.

The resolution was read and was adopted.

REQUESTING THE TEXAS LEGISLATIVE COUNCIL TO STUDY THE TEXAS CONSTITUTION AND MAKE RECOMMENDATIONS CONCERNING REVISION AND PROVIDING FOR THE APPOINTMENT OF A CITIZENS ADVISORY COMMISSION ON THE CONSTITUTION

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

H. C. R. No. 13, requesting the Texas Legislative Council to study the Texas Constitution and to make certain recommendations.

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

Mr. Hale offered the following Committee amendment to the resolution:

Committee Substitute for H. C. R. 13

Whereas, The Texas Constitution of 1876 has been in force for over three quarters of a century, and should be examined by the people of Texas in the fullest exercise of their right of self-government, consistent with the Jeffersonian principle of periodic constitutional re-examination, to determine the adequacy and suitability of our State's basic document to present needs; and

Whereas, The world-wide struggle to win men's minds and hearts for democracy and the way of life of the western world requires a strong America and a strong America can exist only if its states are vital and effective instruments of local self-government; and

Whereas, The unprecedented growth in population, industrial and resource production and in leadership of our nation that has come, and will come to this State in future decades, requires an effective, efficient and adaptable state and local government so that Texas can attain its economic, social and political destiny; and

Whereas, The major changes in the distribution of the people of Texas between the farm and the city, in transportation, in technology and in our intellectual, commercial and social maturity have occurred in the years since 1876 and these changes raise the question whether the Texas Constitution, especially as to many of its details, is the most appropriate instrument for government in this atomic age; and

Whereas, The length and detail of the present Constitution of Texas have required increasingly frequent amendment which has proved expensive and burdensome and there has been an increasing expression by persons in government, in professional and civic groups, in the press, in private and public educational institutions, and in the bar of the opinion that the Constitution should be revised; and

Whereas, The experience of a number of sister states who have undertaken revisions of their con-
Resolved, That the House of Representatives of the State of Texas, the Senate concurring, that the Texas Legislative Council be and it is hereby requested to make a study of each section of the Constitution of Texas to determine its historical and present purpose, any interpretations given to it by the courts, its role in shaping Texas State government, the presence or absence of it or its counterpart in the constitution of other states, and to determine generally what lessons are to be gained from any other recent state constitutional revisions; and, be it further

Resolved, That the Council may, if it so desires, enlist the assistance of public and private groups in making its basic research study. The Legislature suggests the desirability of obtaining assistance from the State Bar of Texas, the law schools in the State, public and private institutions of higher education, the Texas Research League, and any other agency with appropriate research facilities which may be available and which may be deemed helpful by the Council in the formulation and execution of the Council's basic research study; and, be it further

Resolved, That the Governor, the Lieutenant Governor and the Speaker of the House shall each be authorized to appoint six members to a Citizens Advisory Committee, such members to be men and women of affairs from different walks of life in Texas but who do not hold any office in the State government. Members of the Committee shall be reimbursed for actual travelling expenses from funds of the Texas Legislative Council when such members are travelling on official business. They shall serve without compensation. It is suggested that the Citizens Advisory Committee shall keep constantly in touch with the Council's research progress, interpret same to the news media of the State, and shall determine the attitudes of interested citizens, groups and organizations on revision of the Constitution of Texas. It is further suggested that the Committee make such recommendations to the people of Texas as it may desire regarding the character of, and method to be used in affecting revision of, the Constitution of Texas, and also to make definitive reports to the Legislature. The Legislative Council staff is requested to assist the Committee in its work and the expenses of publishing the Committee's recommendations to the public and to the Legislature shall be paid from Legislative Council Funds. And be it further

Resolved, That the Texas Legislative Council shall make the following reports and recommendations: first, an interim report on its work concerning the Constitution to the 56th Legislature; second, a full and complete research report to the 57th Legislature in accordance with the first report; third, recommendations to the 57th Legislature regarding a method or methods deemed suitable for the revision of, in whole or in part, the Constitution of Texas. In case the Council deems a wholesale revision of the Constitution to be unnecessary then it shall recommend specific changes in specific portions of the constitution so that they may be considered by the Legislature for submission to the people of Texas.

The Committee Amendment was adopted.

The resolution as amended was adopted.

TO GRANT UPHAM GAS COMPANY PERMISSION TO SUE THE STATE

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

H. C. R. No. 28, Granting Upham 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.
Mr. Burkett offered the following Committee amendment to the resolution:

Committee Amendment No. 1 To House Simple Resolution No. 204

Amend S. C. R. No. 28 by striking the third Resolving Clause and substituting in lieu thereof the following:

"Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid Upman Gas Company to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which it seeks to recover must be proved in court as in other civil cases."

The amendment was adopted.

The resolution as amended was adopted.

TO GRANT THE THREE "T" FLEET, INC., PERMISSION TO SUB THE STATE

The Chair laid before the House for consideration at this time,

H. C. R. No. 37, Granting The Three "T" Fleet, Inc. 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 adopted.

PROGRESS REPORT OF THE INVESTIGATING COMMITTEE APPOINTED PURSUANT TO H. S. R. NO. 204

The Chair laid before the House and had read the following report:

PROGRESS REPORT OF THE INVESTIGATING COMMITTEE APPOINTED PURSUANT TO HOUSE SIMPLE RESOLUTION NO. 204

Hon. Waggoner Carr, Speaker of the House of Representatives, and Hon. Member of the House of Representatives, Fifty-fifth Legislature of Texas:

We, your Committee, appointed pursuant to House Simple Resolution No. 204, to conduct a prompt and full investigation of the criminal charges made against James E. Cox, a (former) member of the House of Representatives of the Fifty-fifth Legislature, beg leave to report as follows, to wit:

1. Your Committee held its first meeting on February 27, 1957, the day of its appointment, in Committee Room No. 10 of the State Capitol for organizational purposes. Thereafter, your Committee held meetings on February 28, March 1, and March 2, 1957, and on March 7, 1957, respectively, in the hall of the House of Representatives.

2. Your Committee has carefully weighed and considered the testimony and evidence adduced, conscious of the gravity of the task assigned. In accordance with the instructions contained in House Simple Resolution No. 204, your Committee makes and reports the following as its findings:

a. That former Representative James E. Cox, while a member of this House, has been guilty of conduct unbecoming a member of the
March 18, 1957  HOUSE JOURNAL  939

House of Representatives, and that such conduct was unjustifiable upon any principle of sound, honorable, and representative government.

2. That the said James E. Cox has heretofore been indicted by the Grand Jury of Travis County, Texas, on March 1, 1957, for "conspiring to accept a bribe" in connection with his conduct in the matter under investigation by your Committee.

3. That James E. Cox tendered his resignation as a member of the House of Representatives, Fifty-fifth Legislature, on March 3, 1957, which resignation was thereafter accepted by Governor Price Daniel.

4. That the said James E. Cox for such conduct.

5. Therefore, in accordance with the instructions creating this Committee, your Committee recommends as follows:

a. That this House of Representatives by the adoption of this report declare that the conduct of James E. Cox in the matter under investigation was unbecoming a member of the House of Representatives, and that such conduct was unjustifiable upon any principle of sound, honorable, representative government.

b. That, further, this House of Representatives, by the adoption of this report, censure the said James E. Cox for such conduct.

c. That, in view of the pending criminal charge against the said James E. Cox in Travis County, Texas, and, more particularly, in view of his resignation as a member of the House of Representatives, no other action than the aforesaid censure can be taken at this time with regard to James E. Cox by this House of Representatives.

d. Your Committee is continuing its investigation pursuant to the instructions contained in House Simple Resolution No. 204 and House Simple Resolution No. 315. In such investigation, your Committee is making every effort to move forward as rapidly as possible, consistent with orderly and judicious investigative procedures.

Respectfully submitted,

WESLEY ROBERTS, PRATIES SERLINGSON.
JOHN R. LEE,
LEROY SAUL,
CARL C. CONLEY,
W. S. KEATLY,
BAREFOOT SANDERS.

The report was read.

Mr. Spilman moved that the report be adopted.

Mr. Panagllo moved that further consideration of the report be postponed until 11:00 o'clock a.m. next Monday.

The motion to postpone further consideration of the report until next Monday was lost.

The motion by Mr. Spilman that the report be adopted prevailed.

Mr. Sanders moved to reconsider the vote by which the motion by Mr. Spilman, to adopt the progress report of the Committee appointed pursuant to H. R. 204, prevailed and to table the motion to reconsider.

The motion to table prevailed.

(The Speaker in the Chair)

Mr. Spilman moved that the transcript of the testimony of the witnesses, heard by the Committee appointed pursuant to House Simple Resolution No. 204, and attached to the report of the Committee, be printed as a supplement to the House Journal, the same to be incorporated in the permanent House Journal.

There was no objection to the above motion by Mr. Spilman and it was so ordered.

(Note: See Appendix, Vol. II, for transcript of the testimony of witnesses referred to in above report.)

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 several the following enrolled bills and resolutions:

S. B. No. 257, An Act amending Section 8 of Article 1, Chapter 487, Acts of the 46th Legislature, Second Called Session, 1929, (codified as Ar-
title 68B-3 of Vernon's Texas Penal Code), pertaining to liquor imports; amending Subsection (4) of Section 31a of Article I, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935, added by Section 31 of Chapter 468, Acts of the 44th Legislature, Regular Session, 1937 (codified as Article 68B-3a(4) of Vernon's Texas Penal Code), pertaining to liquor imports; repealing laws in conflict; and declaring an emergency.

H. B. No. 48, An Act providing for fixing the compensation of judges of district courts in the 106th, 109th and 143rd Judicial Districts; providing the manner of payment; establishing a limitation of amount of such compensation; providing for the validity of the remaining portion of this Act if any part declared unconstitutional; repealing all laws or parts of laws in conflict; and declaring an emergency.

H. B. No. 91, An Act amending House Bill No. 190, Acts of the Forty-sixth Legislature, Regular Session, 1939, page 246, as amended, codified as Article 666-8 in Vernon's Penal Code and commonly known as the Hot Check Law, by adding a new Section defining offenses relating to the making, drawing, uttering, or delivering of a check, draft or order for payment of wages or salaries for personal services without sufficient funds; and declaring an emergency.

H. C. R. No. 14, Requesting the Texas Legislative Council to prepare and distribute to Members of the Legislature a summary report of information it has compiled and published on the State's tax structure.

H. C. R. No. 28, To grant Hugh M. Glover permission to sue the State of Texas and the Adjutant General's Department.


RELATIVE TO THE AIR-CONDITIONING OF THE HALL OF THE HOUSE OF REPRESENTATIVES

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

A record vote was requested.

The resolution was adopted by the following vote:

Year—84

Anderson  Lee
Atwell  McCoppin
Bartram  McConaughy
Bell  Mann
Bishop  Martin
Blaine  Mathew
Blanchard  May
Bowes  Moore of Harris
Boykin  Moore of Tarrant
Bristow  Oliver
Buckett  Parshall
Byrd  Patterson
Chapman  Pipkin
Cloud  Pool
Cole  Fressler
Conley  Ramsey
Cory  Roberts
Cowen  Russell
Cox  Sadler
Crouch  Saul
Day  Schwartz
Duff, Miss of Galveston
Dungan  Shannon
Ehrle  Smith of Tarrant
Foreman  Shaw
Foreyth  Sheridan
Green  Slack
Hale  Smith of Jefferson
Harrington  Splawn
Heitman  Spring
Healey  Storey
Holiman  Strickland
Holstein  Stroman
Hooks  Talsek
Honey  Tunnell
Huebner  Turnam
Huffman Valentine
Hufford  Welch
Hutchins  Wheeler
Illack, Miss of Oldham
Jackson  White
LaTiomer  Wilson of Potter
Laurel  Winfree
Leiby  Wooley

Nays—64

Armstrong  Cotten
Ballman  de la Garza
Bass  Dewey
Brasher  Dugas
Brazil  Elliott
Bullock  Ellis
Cline  Fenoglio
RELATIVE TO THE AIR-CONDITIONING OF THE SENATE CHAMBER

The Speaker laid before the House for consideration at this time, H. C. R. No. 56, Relative to the Air-Conditioning of the Senate Chamber.

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

CONGRATULATING THE BUNA HIGH SCHOOL GIRLS BASKETBALL TEAM

Mr. Shackelford offered the following resolution:

H. S. R. No. 249

Whereas, The girls in the Piney Woods of East Texas are determined to be the best; and

INVITING HONORABLE WILLIAM A. BLAKLEY TO ADDRESS A JOINT SESSION OF THE LEGISLATURE

Mr. Hughes of Dallas offered the following resolution:

H. C. R. No. 65

Whereas, Senator William A. Blakley was appointed to represent Texas, as its Junior Senator in the Congress of the United States, succeeding the former Senator and present Governor of Texas, the Honorable Price Daniel; and

Whereas, Senator Blakley, even in a short period of time, has served this State with great distinction and effectiveness; and

Whereas, Senator Blakley, through his earnestness of effort, high integrity and friendly consideration of others, has endeared himself to his colleagues in the Senate, they being convinced that in him are portrayed the finest qualities that are typically Texan; now therefore be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, that he be invited to address a joint session of this Legislature at 11 a.m. on March 28, 1957, and that the presiding
The motion to adjourn prevailed and the House accordingly, at 12:31 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

- Agriculture: H. B. No. 588.
- Conservation and Reclamation: H. B. No. 769.
- Education: H. B. No. 504 and H. B. No. 551.
- Municipal and Private Corporations: S. B. No. 77.
- Penitentiaries: H. B. No. 611.
Miss Duff offered the following resolution:
H. S. R. No. 257, In Memory of Mark Smith.

Whereas, God in his infinite wisdom did, on April 25, 1956, call to his heavenly reward Mark Smith, of Waxahachie, Texas; and

Whereas, This distinguished statesman was born July 27, 1864, on Cummings Creek, near Bumpas Mill, in northwestern Tennessee. He came to Texas in 1892 and located at Moccasin Rock near Stephenville; from there to Mountain Peak and Wyatt Switch, Ellis County, where he taught school until he moved to Waxahachie in 1897 and began the practice of law.

Whereas, Mr. Smith had for more than fifty years practiced law in Ellis County, being a member of the Ellis County and Texas Bar Associations, and was commonly known as Dean of the Ellis County Bar Association; and

Whereas, Mr. Smith had ably served his county in the capacity of County Attorney and County Judge, and

Whereas, This distinguished and kind gentleman had endeared himself in the hearts of all who came to know him, particularly the youth of Waxahachie and Ellis County; and

Whereas, Mr. Smith had been active in the International Order of Odd Fellows and Woodmen of the World lodges for more than fifty years. He received his Bachelor of Science degree from Clinton College, Kentucky, his LLB degree from the University of Cincinnati, Ohio; and

Whereas, Mr. Smith was married to Miss Mattie Grace Ross of Paducah, Kentucky, who preceded him in death. Mr. Smith is survived by the following: a son, Ross Smith of Waxahachie, a daughter, Mrs. Bruce Noble of Waxahachie, and two grandsons, Mark A. Smith and Ross Smith, Jr.; and

Whereas, This House of Representatives of the Fifty-fifth Legislature of Texas hereby expresses its deepest sorrow and regrets at the passing of this outstanding statesman; and, therefore, be it

Resolved, That when the House this day adjourns, it do so in honor and memory of this illustrious Texan.

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

E. B. Posey

Mr. Osborn offered the following resolution:

H. S. B. No. 261, in Memory of E. B. Posey.

Whereas, On March 5, 1957, the City of Hereford and the State of Texas lost an esteemed citizen in the passing of E. B. Posey; and

Whereas, He was born December 19, 1886, in Ellis County. He married Lucella Ivy Peques April 30, 1906, in Quanah. He moved to Hereford in 1907 where he served as director and officer of the First National Bank. He served on the Hereford School Board and in many civic clubs; and

Whereas, He served as secretary-manager of the Chamber of Commerce and was responsible for many improvements in his beloved city. He was in the real estate business at the time of his death; and

Whereas, He is survived by his widow; four sons, the Reverend Abb Posey, Big Spring; J. M. and Clyde, both of Hereford; E. B., Jr. of Baird; three daughters, Mrs. Laverne McMinn, Summerville; Mrs. Mary Robertson, Amarillo; Mrs. Ellen Simpson, Hereford; one brother, Jim, Eldorado, Oklahoma; eleven grandchildren and six great grandchildren; now, therefore, be it

Resolved, That the House of Representatives pays tribute in this Resolution, that a page in the House Journal be set aside in his memory, and that when the House adjourns this day it do so in loving respect to E. B. Posey.

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

L. B. Jennings

Mr. Pool offered the following resolution:

H. S. R. No. 262, In Memory of L. B. Jennings.

Whereas, in the passing of L. B. Jennings from this earthly life on the 12th day of March, 1927, the people of Dallas, and in particular the people of Oak Cliff, have suffered an irreparable loss; and

Whereas, the people of Dallas mourn the passing of this good and unselfish civic leader, whose worthy endeavor and civic work have left an impress on the life of our State; and

Whereas, Mr. Jennings, who formerly resided in Shreveport, Louisiana, was for many years an active force for all things which are right and good, devoting much of his time and energy to the promotion of the public welfare. He was President of the American Bank & Trust Company of Oak Cliff, Dallas County; Treasurer of the National Conference of Christians and Jews; a Director of the Dallas, Oak Cliff and East Texas Chambers of Commerce; and Director of the Better Business Bureau, Girl Scouts, and the Dallas Public Library. He was past President of the Dallas Community Chest, and Chairman of the Red Cross Drive in his home town. He was also a Member of the Dallas Country Club, the Dallas Lions Club, and of St. Mark’s Episcopal Church. He was formerly connected with the First National Bank in Dallas, Federal Reserve Bank of Dallas, and the First National Bank of St. Louis, Missouri; also Vice-President of the First National Bank, Shreveport, Louisiana, before coming to Dallas. Mr. Jennings served as a corporal during World War I; and

Whereas, this outstanding Texan was not only a leader in many worthy projects for the advancement of his City, County, and State, he also proved his value as a worker in the ranks of such enterprise; now, therefore, be it

Resolved, That the passing of this outstanding citizen be fittingly recognized by his fellow Texans, and that a page in today’s Journal be set aside in his memory, and that the House of Representatives of the Fifty-fifth Texas Legislature do adjourn on this day and date in memory of L. B. Jennings, and that we here and now extend our deepest sympathy to the bereaved family, and ask that God give them solace from the sorrow of the loss of this good man; and, be it further

Resolved, That a copy of this Resolution be transmitted to the family as a token of our sympathy.

POOL,
CROSTHWAIT,
ATWILL,
SUTTON,
SANDERS,
JOHNSON,
HUGHES of Dallas.

The resolution was unanimously adopted by a rising vote.
Mr. Armor offered the following resolution:

H. S. R. No. 263, In Memory of Davis A. Clark.

Whereas, On March 12, 1957, the City of Sweetwater and the State of Texas lost an esteemed citizen in the passing of Davis A. Clark; and

Whereas, He was born October 7, 1879, in Fayetteville, Tennessee. He moved to Sweetwater and spent his life serving his community as a civic, school, church and business leader. He married Miss Ines Steele November 22, 1910; and

Whereas, He was Mayor of Sweetwater and was a past president of the Sweetwater Board of City Development, the Rotary Club, and the old Sweetwater Club. He was an elder in First Presbyterian Church. He was a leader in the insurance world and served as President of the Texas Association of Insurance Agents; and

Whereas, He is survived by his son, Davis A. Clark, Jr., and two grandchildren, all of Sweetwater; and

Whereas, In the Book of Saint John in the Holy Bible is the comforting promise, “Peace I leave with 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 House of Representatives pays tribute to Davis A. Clark, that a page in the House Journal 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.
Mr. Green offered the following resolution:


Whereas, On March 12, 1957, the State of Texas and the City of Fort Worth lost a useful young citizen in the death of Private Robert H. Wilhelm; and

Whereas, Private Wilhelm gave his life in the service of his country. He was killed in a training accident at Fort Carson, Colorado, when a hand grenade exploded prematurely; and

Whereas, Private Wilhelm, who entered the service on January 14, 1957, was in training for the defense and security of America, and made the Supreme Sacrifice so that others might continue to enjoy the American dream; and

Whereas, Private Wilhelm was a graduate of Mansfield High School, and a member of the Kennedale Methodist Church; now, therefore, be it

Resolved, That the Texas House of Representatives extend its sympathies and condolences to the parents, Mr. and Mrs. Arch Wilhelm, and a sister, Mrs. Thomas Runkle, all of Fort Worth; and, be it further

Resolved, That a page in today’s House Journal be set aside in memory of Private Wilhelm and that enrolled copies of this resolution be sent to the surviving members of his family, and that when the House adjourns on this day that it do so in grateful memory of Robert H. Wilhelm.

The resolution was unanimously adopted by a rising vote.