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

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 6, granting permission to Bernice Crowder to sue the State of Texas and the State Highway Commission. 

Has carefully compared same and finds it correctly engrossed. 

H. G. WELLS, Chairman. 

STANDING COMMITTEE REPORTS 

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

Agriculture: S. B. No. 1. 
Appropriations: H. B. No. 11. 
Rules: H. S. R. No. 64. 

EIGHTH DAY 
(Tuesday, January 16, 1962) 

The House met at 11:00 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 
Adams of Lubbock 
Adams of Titus 
Alianis 
Almon 
Andrews 
Atwell 
Bailey 
Balman 
Bazfield, Mrs. 
Baylor 
Barlow 
Bartram 
Baum 
Berry 
Blaine 
Boyeen 
Bridges 
Buchanan 
Burgess 
Butler 
Caldwell 
Campbell 
Carriker 
Chapman 
Cole of Harris 
Cole of Hunt 
Collins 
Cornell 

Haynes 
Heatly 
Heflin 
Hinson 
Hollowell 
Hogsoss 
of Grayson 
Hughes of Dallas 
Isaacs, Miss 
James 
Jamison 
Jarvis 
Johnson of Dallas 
Johnson of Beaz 
Johnson of Bell 
Jones of Dallas 
Jones of Travis 
Kennard 
Kilpatrick 
Kobler 
Koliba 
Korkmas 
Kothmann 
Lack 
Lary 
Lattimer 
Leaverton 
Lewis 
Longoria 
McCoppin 
McGregor of McLennan 
McGregor of El Paso 
McLain 
Markgraf 
Martin 
Miller 
Moore 
Mullen 
Murray 
Mutschler 
Niemeyer 
Nugent 
Oliver 
Osborn 
Parnes 
Pearcy 
Peltier 
Petty 
Perratt 
Pipkins 
Preston 
Price 
Quilliam 
Rapp 
Read 
Richards 
Richardson 
Roberts of Hill 
Roberts of Dawson 
Rosas 
Roason 
Sandahl 
Schram 
Shannon 
Shipley 
Slack 
Sluder 
Smith of Bexar 
Smith of Jefferson 
Soolson 
Sptiman 
Springer 
Stewart 
Stewart of Galveston 
of Wichita 
Sutre 
Thurman 
Thurmond 
Townsend 
Trevino 
Turllett 
Walker 
Ward 
Watsen 
Wells 
Whitley 
Whitfield 
Wilson 
Woods 
Yesak 

Absent—Excused 

Cory de la Garza 

A quorum of the House was announced present. 

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

"Almighty God, thank Thee for the bounties of this day, for the opportunity of serving others. Help us to be thankful for all Your blessings; health, wealth and above all..."
the privilege of being a citizen of the United States of America and of Texas.

Guide each Member in the work of this day. Help each one to be a blessing to Texas and its people. Our prayer for today, Father, is may You be pleased with us. In Jesus’ Name.—Amen.”

LEAVES OF ABSENCE GRANTED

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

Mr. de Ia Garza for today, on motion of Mr. Murray.

Mr. Cory was granted leave of absence for today, on account of serious illness in his family, on motion of Mr. Osborn.

Mr. Cowles was granted leave of absence for part of today on account of illness, on motion of Mr. Walker.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 61, By Mr. Barnes: In memory of Dr. Thomas Hendricks Taylor.


H. S. R. No. 67, By Mr. Dewey: In memory of Dr. Samuel E. Asbury.

H. S. R. No. 70, By Mr. Fletcher: In memory of Jack Crank Dewey.

H. S. R. No. 71, By Mr. Schulz: In memory of Mr. J. Frank Smith.

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

CONGRATULATORY RESOLUTIONS ADOPTED

H. S. R. No. 54, By Mrs. Banfield: To congratulate and commend Glenn Cheek of Orchard, Texas.

H. S. R. No. 59, By Mrs. Banfield: To congratulate Bobby Jancik of Rosenberg, Texas.

H. S. R. No. 65, By Mr. Nugent: To congratulate Mr. and Mrs. E. Schmidt of Turtle Creek Community, Kerr County, Texas.

H. S. R. No. 10, To congratulate the 1961 Wichita Falls High School football team.

TO CONGRATULATE MISS PORTIA BASE OF DE KALB, TEXAS

Mr. Atwell offered the following resolution:

H. S. R. No. 63

Whereas, The lovely and talented Miss Portia Bass of DeKalb, Texas, was recently selected Queen of the Four States Fair and Rodeo in Texarkana, Texas; and

Whereas, This signal honor was bestowed upon Miss Bass over contestants from a large area; and

Whereas, This event was a major recreational event for this particular area of Texas and one where outstanding talents of the people of this area were displayed; and

Whereas, Portia attended and graduated from DeKalb High School where she was an honor student and an active and enthusiastic participant in all school activities. She is a freshman student at North Texas State University, Denton, Texas, and is a member of Los Caballeros; and

Whereas, The crowning of Portia as Queen of this Four States Fair and Rodeo was the result of her deep interest and love of the sport of “horseback riding.” Since a very young child, she has loved horses and been an excellent rider; and

Whereas, Portia is the daughter of our esteemed fellow Member of the House, Bob Bass, and his charming wife, JoAnn; and

Whereas, The House of Representatives of this, the Third Called Session, Fifty-seventh Legislature, wishes to take cognizance of this honor bestowed upon Miss Bass; now, therefore, be it

Resolved, That heartiest congratulations and best wishes be extend-
ed Portia on this outstanding accomplishment, with sincerest appreciation and good wishes for a continuation of her successes in the future; and, be it further
Resolved, That an enrolled copy of this Resolution be forwarded to Portia Bass on this happy occasion.

The resolution was adopted.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Gladden offered the following resolution:

H. C. R. No. 11

Whereas, It is alleged that some 20 years ago, The Christian and Missionary Alliance of the Southwest District, a religious corporation, purchased a tract of land and has since that time used it for religious purposes; and

Whereas, It is alleged that said land is situated in Tarrant County, Texas, being 32 acres out of the G. Medlin 640 acre Survey, more particularly described by metes and bounds as follows, to wit:

Beginning at a stake in the East line of said Medlin Survey 430 yards North of its S.E. corner; Thence N. 89° 23' W. 874 feet along the North line of Benge Road, to a stake; Thence N. 0° 30' W. 690.5 feet to a 3/4" iron stake; Thence N. 89° 41' W. 10 feet to 6/8" rod; Thence N. 0° 19' E. 999.5 feet to 5/8" rod; Thence N. 21° 52' W. 56.5 feet to iron stake; Thence N. 85° 06' E. 96.6 feet to iron stake; Thence S. 53° 46' E. 84 feet to iron stake; Thence S. 61° 00' E. 119.3 feet to iron stake; Thence N. 89° 53' E. 158 feet to 3/4" iron stake; Thence S. 8° 07' E. 204 feet to 1 1/4" iron stake; Thence S. 88° 50' E. 305.5 feet to 1 1/4" iron stake; Thence S. 89° 16' E. 199.7 feet to 5/8" iron rod; Thence S. 0° 03' W. 231 feet to iron stake; Thence N. 89° 57' W. 10 feet to iron stake; Thence S. 0° 03' W. 1250.5 feet to the place of beginning; and

Whereas, It is claimed that The Christian and Missionary Alliance of the Southwest District has recently discovered that there were title restrictions on said property dating back to 1917 which provided that if the property were used for any purpose other than as a home for unwed mothers, it would be subject to forfeiture to the State of Texas; and

Whereas, It is alleged that, in view of this title restriction and the use made of the property during its 30 years of ownership, The Christian and Missionary Alliance of the Southwest District has deeded some part or parts thereof to the State of Texas by serving the Attorney General of Texas; and be it further
Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases.

GLADDEN, GREEN.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Townsend offered the following resolution:

H. C. R. No. 12

Whereas, In Cause No. 100,493 in the 63rd District Court of Travis County, Texas, there was and is pending a suit entitled The State of Texas vs. L. V. Ruffin, B. R. Sheffield, and various Veterans under what is known as the Texas Veterans Land Program, and
Whereas, Final judgment has been entered in said cause Vesting title to the land involved in said case in L. V. Ruffin, which land was immediately sold and the State of Texas and Veterans Land Board of Texas paid the sum of $423,000.00.

Whereas, the said L. V. Ruffin was the Principal on said Note in the sum of approximately $17,500.00; and Whereas, the said L. V. Ruffin defaulted in the payment of said Note and the same was paid by Sam McCollum, III, who now owns and holds said Note; and

Whereas, the money originally obtained by said loan by L. V. Ruffin was loaned and advanced to forty-one said Applicants for the purpose of making a 5% down-payment on certain lands located in Dimmit County, Texas, under what is known as the Veterans Land Program and under Application filed during the year 1954 with the Veterans Land Board of Texas at Austin, and said 5% advance being made under Applications which by their own terms have expired for more than five years, and the Veterans Land Board duly notified by L. V. Ruffin on March 2, 1955 of the cancellation of the Applications by him as the seller of the land. That said Forty-one Applications were all drawn under the provisions of Acts, 51st Leg., R. S. 1949, Ch. 318, as amended by Acts, 52nd Leg., R. S., 1951, Ch. 542 (Art. 5421 M. V. C. S.)

Whereas, That said $17,500.00 is now being held by the Veterans Land Board of Texas, and the said L. V. Ruffin has assigned all his right, title and interest in said money to Sam McCollum, III, and

Whereas, The said Sam McCollum, III, desires to file suit against the State of Texas for title and possession of said $17,500.00 now held by the Veterans Land Board of Texas, and desires that said fund be filed in a State District Court of competent jurisdiction so that he may obtain said funds which belong to him, now therefore be it.

Resolved by the House of Representatives, the Senate concurring, That permission be and is hereby granted to Sam McCollum, III, to institute against the State of Texas and the Veterans Land Board as Defendants by an independent cause of action brought in the District Court of Travis or McCulloch County, Texas, for a determination and declaration of the rights of the parties to the $17,500.00 above mentioned, and that such process be issued according to the Rules of Civil Procedure governing such process in Civil cases, and be it further, Resolved, That nothing herein shall be construed as an admission of liability on the part of the State of Texas, the Veterans Land Board or any Executive Official therein, as to the validity of any allegation or claims asserted in said action but that all allegations and claims asserted herein or to be asserted in said suit shall be proved as in other suits and under the same rules of evidence and civil procedure as in other actions; and

Resolved, That nothing herein shall be construed as a waiver of any question of fact as well as of law, that may be asserted or be available to the State of Texas or any other party Defendant or of any agencies of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUBMIT THE STATE

Mr. Read offered the following resolution:

H. C. R. No. 13

Whereas, It is alleged that the City of Big Spring and the Board of Control of the State of Texas, on the 22nd day of October, 1957, entered into an agreement whereby the City of Big Spring agreed to furnish water to the Big Spring State Hospital in Howard County, Texas,
Resolved, By the House of Representa-
tives of Texas, the Senate con-
curring, That the said City of Big
Spring, a municipal corporation, of
Howard County, Texas be and is
hereby given and granted permission
to sue the State of Texas and the
Board of Control of the State of Tex-
as, in a court of competent juris-
diction, to determine the rights of
the parties and to set aside and
cancel a water contract between
the City of Big Spring, Texas, and the
Board of Control of the State of
Texas, which was executed on the
22nd day of October A.D., 1937, and
for such other and further relief,
In law or equity as the court may
determine is warranted by virtue of
all of the facts, and be it further
Resolved That service of citation
or any necessary process shall be
had upon the chairman of the Board
for Texas State Hospitals and Spe-
cial Schools and the Attorney Gener-
al of the State of Texas; and be it
further
Resolved, That any party to the
suit shall have the right of appeal
as in any other civil cases; and be it
further
Resolved, That the sole purpose
of this resolution is to grant permis-
sion to the City of Big Spring to
bring suit against the State of Tex-
as, and nothing herein shall be con-
strued as an admission on the part
of the State of Texas, or any of the
departments or agencies of the State
of Texas, or any of the political sub-
divisions of the State of Texas, or
any of the parties to said suit, as to
the validity of any allegations or
claims asserted in said suit, but that
all allegations and claims must be
proved as in other suits under the
same rules of evidence and the same
laws as apply in and govern the trial
of other civil cases; and be it further
Resolved, That nothing herein
shall be construed as a waiver of any
defenses of fact as well as of law
that may be asserted by or available
to the State of Texas, or any of the
departments or agencies of the State
of Texas, or any of the political
subdivisions of the State of Texas,
in said suit, but all such defenses are
hereby specifically reserved.
The resolution was referred to the
Committee on State Affairs.
TO GRANT PERMISSION TO SUE
THE TEXAS STATE BOARD OF
EXAMINERS IN OPTOMETRY
The Speaker laid before the House
for consideration at this time the
following resolution:
S. C. R. No. 8
Whereas, Dr. Ellis Carp of Dallas,
Texas, is a duly licensed Optometrist
in the State of Texas; and
Whereas, The Texas State Board
of Examiners in Optometry have pro-
mulgated certain rules governing
Optometrists practicing in Texas the
effect of which and the construc-
tions placed thereon by the said Board
would result in substantial loss to
Dr. Ellis Carp if said Board has the
power and authority to enact and en-
force such rules; and
Whereas, The Courts of this State
have held that a suit filed under the
Uniform Declaratory Judgments Act,
being Article 2624-1 of Vernon's
Texas Civil Statutes, against a De-
partment or Board of the State is
a suit against the State and can
only be maintained with permission
of the State; and
Whereas, It is the purpose of the
Uniform Declaratory Judgments Act
to permit citizens of this State to
have determined in a Court of com-
petent jurisdiction their rights,
status and other legal relations
under any statute, ordinance, con-
tract, or franchise and no valid rea-
son exists why such privilege should
not exist as to a State Department,
now, therefore, be it
Resolved, By the Senate, the
House of Representatives concurring,
That Dr. Ellis Carp be and is hereby
given and granted permission to sue
the Texas State Board of Examiners
in Optometry in an action for declar-
atory jurisdiction in the State of Texas
in accordance with and under the
provisions of the Uniform De-
claratory Judgments Act, being Ar-
Mr. Cory offered the following resolution:

H. S. R. No. 45

Whereas, The Placedo railroad crossing on U. S. Highway 87 in Victoria County has been the scene of automobile-train collisions claiming eight lives within the last 31 months; and

Whereas, This crossing is 15 miles above Port Lavaca, where U. S. Highway 87 crosses the Missouri-Pacific tracks on a Houston to Brownsville run; and

Whereas, The most recent and the fourth fatal accident, in which five lives were lost, occurred in mid-afternoon on New Year's Day, in the same way that the last four wrecks occurred; and

Whereas, Standard railroad crossing lights warn of the crossing but the many accidents, despite the system, show a great need for a more effective warning device or a better crossing system; and

Whereas, The City Council of Port Lavaca and residents of Victoria County are most anxious that something be done to halt this needless loss of life and personal injury at the Placedo crossing; now therefore be it

Resolved, That the sole purpose of this Resolution is to grant permission to Dr. Ellis Carp to bring suit against the Texas State Board of Examiners in Optometry as above set forth and no admission of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the suit is based shall be proved in Court as in any other proceeding under the Uniform Declaratory Judgments Act.

The resolution was referred to the Committee on State Affairs.

TO REQUEST CERTAIN STUDY OF THE PLACEDO RAILROAD CROSSING

Mr. Cory offered the following resolution:

S. C. R. No. 9, Commending Val Verde County Library.

Mr. Cory offered the following resolution:

H. S. R. No. 65

Whereas, The Placedo railroad crossing on U. S. Highway 87 in Victoria County has been the scene of automobile-train collisions claiming eight lives within the last 31 months; and

Whereas, This crossing is 15 miles above Port Lavaca, where U. S. Highway 87 crosses the Missouri-Pacific tracks on a Houston to Brownsville run; and

WHEREAS, The Placedo railroad crossing on U. S. Highway 87 in Victoria County has been the scene of automobile-train collisions claiming eight lives within the last 31 months; and

WHEREAS, This crossing is 15 miles above Port Lavaca, where U. S. Highway 87 crosses the Missouri-Pacific tracks on a Houston to Brownsville run; and

WHEREAS, The most recent and the fourth fatal accident, in which five lives were lost, occurred in mid-afternoon on New Year's Day, in the same way that the last four wrecks occurred; and

WHEREAS, Standard railroad crossing lights warn of the crossing but the many accidents, despite the system, show a great need for a more effective warning device or a better crossing system; and

WHEREAS, The City Council of Port Lavaca and residents of Victoria County are most anxious that something be done to halt this needless loss of life and personal injury at the Placedo crossing; now therefore be it

Resolved, That the sole purpose of this Resolution is to grant permission to Dr. Ellis Carp to bring suit against the Texas State Board of Examiners in Optometry as above set forth and no admission of any fact is made in any way by the passage of this Resolution; and it is specifically provided that the facts upon which the suit is based shall be proved in Court as in any other proceeding under the Uniform Declaratory Judgments Act.

The resolution was referred to the Committee on State Affairs.

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 4, Granting W. H. Nichols and Company, Inc., of Dallas, Texas, permission to sue the State.

S. C. R. No. 9, Commending Val Verde County Library.

INTRODUCTION OF MR. M. O. (JACK) GRIFFITH

In accordance with the provisions of H. S. R. No. 64, providing for the introduction of Mr. M. O. (Jack) Griffith, named "Texas' most Representative Hobbs Knight of the Road for 1960," to the House of Representatives, Mr. Griffith was escorted to the Speaker's Rostrum by the Honorable David Read.

Speaker Turman presented Mr. Read, who introduced Mr. Griffith and presented him with an enrolled copy of H. S. R. No. 64.

Mr. Griffith addressed the House briefly, expressing appreciation to the House.

ADDRESS BY JULIO GALAN DE LA PENA

In accordance with the provisions of H. S. R. No. 15 inviting Julio Galan de la Pena, Mayor of Muzquiz, Coahuila, Mexico, to address the House of Representatives, May
or Julio Galan de la Pena, accompanied by his wife, was escorted to the Speaker’s Rostrum by Messrs. Dungan, Niemeyer and Longoria.

Mr. and Mrs. Victor F. Niemeyer, Mrs. H. O. Niemeyer and Mr. and Mrs. Apolo Davala, were also escorted to seats on the Speaker’s Rostrum.

Speaker Turman presented Mr. Dungan, who introduced the following to the House:

Mr. and Mrs. Victor F. Niemeyer, brother and sister-in-law of the Honorable H. O. Niemeyer, and Mrs. H. O. Niemeyer, wife of the Honorable H. O. Niemeyer, and Mr. and Mrs. Apolo Davala.

Mr. Dungan then introduced Julio Galan de la Pena.

Julio Galan de la Pena then addressed the House, speaking in the Spanish language, translated as follows:

To His Excellency Mr. Price Daniel, Constitutional Governor of the State of Texas,
Honorable Members of the Legislature,

Ladies and Gentlemen:

In the first place, I must acknowledge most heartily the great honor granted to me as Mayor of the City and County of Muzquiz, Coahuila, Mexico, to be present at this solemn session of this Honorable Congress of the State of Texas.

I am the bearer of a sincere and cordial salutation that my people express to the people of Texas, to your respectable Governor and honorable Representative. A most friendly greeting in which are included its fervent wishes for human prosperity through understanding and cooperation of the peoples and governments in the universal task of establishing a just and durable peace.

I am also the bearer of the most affectionate message of salutation which in the name of the people and Government of Coahuila sends to the people and Governor of Texas. His Excellency General Raul Madero Gonzalez, Constitutional Governor of the State.

As an integral part of our Mexico, who guides and conducts through the roads of the Mexican Revolution, His Excellency Lic. Adolfo Lopez Mateos, worthy ruler of our nation, the people of Muzquiz congratulates itself for the cordial and friendly relations which exist between the Governments of the United States of America and ours. And it could not be otherwise, for they are two democracies that maintain without damage their liberties within the bounds of right and respect advocating unceasingly for progress, promoting education and diffusing culture to eliminate illiteracy, elevating the level of its peoples, by more equitable means and salaries that may permit the purchasing power of our workers and further the development of the people, within the limits of their own idiosyncrasy.

Muzquiz considers that the friendship between people and Government of the United States with our Country, is sincere because it gives us strength and desire to obtain the well-being and happiness, exercising the inalienable rights which grant us the quality of being men, and the privilege of belonging to independent and sovereign nations, whose Presidents are champions of justice and harmony, JOHN F. KENNEDY in the United States and ADOLFO LOPEZ MATEOS in Mexico.

We are partisans of solidarity and understanding. We are loyal partisans of Democracy and brotherhood of the peoples. We are peace-loving and adherents of world concord and fraternity.

The United States and Mexico, brotherly nations of the American Continent, countries where the goodwill is manifest and our good intentions are an ideological heritage of Washington, Jefferson, Lincoln, also of Hidalgo, Juarez and Madero; countries which follow firm steps towards progress, their bonds with friendship, comprehension, mutual concord and cooperation.

Through me, finally, I want to reiterate the fraternal salutation which my people sends to you and the infinite gratitude that I feel for this high distinction which was given me as a Mexican citizen and Mayor of Muzquiz, Coahuila, in being present in this session of the Legislative...
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body of Representatives of Texas, act which proves the solid friendship of good neighbors. Thank you,
JULIO GALAN DE LA PENA,
Mayor of Muzquiz, Coah., Mexico.

REMARKS ORDERED PRINTED

On motion of Mr. Lewis, the above remarks of Julio Galan de la Pena were ordered printed in the Journal, and a copy of the Journal containing same was ordered sent to Mayor Julio Galan de la Pena.

RELATIVE TO CERTAIN MEASURES IN THE UNITED STATES CONGRESS PROVIDING FEDERAL AID TO PUBLIC AND PRIVATE SCHOOLS OF THE STATES

Mr. Allen offered the following resolution:

H. S. R. No. 66

Whereas, The Eighty-seventh Congress has convened its Second Session and among the numerous measures scheduled for consideration will be certain proposals to provide Federal aid for school construction, pay raises for teachers, school health programs, and other programs relating to the states’ school systems; and

Whereas, This Fifty-seventh Legislature of Texas, during its Second Called Session, provided substantial pay raises for Texas teachers and school administrators, and the Legislature, in subsequent sessions, will continue to make provision to assure for Texas a high standing in the area of public education; and

Whereas, Grants and loans of the Federal Government for Texas schools can only be provided through the use of funds derived from taxes paid by Texas citizens, even though they are collected and administered by the Federal Government, and the depreciated tax dollars returned to Texas become Federal control, instead of Federal aid; and

Whereas, Texans are generally wary of growing Federal encroachment and look with trepidation on the many moves by the Congress toward control of our public education system, which could be but a step away from control of the minds of our Texas youth, the leaders of tomorrow; now therefore be it

Resolved, By the House of Representatives of the State of Texas, that the Texas delegation in the United States Congress exert its full strength and influence in opposition to any measures which may be introduced during this Second Session of the Eighty-seventh Congress providing Federal aid to public and private schools of the states; and be it further

Resolved, That this body is bound by the belief that the schools should receive support from state and local levels only, in order that full control of curriculum and administration be maintained within the State; and be it further

Resolved, That copies of this Resolution be prepared and sent to each Member of Congress from Texas.


The resolution was referred to the Committee on State Affairs.

Mr. Allen moved that all the necessary rules be suspended for the purpose of taking up and considering at this time House Simple Resolution No. 66.

The resolution was read.

A record vote was requested.

The motion to suspend all necessary rules for the purpose of taking up and considering H. S. R. No. 66 at this time prevailed by the following vote:
<table>
<thead>
<tr>
<th>Yeas-94</th>
<th>Absent-Excused</th>
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<tbody>
<tr>
<td>Adams of Lubbock Jones of Dallas</td>
<td>George (Skeet) Richardson</td>
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<tr>
<td>Adams of Titus</td>
<td>Reasons for my vote against this resolution is that I feel that such a resolution should be given thorough study and should go through the Committees set out by the rules of this House.</td>
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<tr>
<td>Allen</td>
<td>Mr. Wilson offered the following amendment to the resolution:</td>
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<tr>
<td>Andrews</td>
<td>Amend line 4 by deleting the words “school health programs.”</td>
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<tr>
<td>Atwell</td>
<td>The amendment was lost.</td>
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<td>Banfield, Mrs.</td>
<td>A record vote was requested on the adoption of the resolution.</td>
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<td>Barnes</td>
<td>H. S. R. No. 66 was adopted by the following vote:</td>
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<td>Bass</td>
<td>Yeas—102</td>
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<td>Blaine</td>
<td>Adams of Lubbock Buchanan</td>
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<td>Boone</td>
<td>Adams of Titus Burgess</td>
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<td>Cannon</td>
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<td>Carrillo</td>
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<td>Emmett</td>
<td>Banfield, Mrs. Collins</td>
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<td>Fannin</td>
<td>Barnes Connell</td>
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<td>Fiddler</td>
<td>Bartram Cook</td>
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<td>Hall</td>
<td>Bass Crow</td>
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<td>Howell</td>
<td>Haynes Haynes</td>
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<td>Jamison Johnson of Bexar</td>
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<td>Isaac</td>
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<td>Johnson of Dallas Johnson of Houston</td>
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<td>Lack</td>
<td>Jones of Travis Johnson of Texas</td>
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January 16, 1962    HOUSE JOURNAL

REASON FOR VOTE

I voted no on H. S. R. No. 46 for the following reason:

Resolutions to memorialize Congress often serve a useful purpose but this one has become a political football and therefore meaningless. Further, the House should have had the benefit of Committee study and recommendation. Perhaps the Resolution should have been broadened to complain against Federal Giveaway Programs in other areas—but the House would have none of it. Only yesterday it voted for 8 million Federal aid to F. M. Roads (See S. B. 1 passed unanimously), while it rejected Mr. Maco Stewart's amendment to return certain funds to the Federal Treasury. Strange conduct indeed! But alas, if winter comes can May 5th be far behind?

WHITFIELD of Harris, JOHNSON of Bexar.

REASON FOR VOTE

For a state legislative body to direct the Congress of the United States to take specific action regarding national policy is nothing more than political demagogy based on total ignorance of the American system of laws and government. Basic in the long standing American federal system is the principle that a state legislative body has no authority to direct national governmental policy. The theory of interposition has long since been disproved.

It is beyond reasonable comprehension that a state legislative body so demonstrably laggard in its own duties and responsibilities would issue a directive to the national Congress asking them to refuse to respond to the needs of the people. Instead of attempting to direct actions of Texas Congressmen, the members of the Texas State House of Representatives should more adequately deal with its own problems.

For a state legislative body to spend public funds for such nonsense
is a foolish waste of public money.

For the above enumerated reasons and many more, I voted "no" on both a motion to suspend the rules in order to consider House Simple Resolution Number 66 and on a motion to adopt House Simple Resolution Number 66.

DAN STRUVE.

REASON FOR VOTE

I voted against House Simple Resolution Number 66 because in my opinion the danger of encroachment and usurpation of the powers of local school boards by the Federal Government is not present today as a result of those aids granted heretofore, nor can I see this danger even looming on the horizon.

When and if this danger is present, or appearing on the near horizon, I will then be in opposition to any type of Federal Aid to education in public schools. My conscience would not rest today I were to outright reject all types of future Federal Aid to education in public schools and in particular, those types of aids outlined in the Resolution affecting the health and welfare of our school children in Texas.

The Resolution, as written, also referred to Federal Aid to Private schools: I regret that my vote can be considered as being in favor of this. Let the record show that I am against any and all types of Federal Aid to education in private schools.

RUDY ESQUIVEL.

REASON FOR VOTE ON HSR 66

I cast my vote against HSR 66 for the reason that I feel we have adequate representation in Washington who are perfectly qualified to pass on all legislation presented to them.

I am opposed in principle to the Federal Government telling us what to do on State Legislation, and I feel that we, as a legislative body, have no right to tell the Federal Government what to do with any pending legislation in Washington.

MENTON J. MURRAY.

REASON FOR VOTE

I voted against the resolution for several reasons history will be burdened with because it is incumbent on one holding public office who appears too friendly to his government to explain his lack of treason.

First, memorializing Congress by this Legislature is a waste of time and money and beyond our purpose. We don't represent our constituents in the Congress.

Second, Federal aid to education is as old as the land ordinances of the 1780's. Texas A. & M. College was created under the Morrill Act of 1862 and has participated in the Federal program until this day. There are numerous instances of aid by our Federal Government to education that are not controversial but accepted and appreciated. Every school district in my county except one participated in the Federal School Lunch Program.

The Federal Government may lend its aid to airlines, to ship builders, to General Motors or to school children. Some Federal Aid is good public policy—some is bad. Let each proposition be received on its own merits, let us not prejudge issues because a label attached makes it easy to let the label do our thinking. The question is, can government pass a law which will aid, in the largest sense, those who give allegiance to it. Second, which of the several governmental bodies, local, State or National is best suited to enter the area in question.

Caldwell.
January 16, 1962

REASON FOR VOTE

I voted against the Allen Amendment because a tremendous amount of important state legislation must be crammed into a thirty day session. We in the House have passed a good conservator bill which prevents banks from eating up dormant deposits by service charges, have passed effective controls on loan sharks, and we have many other important matters that we must deal with before the end of the session. It is my understanding that the Governor will open the session tomorrow for the important municipal annexation bill in which I am a co-author with Mr. Bill Dun- gal.

I feel that the resolution takes up valuable time of the Legislature needlessly. A resolution memorializing Congress has absolutely no legal effect. I don't vote to memorialize Congress and I don't want Congress to memorialize me.

EKHARDT.

REASON FOR VOTE

I voted no on the passage of H. S. R. No. 66, for several reasons and they include (1) this Special Session was not called for passing resolutions memorializing Congress for any purpose or purposes; and (2) such resolution could jeopardize federal aid to our school lunch rooms, vocational agriculture, Future Farmers of America, Future Homemakers; 4-H Clubs and other programs for the youth in our schools.

YEZAK.

ADDRESS BY THE HONORABLE BILL HOLLOWELL

The following address by the Honorable Bill Hollowell, speaking in regard to H. S. R. No. 66, was ordered printed in the Journal:

Mr. Speaker, and my fellow Members on both sides of this issue, I wish to thank you for your applause and expression of confidence. I would like to make it clear that I do not wish to live in a Socialist Utopia on one hand or in a State of futility on the other. I owe my allegiance to the people of my district, the people of Texas, and to the people of this country. I shall live up to my responsibility of upholding the Constitution of Texas and of the United States. I should make it equally clear that I owe no allegiance to Mr. Rubicoff, Mr. G. Meen St Williams, or Mr. Chester Bowies and their philosophy of government or on the other extreme to Mr. Goldwater or Mr. Alger and their group.

First, I would like to say that there is really no such thing as Federal aid. Federal money must come either from Federal taxes or an increase in the Federal national debt. If this Federal aid to education passes the Congress, it will ultimately mean that the people of Texas will not only pay for the education of their children, but that they will have to pay for the education of the children of the people in West Virginia, Idaho, Ohio and other States. The vast wealth of this State paid in the form of Federal taxes will never be received back in a full portion in the form of Federal aid, but we will have to carry the tab for other states, plus the extravagant administrative cost that would go along with the establishment of another federal bureau which inevitably would run our lives and our local schools.

Our federal national debt now is $26 billion dollars and although the President has done much talking about balancing the budget, we see that his latest statement is that the ceiling on the national debt would have to be raised again. Estimates on the amount of the increase of the national debt varies from 8 to 10 billion dollars. My colleagues and friends, I wish to tell you that the security and future of this country is involved in this financial folly. We are borrowing today money that future generations will have to pay back. If this country is to continue to exist. When we talk of giving our school children federal aid, actually what we are doing is giving them a Federal debt to pay back when they are grown. We are not paying for their education out of current taxes, but we would be mortgaging their future and acquiring them to pay in the future for those obligations that we now assume today. It is our place to meet our current financial problems each day and each year rather than mortgaging the future and security
of those yet to come. This is the American way. Our system of Capitalism is at stake. Our Constitutional concept of individual liberty and free enterprise is directly involved. We should pay our own way on a current basis rather than piling up a huge national debt for the children of tomorrow to be burdened with. If this folly of increasing the national debt is continued by the Federal Congress, the future of our country is in danger and the rights, liberties, and privileges that you and I have known and that have been given to us by our forefathers are in jeopardy for the boys and girls yet to come. You and I both know that federal aid must come from either federal taxes or increasing the national debt. We also know that this is a political year and I am telling you that there is not enough courage in the United States Congress to pass a revenue raising measure sufficient to finance the annual budget. The Texas delegation in Congress must share its part in this financial folly.

When we hear that federal aid can come without federal control, we know that this is an idle dream. We can look to the Highway Department and other programs to analyze whether or not this can be accomplished. On building interstate highways, which are partially financed by federal money, we know that our Commissioners Court and our Texas Highway Department do not make the ultimate decision, but that all plans must be submitted to the United States Bureau of Roads, for their approval must be obtained before any of these projects are started. We can look to the national guard which has its basis in the United States Constitution as well as in the Constitution of Texas. The Federal Constitution says that the Governor shall appoint the officers of the Guard or Militia and the same and until ordered into federal service the militia of the state shall remain under state control. The Constitution of Texas says that the Governor shall appoint the officers of the Guard or Militia and they shall be used and until ordered into federal service the militia of the state shall remain under state control and jurisdiction. We have seen how those who promote federal aid have taken control of the Guard by setting up standards for federal recognition of officers appointed by the Governor that must be met in order to obtain the financing provided by the federal government in the form of so-called federal aid.

Federal training standards must also be met in order to get this federal aid. In our own Texas Department of Public Welfare you and I may make some decision of a minor nature regarding this Department, but in order to obtain this so-called federal aid that goes to this Department, we find that we must comply with federal standards set by the Department of Defense, Education, and Welfare. If the federal government goes into this new program of federal aid-to-education, you will see the control of your schools stripped from the local school boards and the State Department of Education and placed in the hands of bureaucrats under the direction of those in charge of the Department of Health, Education, and Welfare.

May I say again that federal money must come from either federal taxes or increasing the federal national debt, but in Texas under our Constitution the money that we spend must come from taxes and although we have a temporary debt the Comptroller has certified that this will pass with the tax bill passed for this biennium. We know under our Texas Constitution that our debt cannot be a perpetual one and must be erased.

Some speakers who have spoken here today have implied that those who received training under the G I Bill received a federal dole or federal aid, but I tell you that this is not the case. Those who received training under the G I Bill received a federal dole or federal aid, but I tell you that this is not the case. Those who were working in defense plants and were at home in other activities were making far more than these men received even coupled with their G I Bill. May I say again that their G I Bill merely constituted just compensation for services rendered by gallant Americans.
The question here today is an important one and one that this Legislature should act upon; for me I want to see the Constitution of the United States and of Texas upheld. I wish to see the American way of life as we have known it, and as our forefathers have known it preserved. I do not wish to see a great federal socialist state established to run the lives of our people and control our public schools and other state agencies. This is an important issue. Mr. Speaker, and Ladies and Gentlemen of this House, I ask you to vote for this Resolution informing the members of Congress that the Legislature of Texas is against any increase or the passage of any bill designed for the purpose of providing increased federal aid-to-education.

BILL HOLLOWELL

MESSAGE FROM THE SENATE

Austin, Texas, January 16, 1962

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

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 2, Granting permission to the J. L. Prince Trucking Company to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 6, Granting permission to Bernice Crowder to sue the State of Texas and the State Highway Commission.

S. C. R. No. 11, Granting Computers, Inc., permission to sue the State of Texas.

Respectfully,

CHARLES A. SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 12 ON PASSAGE TO ENGROSSMENT

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

H. B. No. 12, A bill to be entitled "An Act amending Paragraphs (1) through (11), both inclusive, and Paragraphs (15) and (16) of Section One (1) of Chapter 357, Acts of the 53rd Leg., Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a savings clause; and declaring an emergency."

The bill was read second time on yesterday.

Mr. Hinson offered the following amendment to the bill:

Amend H. B. 12, Sec. 1, Sub Section "(5)," by adding the language: "with approval by a majority of the Commission" following the word "therefor" in the last sentence of said Sub Section.

Mr. Buchanan moved to table the amendment offered by Mr. Hinson.

The motion to table prevailed.

Mr. Hinson offered the following amendment to the bill:

Amend H. B. 12, Section 1, Sub Section "(4)," paragraph "(c)," line 27, by removing the words: "consultation with and.

Mr. Buchanan moved to table the amendment offered by Mr. Hinson.

The motion to table prevailed.

Mr. Hinson offered the following amendment to the bill:

Amend H. B. 12, Section 1, Sub Section "(3)," by adding a comma in lieu of the period on line 6 and by adding the following language thereto: "provided the Chairman has the approval of at least one of the remaining Commissioners, thereby constituting a majority opinion by the Commission."

Mr. Buchanan moved to table the amendment offered by Mr. Hinson.

A record vote was requested.

The motion to table the amendment offered by Mr. Hinson prevailed by the following vote:

Yeas-83
Adams of Lubbock Atwell
Alaniz Ballman
Andrews Banfield, Mrs.

Texas—83
Adams of Lubbock Atwell
Alaniz Ballman
Andrews Banfield, Mrs.
Mr. Buchanan offered the following amendment to the bill:

Amend H. B. No. 12 by inserting the following new sentence at line 30, page 1, between the period following the word "qualified," and the word "except."

Provided, however, that the Texas Water Commission shall not discard and shall continue to use until consumed all office supplies, stationary, envelopes, etc., which have imprinted thereon the former name of said commission.

The amendment was adopted without objection.

H. B. No. 12 was passed to engrossment.
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The Speaker then laid House Bill No. 13 before the House on third reading and final passage.

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

**Yeas—139**
- Adams of Lubbock
- Garrison
- Adams of Titus
- Gibbons
- Alavas
- Gladden
- Allen
- Glass
- Andrews
- Glassing
- Atwell
- Green
- Bailey
- Grover
- Ballman
- Gaffey
- Bradford, Mrs.
- Hale
- Barlow
- Harding
- Barnes
- Harley
- Bartram
- Harrington
- Bass
- Hayes
- Bein
- Hasty
- Boren
- Hefson
- Bridges
- Hinson
- Buchanan
- Hollowell
- Burgess
- Hubscher
- Butler
- Hughes
- Caldwell
- of Grayson
- Cannon
- Hughes of Dallas
- Carriker
- Isaacks, Miss
- Chapman
- James
- Cole of Harris
- Jamison
- Cole of Hunt
- Jarvs
- Collins
- Johnson of Dallas
- Connell
- Johnson of Bexar
- Cook
- Johnson of Bell
- Owen
- Jones of Dallas
- T urner
- Jones of Travis
- Creus
- Kendall
- Curington
- Kilpatrick
- Dewey
- Kober
- Duff, Miss
- Kothba
- Duncan
- Kolibra
- Korkmas
- Ehrle
- Lack
- Siquivel
- Larry
- Fairchild
- Latimer
- Fletcher
- Leaverton
- Floyd
- Lewis
- Foreman
- Longoria
Mr. Bartram offered the following resolution:

H. C. R. No. 8

Whereas, The screwworm has been a serious problem to Texas Livestock and wild life for many years; and

Whereas, The loss in wild life has been of great concern to the Sportsmen of Texas, and it is estimated that the screwworm costs the livestock owners of Texas approximately one hundred million dollars each year; and

Whereas, The screwworm has been eliminated from Florida and the Southwestern section of the United States by the release of sterile male flies; and

Whereas, The thirty-two member livestock organizations comprising the Texas Animal Health Council have taken the initiative in securing funds from persons engaged in the livestock and related occupations to inaugurate a plan to inform the public of the program and to eliminate the screwworm from Texas and the Southwest; and

Whereas, The Texas Animal Health Council later fostered the formation of a more formal organization known as the Southwest Animal Health Research Foundation which is governed by a Board of Trustees composed of 18 individuals representing various industry groups; and

Whereas, The officers of the Southwest Animal Health Research Foundation are C. G. Scruggs, Dallas, Editor of The Progressive Farmer, President; Marvin J. Bridges, Buffalo, Vice-President; and Jerry Fuccett, Ft. Stockton, Secretary-Treasurer; and

Whereas, Credit and commendation for major achievements are due the Texas Animal Health Commission, the Texas A. & M. Extension Service, the County Agents, the Texas Education Agency, the Vocational Agriculture Teachers, and the United States Department of Agriculture, who have conducted research and have held educational meetings and conferences and disseminated information on the eradication program; and

Whereas, The livestock industry is working diligently and in an organized and efficient manner to solve the screwworm problem, it seems desirable that the Legislature take note of these efforts, commend those responsible, and determine what the role of the State should be in carrying forward this important work;

Now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That there be established an Interim committee,

consisting of 5 Members of the House of Representatives appointed

TO PROVIDE FOR THE APPOINTMENT OF AN INTERIM COMMITTEE TO WORK IN CONJUNCTION WITH THE SOUTHWEST ANIMAL HEALTH RESEARCH FOUNDATION

one hundred million dollars each year; and

Whereas, The screwworm has been eliminated from Florida and the Southwestern section of the United States by the release of sterile male flies; and

Whereas, The thirty-two member livestock organizations comprising the Texas Animal Health Council have taken the initiative in securing funds from persons engaged in the livestock and related occupations to inaugurate a plan to inform the public of the program and to eliminate the screwworm from Texas and the Southwest; and

Whereas, The Texas Animal Health Council later fostered the formation of a more formal organization known as the Southwest Animal Health Research Foundation which is governed by a Board of Trustees composed of 18 individuals representing various industry groups; and

Whereas, The officers of the Southwest Animal Health Research Foundation are C. G. Scruggs, Dallas, Editor of The Progressive Farmer, President; Marvin J. Bridges, Buffalo, Vice-President; and Jerry Fuccett, Ft. Stockton, Secretary-Treasurer; and

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Whereas, The livestock industry is working diligently and in an organized and efficient manner to solve the screwworm problem, it seems desirable that the Legislature take note of these efforts, commend those responsible, and determine what the role of the State should be in carrying forward this important work;
by the Speaker, and 5 members of the Senate appointed by the Lieutenant Governor, to work in conjunction with the Southwest Animal Health Research Foundation, to attend its meetings and to become acquainted with its work and its program, and to make such reports and recommendations as it deems desirable to the Regular Session of the 58th Texas Legislature; and

Be It Further Resolved, Since the problem of screwworm eradication is not limited to the boundaries of the State of Texas, but demands the cooperation and assistance of the livestock industry in bordering states, that a copy of this Resolution be sent to each member of the Legislature of the States of Louisiana, Oklahoma and New Mexico; and

Be It Further Resolved, That copies of this Resolution also be sent to the Honorable Orville Freeman, Secretary of Agriculture, Washington, D.C., and each member of the Texas delegation in the Congress.

BARTRAM, NUENT, BUTLER, COLLINS, PIERATT, TOWNSEND, GRAHAM, RAPP, ROSSON, SCHRAM, WALKER, BASE, STEWART of Galveston, READ, STRUVE.

The resolution was referred to the Committee on Rules.

RELATIVE TO PURCHASES MADE BY THE STATE BOARD OF CONTROL

Mr. Bass offered the following resolution:

H. C. R. No. 9

Whereas, Recent studies show that an increasing number of unemployed persons in the United States have become unemployed because of the importation of foreign goods and materials; and

Whereas, The State of Texas is contributing to the economic hardships of American workers and businessmen by purchasing goods and materials manufactured by low-paid labor, and

Whereas, It behooves the State of Texas to nurture the industries of Texas and of the United States and to insure that the purchasing practices followed by the State of Texas neither cause unemployment or cause undue hardships to the industries of Texas and of the United States; now therefore be it

Resolved, By the House of Representatives, the Senate concurring, that it is hereby declared to be the public policy of the State of Texas that all goods, supplies, equipment and materials of every description purchased for use by this State by the Board of Control of the State of Texas be manufactured, fabricated or produced in the United States of America; and be it further Resolved, That the Board of Control of the State of Texas in purchasing goods, supplies, equipment and materials of every description, shall give first consideration to those manufactured, fabricated or produced in the United States of America.

The resolution was referred to the Committee on Rules.

RELATIVE TO PARTICIPATION OF TEXAS IN THE NEW YORK WORLD'S FAIR OF 1964-65

Mr. Ratcliff offered the following resolution:

H. C. R. No. 10

Whereas, Plans for the New York World's Fair of 1964-65 are under way, and the proposed exposition has been described by Robert Moses, President, as "the biggest and most fascinating showcase ever conceived and constructed by the hand of man;" and

Whereas, The basic purpose of the Fair is peace through understanding and education of the peoples of the world as to the interdependence of nations to insure a lasting peace; and

Whereas, The Fair is dedicated to man's achievements on a shrinking globe in an expanding universe, his inventions, discoveries, arts, skills and aspirations; to the celebration of the 300th anniversary of the
Resolved, That the commission so appointed be empowered to accept gifts, grants, and contributions to finance preliminary plans, designs, specifications and drawings which may be necessary should the commission determine that it is feasible for Texas to participate and to make all plans and preparations essential to construction of an exhibit; and be it further resolved, That the commission be instructed to report its findings and recommendations to the Governor and to the Regular Session of the 58th Legislature.

The resolution was referred to the Committee on Rules.

### RELATIVE TO CERTAIN STUDY TO BE MADE OF FEDERAL AID TO TEXAS

Mr. Kohler offered the following resolution:

**H. C. R. No. 14**

Whereas, The State of Texas participates in many matching fund programs with the Federal Government, and

Whereas, Between 1929 and 1968, federal aid to Texas grew from $4 million to $252 million, and is projected to reach more than $992 million in 1965 according to the Texas State Tax Study Commission, and

Whereas, Ninety per cent of the federal funds are earmarked for highway and welfare programs, and many State functions are heavily subsidized by such federal aid, and

Whereas, in 1960, the State of Texas ranked third in states according to the amount of federal funds received; therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Governor be authorized to appoint a commission of at least fifteen (15) distinguished citizens of the State of Texas, together with such ex-officio members as he may wish to designate, to determine whether it is desirable and feasible for Texas to participate in the 1964-65 World's Fair and, if so, the extent of its participation; and be it further resolved, That the members of the commission be appointed from among business, civic, educational and other recognized leaders in the State who have demonstrated interest in promoting the welfare and development of Texas; and be it further resolved, That the commission so appointed be empowered to accept gifts, grants, and contributions to finance preliminary plans, designs, specifications and drawings which may be necessary should the commission determine that it is feasible for Texas to participate and to make all plans and preparations essential to construction of an exhibit; and be it further resolved, That the commission be instructed to report its findings and recommendations to the Governor and to the Regular Session of the 59th Legislature.
Resolved, That the committee may request and use aid and services of any corporation, organization or person professionally engaged in government research, in such terms and under such conditions as may be mutually agreed upon; but such agreement must not include payment by the committee for such aid and services; and be it further
Resolved, That the committee be requested to make a complete and comprehensive report of its findings detailing the federal grants by each program and Texas' financial obligation to such programs and defining the responsibility for such programs between the federal and State government.
KENNETH KOHLER, GEORGE F. KORKMAS, GARRISON, READ, CONNELL, CREWS.
The resolution was referred to the Committee on Rules.
TO GRANT PERMISSION TO SUE THE STATE
Mr. McIlhany offered the following resolution:
H. C. R. No. 16
Whereas, R. L. Pugh, dba Service Liquor Store No. 1; R. L. Pugh, dba Service Liquor Store No. 2; and Virgil Romack, dba Owl Liquor Store have paid floor taxes on the stock of liquor in their places of business; and
Whereas, The Statutes under which the tax was paid has been declared invalid the afore-mentioned parties desire to sue the State of Texas to establish their claim for refund; now, therefore be it
Resolved, By the House of Representatives of the State of Texas, and the Senate concurring, That the consent of the State of Texas is hereby given to R. L. Pugh, dba Service Liquor Store No. 1; R. L. Pugh, dba Service Liquor Store No. 2; and Virgil Romack, dba Owl Liquor Store: to bring suit against the State of Texas and its agents in a court of competent jurisdiction.
Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and, be it further
Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas in said suit, but all such defenses are hereby specifically reserved.
The resolution was referred to the Committee on State Affairs.
TO GRANT PERMISSION TO SUE THE STATE
The Speaker laid before the House for consideration at this time the following resolution:
S. C. R. No. 11
Whereas, Computers, Inc., is a Texas corporation engaged in the business of designing and manufacturing electronic equipment, including data computers and equipment related thereto; and
Whereas, On or about September 16, 1960, and on or about February 27, 1961, The State of Texas and the University of Texas—Medical Branch at Galveston, Texas, issued purchase orders to the said Computers, Inc., for the design and manufacture of a data computer and related equipment at a price agreed upon between such parties; and
Whereas, At such instance and request of the State of Texas and the University of Texas—Medical Branch, Computers, Inc., designed and manufactured a data computer and related equipment for which the State of Texas and the University of Texas, Medical Branch have refused to pay Computers, Inc., said agreed price; and
Whereas, There exists between Computers, Inc., and the University of Texas—Medical Branch a bona fide dispute as to whether Computers, Inc., designed and manufactured said data computer and related equipment in accordance with the agreement of the parties relating thereto; and as to whether the refusal to pay said
agreed price to Computers, Inc., is justified; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction;

Now, Therefore, Be It Resolved, by the Senate of Texas with the House of Representatives concurring, That Computers, Inc., be and is hereby granted permission to bring suit against the State of Texas and the University of Texas—Medical Branch in any court of competent jurisdiction in Harris County, Texas, to recover judgment against the State of Texas and the University of Texas—Medical Branch for all amounts of money legally due Computers, Inc., for the design and manufacture of said data computer and related equipment; and service of citation for the purposes herein granted may be served upon the State of Texas and the University of Texas—Medical Branch by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further Resolved, That said suit may be filed within two years from the effective date of this Resolution; and be it further Resolved, That it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and the University of Texas—Medical Branch and no admission of any liability on the part of the State or the University of Texas—Medical Branch of any fact is made by this Resolution.

The resolution was referred to the Committee on State Affairs.

MEMORIAL RESOLUTIONS

ADOPTED

H. S. R. No. 72, By Messrs. Watson and Cannon: In memory of Mrs. Clint Towers.

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

H. S. R. No. 73, By Mr. Watson: In memory of Mr. Tyne W. Smith, Sr.

On the motion of Mr. Johnson of Bexar, the names of all Members of the House were added to the above resolution as signers thereof.

H. S. R. No. 74, By Messrs. Stewart of Wichita and Connell: In memory of John B. Barbour.

H. S. R. No. 75, By Mr. Stewart of Galveston: In memory of William Gobel Cox.

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

REMARKS ORDERED PRINTED

On motion of Mr. Healy and by unanimous consent of the House, the remarks of Mr. Hollowell addressing the House on today concerning H. S. R. No. 66 were ordered printed in the Journal.

ADJOURNMENT

Mr. James moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed.

The Benediction was offered by the Honorable B. H. Dewey, Jr., as follows:

"Our Father, as we complete this Legislative Day, we ask Thy richest blessings on the Members of this House, its employees and all our special guests. We ask all this in Christ's Name.—Amen."

In accordance with the motion to adjourn, the House, at 12:58 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Rules Committee filed favorable reports on the following resolutions: H. S. R. No. 23, H. S. R. No. 24, H. C. R. No. 5, H. C. R. No. 6.
Mr. Leaverton offered the following resolution:

H. S. R. No. 69, In Memory of the Honorable Albert M. Jones.

Whereas, The State of Texas and Bosque County, as well as his many friends and colleagues of this body, lost an outstanding citizen with the death on December 18, 1961, at the age of 70, of former State Representative Albert M. Jones of Valley Mills; and

Whereas, Albert M. Jones was born in Fannin County, was reared in Coryell County, and moved to Valley Mills, Bosque County, in 1912, where he became active in the business of that City, first as a public weigher and then as a cotton buyer, which career he continued for more than 40 years; and

Whereas, He was a member of the Texas House of Representatives, representing Bosque, Somervell, and Johnson Counties, from 1939 to 1953, when he provided leadership for or gave active support to many of the most progressive measures enacted during that period, many of them in the field of education; in 1945, he worked toward passage of a measure to clarify duties of the governing boards of institutions of higher learning in methods of employing and dismissing faculty members; in 1947, he was author of a bill to provide tenure for teachers; in 1949, he was author of the law establishing a school for the cerebral palsied, and again in 1951, he was author of a measure to further improve the school and its facilities; in 1949, also, he gave active support to enactment of the Minimum Foundation School Program law and to the measure providing funds for the financing of the program; and

Whereas, In addition, his interests during this period extended to laws improving the State Hospital system, which was reorganized in 1949, and was further strengthened by the enactment in 1951 of a measure requiring fidelity bond from the superintendent of each State Hospital; and

Whereas, The first session in which he served, in 1941, was marked by the passage of an omnibus tax law which provided adequate State revenue for a number of years; and

Whereas, His interest in and contributions to his fellow citizens found expression also in city government; he was a member of the City Council and served as Mayor of Valley Mills; he was a charter member of the Valley Mills Fire Department; and

Whereas, The quality of leadership, so evident in his public life, extended to the civic and religious life of his community; he was a member of the Osage Baptist Church, the Valley Mills Lions Club, and the Masonic Lodge; and
Whereas, This devoted husband, public servant and civic leader will be sorely missed throughout his community and the State, and it is the desire of the House of Representatives of the State of Texas to pay tribute to this worthy citizen; now therefore be it

Resolved, That when the House adjourns today it do so in memory of Albert M. Jones; and be it further

Resolved, That an official copy of this resolution be sent as a token of respect and sympathy to the surviving members of his family: his widow; his brothers, Jim Jones of Valley Mills and Harmsel Jones of Carlsbad, New Mexico; and his two sisters, Mrs. Leo Richards of Clifton, Texas, and Mrs. Vaden Clark of Meridian, Texas.

LEAVERTON,
WARD.

The resolution was unanimously adopted by a rising vote.