

JOURNAL
OF THE
House of Representatives
OF THE
FIRST CALLED SESSION
OF THE
Fifty-first Legislature
OF THE
STATE OF TEXAS

BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 31, 1950

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ADDRESS BY HONORABLE ALLAN SHIVERS, GOVERNOR

(In Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 1, providing for a Joint Session of the House and Senate at 12:00 o'clock noon, today, for the purpose of hearing the message of Honorable Allan Shivers, Governor, the Honorable Senators, at 12:00 o'clock noon, were announced at the Bar of the House and, being duly admitted, occupied seats prepared for them along the aisle.

The President Pro Tempore of the Senate, Honorable Grady Hazelwood was escorted to a seat on the Speaker's rostrum.

Hon. Allan Shivers, Governor, and party, escorted by Senators Morris, Harris, Vick, Bell and Shofner, Committee on the part of the Senate, and Mrs. Henderson, Messrs. Cheatham, Brooks of Jefferson, Williams of Scurry and Young, Committee on the part of the House, were announced at the Bar of the House and, being admitted, were escorted to seats on the Speaker's rostrum.

The President Pro Tempore of the Senate, Honorable Grady Hazelwood called the Senate to order and announced a quorum of the Senate

present.

Hon. Durwood Manford, Speaker, called the House of Representatives to order and stated that the two Houses were in Joint Session for the purpose of hearing an address by Honorable Allan Shivers, Governor.

Speaker Manford directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Gardner
Abington	Godard
Aynesworth	Graham
Bean	Gray
Bell	Gregory
Benton	Gromatzky
Bergman	Hanna
Blount	Hardee
Bradshaw	Heflin
Briscoe	Heideke
Brooks	Henderson, Mrs.
of Jefferson	Holstein
Brooks	Horany
of Red River	Hughes
Bryan	Hull
Cannon	Isaacks
Carter	Ivey
Casey	Jackson
Cassity	James
Caston	Johnson
Chambers	Jones
Cheatham	Kazen

Childress	Kirkpatrick
Clifton	LaFont
Collie	Latimer
Cox	Lee
Craig	Lehman
Crosthwait	Lewis
Daniel	Lindsey
Etheredge	Loving
Flanagan	Luedemann
Fleming	McCann
Gandy	McCorkle
McDaniel	Smith
McDonald	of Lubbock
McGregor	Spacek
McIlhany	Sparks
McKnight	Staton
McLellan	Steward
Mangum	Still, Mrs.
Meredith	Stockard
Miller	Storey
Moore	Stump
Morrison	Svadlenak
Moursund	Swindell
Murray	Tatum
Niemann	Teague
Norton	Thomas
Oltorf	Timmons
Parkhouse	Tinsley
Paschall	Tippen
Pattison	Tufares
Pearson	Turner
Perry	Vale
of Brazoria	Wagonseller
Perry	Walker
of Erath	Watson
Peterson	Whiteside
Presnal	of Baylor
Pyle	Whiteside

Rampy	of Smith
Reed	Whitworth
Richards	Wilkinson
Ridgeway	Williams
Rogers	of Bexar
of Childress	Williams
Rogers	of Scurry
of Travis	Willis
Rust	Wilson
Rutherford	Windham
Senterfitt	Wisener
Sewell	Wood of Smith
Shannon	Wood of Houston
Shell	Woodruff
Slimp	Yezak
Smith	Young
of Hays	Zivley

Absent—Excused

Caven	Kilgore
Fly	King
Gathings	Stovell
Jobe	Williamson

A quorum of the House was announced present.

Speaker Manford presented Honorable Allan Shivers, Governor of Texas, to the Joint Session.

Governor Shivers then addressed the Joint Session, speaking as follows:

Mr. Speaker—Mr. President of the Senate—Ladies and Gentlemen of the 51st Legislature:

I appreciate this opportunity to come before you and tell you officially why I have called this Special Session.

Actually, no one is in the dark as to why it is necessary for the Legislature to meet. An emergency exists. There is no money with which to pay for food, clothing and care for the unfortunate people in our state institutions during the coming year.

None of us like special sessions, nor do we like to talk of treasury deficits and tax measures. But when the only alternative is to close our state hospitals and turn out the helpless insane, the needy seniles, the epileptics and the feeble-minded to fend for themselves—then no choice actually exists.

The laws of both God and man require us to meet this problem courageously and solve it adequately and quickly.

Requests have been submitted by the Boards you created for our state hospitals, special schools and correctional institutions, asking for operating funds for the fiscal year 1950-51. No appropriation exists for this period.

I commend these requests to your attention, for your earnest consideration. I hope that you will examine them carefully and sympathetically, satisfying yourselves that these are sound and reasonable estimates, and that the State is going to get a dollar's value for each dollar spent.

These hospitals are pitifully inadequate. We need more hospital space, yes; but we also need more nurses and more doctors. We need modern treatment to give these unfortunates an opportunity to get well and to return to society as healthy, useful citizens.

We have 24,000 people crowded into space that properly should house only 14,000. I do not know how many of these unfortunate people are being held in jails or elsewhere, awaiting the time when a cubicle of space may be open for them in a state hospital.

For an example of the personnel problem, look no farther than the Austin State Hospital, a mere stone's throw from the Capitol. It has 10 doctors and four registered nurses for 3,200 mental patients.

The situation is equally grave in the tuberculosis hospitals. There is not a single doctor in the entire system capable of doing lung surgery. We are doing little for the victims of this dread disease except giving them a place to live—or, too often, to die.

During the last several months I have inspected most of these hospitals. I have seen, with my own eyes, mattresses spread side by side on hall floors and beds set up on open porches in winter-time, so that patients might have some place to sleep. I have seen 26 beds jammed into a wardroom built for 15. I have seen epileptics eating in bathrooms for lack of dining space. I saw 77 aged and mentally ill women locked up in a condemned building. I saw 400 mentally defective children and 800 seniles housed in prisoner of war shacks constructed mostly of plywood and tar-paper. I found only one mental hospital where patients might achieve some peace of troubled mind by attending church services.

I saw dilapidated, non-fireproof buildings without fire escapes, with hundreds of mentally ill persons locked in them—and I shuddered when I picked up a newspaper and saw the headlines: "40 Mental Patients Die in Hospital Fire."

That happened in Iowa. It can happen here.

I inspected ancient buildings, three and four stories high, with stone stairways that epileptic patients must travel without assistance. Many patients have died on those stairs.

I could go on. The picture varies from place to place, but everywhere there is evidence that we are now reaping the bitter fruits of a long era of neglect.

To us has fallen the duty—it might indeed be called a privilege—of making a start toward better treatment and greater hope for our unfortunate insane, the senile, the epileptic, the blind, the deaf, the mentally deficient and the victims of tuberculosis.

These diseases and afflictions are no respecters of persons. They may strike your neighbor's family—they might even strike your family, or mine. If that did happen, you could not, under present conditions, expect treatment leading to a cure.

That is why we are here today—to provide care and treatment for these unfortunates—better care and treatment.

Governor Jester vetoed the hospital appropriations for next year because no money was available. Since then, unfortunately, the situation has grown worse. Oil allowances have been cut again and again. Because of these cuts in oil production during the last year, expected revenues have decreased \$48,000,000. The State Comptroller now tells us that there will be a deficit of \$26,000,000 by August 31, 1951.

Thus we face not simply the problem of appropriating funds for necessary operations and improvements of our state hospitals, but also the job of providing these funds.

Under our Constitution, any reduction in current operating costs will be credited against this deficit. This means that ordinarily logical and certainly desirable reductions in current expenditures would help the deficit but would not help the hospitals. It means, simply, that we either will have to seek new revenue for the state hospitals or add another \$26,000,000 to the anticipated deficit.

It is a blunt mathematical fact that if we closed every state department for a full year, we would still be \$11,000,000 short—without a penny for the hospital program.

If we closed every state university and college for a full year, the money saved would do little more than make up the deficit. We would still not have the money to take care of the needs of the state hospitals.

I served in the Legislature for a good many years. I believed then that when a Governor came before the Legislature with a problem, he should also stand ready to help find an answer. I still feel the same way.

Having called this emergency session, I think I ought to have the courage to share with you the responsibility for resolving the emergency.

Therefore, I earnestly recommend to you the following program:

1. That you give immediate and sympathetic consideration to these requests for funds to operate our state hospitals, special schools and correctional institutions and to start

the building program, making adequate appropriations for these purposes; and that you finance these appropriations by levying a special additional tax upon the broad base that now provides revenues for the so-called omnibus tax fund. The tax to raise the operating funds should be a temporary tax expiring with the emergency. This would mean an additional levy upon such items as oil and gas, sulphur and whiskey, beer and wine, cosmetics and playing cards, automobiles and cigarettes, carbon black, radios and cement, insurance companies, telephone companies and utilities.

2. That you give the same urgent consideration to the Board's recommendation for a long-range building program.

3. That the income from these special levies be placed in a special fund or funds, to be used for the sole and exclusive purpose of financing these necessary programs.

The tax proposed is a broad-based tax which spreads as widely and as fairly as possible the common burden of our common problem and common duty. Obviously I think it is the most practical and desirable plan under the circumstances or I would not recommend it to you. Frankly, I can think of no other cause or purpose for which I would suggest the levying of additional taxes at this time.

I have given you my idea. I welcome yours. Let's work together with wholehearted application to the problem.

I have been asked to submit many other subjects for your consideration, some of them most worthy. I think you will agree with me, however, that the proper and business-like procedure is to give complete priority to the state hospital problem until it is disposed of.

Quick action on this emergency matter will have another desirable effect—it will leave us time, perhaps, to re-examine our financial commitments and effect any economies that the Legislature, in its wisdom, might deem possible. Our first duty is to those who are under our care and on our conscience. When that duty has been discharged, we can and should consider every reasonable possibility of achieving economy. I want to stress again that such savings will decrease the General Fund deficit

but, because of that deficit, can hardly be expected to benefit the hospital program.

Time is precious. This is a 30-day session, and the people of Texas will rightfully expect us to take appropriate final action within that period.

To fail to do so would mean turning our backs on those less fortunate citizens in crowded mental hospitals, on children who are physically or mentally handicapped and need a helping hand, on thousands of fellow Texans dying of tuberculosis.

Texas, the proud Lone Star State—first in oil—48th in mental hospitals.

First in cotton—worst in tuberculosis.

First in raising goats—last in caring for its state wards.

These things are unthinkable. Texas can do this job.

I do not want to intrude upon your legislative functions, but I do want to be helpful if I can. Call on me any hour of the day or night. Let's work together for the good of those who cannot come here to speak for themselves—for the greater good of all Texas—and to the greater glory of Him who said:

"Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

Thank you.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House and had read the following Messages from the Governor:

Austin, Texas, February 23, 1950.

To The Members of the 51st Legislature, First Called Session:

In calling you into special session as of Jan. 31, 1950, I stated the specific purpose of the session to be:

"To make and to finance such appropriations as the Legislature may deem necessary for the State Hospitals and Special Schools . . ."

This purpose has now been accomplished.

I heartily congratulate the Legislature, individually and collectively, upon the prompt and courageous manner in which you have met the emergency that existed.

In my opinion, your action will go down as the first major step in one of the greatest humanitarian projects this State has ever attempted—the reform, reorganization and rehabilitation of our outmoded eleemosynary system.

Several days remain of the 30-day period to which special sessions of the Legislature are limited.

Many additional subjects have been suggested for submission and consideration. In every instance I have taken the position that nothing else should be considered until the state hospital program was properly disposed of. Some of these subjects have statewide support; others are of a local nature.

In any event, it is now largely within the Legislature's discretion as to whether additional subjects are to be considered. I think it is obvious that not all of those that have been suggested can be adequately studied within the short time remaining.

In suggesting additional subjects for your consideration, it will be my intention first to consider the wishes of the Legislature and the people of Texas, as expressed by their communications with my office, and second to limit the introduction of controversial subjects that would require more consideration than the Legislature would be able to give them at this time.

The second section of the call read

as follows: "To consider and act on such other subjects and questions as the Governor from time to time may submit by message for the consideration of the Legislature at such Special Session."

Under terms of that section, I attach herewith certain messages submitting other subject matter for your consideration.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Austin, Texas, February 23, 1950.

To The Members of the 51st Legislature, First Called Session:

In my message to the First Called Session of the 51st Legislature, I stated:

"Quick action on this emergency matter (of providing for operation and improvement of the State Hospitals and Special Schools) . . . will leave us time, perhaps, to re-examine our financial commitments and effect any economies that the Legislature, in its wisdom, might deem possible. Our first duty is to those who are under our care and on our conscience. When that duty has been discharged, we can and should consider every reasonable possibility of achieving economy . . ."

The principal objective of this Special Session having been accomplished, I hereby submit for your consideration and possible action the further subject of increased efficiency and economy in the operation of the State Government.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Austin, Texas, February 23, 1950.

To The Members of the 51st Legislature, First Called Session:

I submit the following additional subjects for your consideration at the First Called Session of the 51st Legislature:

1. Emergency building needs of the M. D. Anderson Cancer Hospital, Houston; the School of Dentistry, Houston; the Texas State University for Negroes, Houston, and the Southwestern Medical Foundation, Dallas.

2. The extension of telephone service in the rural areas of the State.

3. Strengthening the laws of Texas in punishment of sex crimes.

4. A general validating act for public schools districts, cities and counties.

5. Emergency appropriation for the Office of the Attorney General, from Attorney General's collections, for the purposes enumerated in House Bill No. 20, Acts 51st Legislature, Regular Session 1949, Chapter 47, Page 82 (tidelands litigation).

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Austin, Texas, February 23, 1950.

To the Members of the 51st Legislature, First Called Session:

I submit the following additional subjects for consideration by the First Called Session of the 51st Legislature:

1. Local game laws.
2. Policies regarding the use of State Parks facilities.
3. Provisions for the emergency needs of the Office of the Adjutant General of Texas, in connection with the use of troops in time of disaster.
4. Supplemental appropriation from the Fire Insurance Division Funds to the Fire Insurance Division of the Board of Insurance Commissioners for re-rating of Texas towns in the interest of promoting fire prevention and thereby decreasing fire insurance premium rates paid by the people of Texas.
5. Protection of the archives and records of the State of Texas.
6. A study of the problem of special education for mentally retarded children.
7. Clerical and stenographic help for the District Attorney of the 32nd Judicial District of Texas.
8. Powers of the Parks Board appointed in accordance with Article 6079-C, Revised Civil Statutes.
9. The Texas Fire Escape Law.
10. Proposal to create a County Court at Law in Lubbock County.
11. Proposal to amend the law transferring the authority of the

County Court to the 107th District Court in Willacy County.

12. The bracket laws of the State of Texas in relation to the 1950 census.

13. Provision for Director of Extension, Texas State Library.

14. Authorization of a commission to consider the representation of the State of Texas at the National Capital Sesquicentennial Celebration, without financial obligation to the State.

15. Weatherford Junior College.

16. Nurses' training and certification.

17. Drainage, navigation, irrigation and water control and improvement district legislation and legislation pertaining to flood control.

18. School legislation.

19. Authorizing Commissioner of the General Land Office to reinstate original purchases of state lands under certain conditions.

20. Jury selection in certain counties.

21. Collection of delinquent taxes.

22. Allocation of fees in Department of Agriculture.

23. Correcting appropriation for San Jacinto State Park to include maintenance.

24. Such amendments to the criminal code as are necessary to protect life and property.

25. Appointment of bailiffs in certain counties.

26. Protection from rabid foxes.

27. Local road bills.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following Message from the Governor:

Austin, Texas, February 24, 1950.

To the Members of the 51st Legislature, First Called Session:

I submit the following additional subjects for consideration by the First Called Session of the 51st Legislature:

1. District courts and district court terms.
2. Creation of juvenile boards.
3. Legislation clarifying veterans' land program.
4. Chapter III, Page 281, Acts of the 43rd Legislature, 1933, relative to the operation of railroads.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following Message from the Governor:

Austin, Texas, February 24, 1950.

To the Members of the 51st Legislature, First Called Session:

I submit the following additional subject for consideration by the First Called Session of the 51st Legislature:

Allocation of fees in the State Banking Department.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.