THIRTY-FIFTH DAY
(Thursday, March 7, 1967)
The House met at 10:00 o'clock a.m. pursuant to adjournment, and was called to order by the Speaker.

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


Absent Ford

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Absent—Excused Kilpatrick Storey

A quorum of the House was announced present.

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

"Our Father, Thou hast said, "Blessed is that Nation Whose God is the Lord". We are sometimes ashamed of ourselves, as we open our eyes and see that which makes it impossible for God to bless us. We therefore confess to Thee that wrong ideas, wrong living, have cut us off from Thee. We have been greedy. We have sought to hide behind barricades of selfishness; shackles have imprisoned the great Heart of Texas. We have tried to isolate ourselves from a needy world. In our self-sufficiency we have not sought Thy help. Forgive us and help every one of us, to help make it possible for God to give His blessings to make our Nation blessed of God, for Christ's sake.—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:
Mr. Storey for today on motion of Mr. Parsons.

Mr. Kilpatrick for today on account of illness in family on motion of Mr. Oliver.

MESSAGE FROM THE SENATE
Austin, Texas, March 7, 1967

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

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

H. J. R. 3, Authorizing the issuance and sale of bonds to create the Texas Water Development Fund. (With Amendments).

H. B. 90, Relating to fishing in Laguna Madre in Cameron County; and declaring an emergency.

H. B. No. 172, Repealing cabbage inspection law; and declaring an emergency.

H. B. 366, Amending the Harris County road law; and declaring an emergency.

H. B. 181, Authorizing the possession of certain devices for catching fish or shrimp under specified circumstances in Willacy County Navigation District; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

RELATIVE TO H. B. NO. 137

Mr. Winfree moved that H. B. No. 137 reported adversely with a minority favorable report be printed.

Mr. Strickland, moved as a substitute motion that House Bill No. 137 be recommitted to the Committee on Motor Traffic.

The substitute motion by Mr. Strickland was lost.

Question recurring on the motion by Mr. Winfree to print H. B. No. 137 on a minority report, yea's and nays were requested.

The motion by Mr. Winfree was lost by the following vote:

Yeas-49

Nays-69


Nays-69
TO NAME WILLIAM GANEY, CAROLYN MARIE AND WARNELL WAYNE SHERRILL AS MASCOTS OF THE HOUSE

Mr. Foreman offered the following resolution:

H. S. R. No. 233

Whereas, We find William Ganey Sherrill, age 4, and Carolyn Marie Sherrill, age 5, to be proper candidates as Mascots of the House of Representatives; and

Whereas, These fine children have as their parents, Honorable and Mrs. Hershel Sherrill of Mounds, Texas. Now, therefore be it

Resolved. That these children be declared as Mascots of the House and that their pictures be placed on the picture panel with the Members of the Fifty-fifth Legislature, and be it further

Resolved. That a copy of the Resolution be sent to these young children and the House go on record as extending to them its best wishes for a lifetime of happiness.

FOREMAN, SANDBERG, JONES

The resolution was referred to the Committee on Rules.

CONGRATULATING THE SEMINOLE HIGH SCHOOL BASKETBALL TEAM

Mr. Roberts offered the following resolution:

H. S. R. No. 229

Whereas, The Seminole High School Basketball Team was the 5A District Champion Team for the third consecutive year; and

WHEREAS, The Seminole High School Basketball Team’s athletic director is Mr. Nels LaFollette and his manager is Mr. Gary Ray and is composed of the following members: Bobby Bingham, Darwyn Teston, Stanley Doyle, Carrie Wilson, Johnny Williamsen, Archie English, Dan Cobb, Billy Bob McLaughlin, Leland Cafer, and Bobby Anderson; and

Whereas, The Seminole High School Basketball Team has done much to stimulate interest in the recreational life and sports program of the whole district and has brought fame to the city of Seminole; and

Whereas, The Seminole High School Basketball Team will compete in the 1957 Inter-scholastic League State Basketball Tournament at Gregory Gymnasium in Austin, Texas, Friday night, March 3, 1957; now, therefore be it

Resolved, That the House of Representatives of the State of Texas express its congratulations to this fine group of young athletes for their excellent team work in reaching this goal of athletic competition and extend to them good wishes for their continued success.

The resolution was read and was adopted without objection.

CONGRATULATING THE NACOGDOCHES HIGH SCHOOL TRAM AND COACH

Mr. Heitman offered the following resolution:

H. S. R. No. 230

Whereas, The Nacogdoches High School basketball team has won the District, Bi-district and Regional Championships and are now participating in the state tournament in Austin; and

Whereas, Coach Edgar Johnston has been a constant source of inspiration
to his championship team and a great coach to the Dragons he loves so well; and

Whereas, The team is composed of Billy Wayne Holloway, John Sutton, Robert Cortez, Bill Spears, Troy Don Burden, Monroe Brewer, Steve Cordova, Victor Bane, Darrell Brandon and Neil Bane; now, therefore, be it

Resolved, That the House of Representatives wishes to congratulate the team and their fine coach with a copy of this Resolution and to wish them success in the tournament and in the game of life.

The resolution was read and was adopted.

CONGRATULATING THE REVEREND AARON CURTIS HARPER OF BOWIE, TEXAS

Mr. Peneglio offered the following resolution:

H. S. R. No. 291

Whereas, Reverend Aaron Curtis Harper of Bowie, has recently celebrated his eighty-third birthday; and

Whereas, He was born in Coffer County, Alabama, in 1873, and moved to the Sunset community in Texas in 1889. He married Miss Dora Ellen Miller in 1896. He is an ordained Baptist minister and has spent his life in service to others in Sunday school, church and singing activities; and

Whereas, Reverend and Mrs. Harper have eight children: Reverend Roy Harper, Overton; Marvin Harper, Oak­land, California; Glen Harper and Mrs. Flora Magness, Wichita Falls; Reverend Cleo Harper, Freeport; Mrs. Clar­ence Newsum, Bowie; Mrs. Zulabelle Bason, Alvord; Mrs. Pauline Lumson, Springlake; now, therefore, be it

Resolved, That the House of Representatives wishes to congratulate Reverend Aaron Curtis Harper on his birthday and to send him our best wishes for his health and happiness.

The resolution was read and was adopted.

PROVIDING FOR THE CONTINUATION OF THE TEXAS SURPLUS PROPERTY AGENCY IN FISCAL YEARS 1957-58 AND 1958-59

Mr. Jamison offered the following resolution:

H. C. R. No. 46

Whereas, Toward the end of World War II the Governor of Texas, acting under his war emergency powers, set up a State agency to obtain from the Federal Government by gifts and grants badly needed war surplus materials for the use and benefit of public schools and State institutions of higher learning, such channel being the only official route by which many items of badly needed equipment and supplies could be obtained at the end of said War and immediately following its conclusion; and

Whereas, The original agency and its successor, currently styled the “Texas Surplus Property Agency,” has been extremely successful in acquiring many millions of dollars worth of surplus property for public schools, institutions of higher learning, and public health institutions of the State, the operation of the Agency being without any cost whatsoever to the State of Texas; and

Whereas, Through June 30, 1956, Texas received surplus real and personal property having an acquisition cost of more than Fifty-seven Million Dollars through the activities of the Agency or through other donation and acquisition programs of the Federal Government; and

Whereas, Under Federal law, such an Agency must be designated by each State in order to have a recognized and established channel through which surplus property may flow; and

Whereas, The flow of surplus prop­erty to the several states is currently at a high rate and it is anticipated that the rate will increase sharply over the next two or three years; therefore, be it

Resolved, By the House of Repre­sentatives, the Senate concurring, That the Governor be and he is hereby em­powered to redesignate the Texas Surplus Property Agency for continuation in the fiscal years 1957-58 and 1958-59, its functions to be as in the present biennium; that said Agency shall be composed of nine members appointed by the Governor, to serve without com­pensation for the two-fiscal-year period, such members to be selected from schools, higher educational institu­tions, hospitals and health units, and appropriate state departments and agencies; and that the chairman of said Agency shall be selected by the
Resolved. That members of said Agency designated by the Governor to serve from state institutions, departments, boards or agencies shall in no wise be considered as holding two offices under the State; and, be it further

Resolved. That said Agency shall have authority to make such rules, regulations, and charges, and to employ such staff, as may be necessary to continue to acquire by gift, grant, or purchase and to distribute to eligible recipients, designated by Federal law, needed Federal surplus real and personal property; and, be it further

Resolved. That said Agency shall have authority to rent, under lease if necessary, office and warehouse space needed to obtain the best and most equitable distribution of Federal surplus property over the State; and provided further that no funds whatsoever shall be appropriated by the Legislature for the operation of said Agency, but the State Auditor shall make an audit annually of the Agency’s accounts and operation.

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

MEMORIALIZING THE CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION RELATIVE TO TAXES ON GIFTS, INCOMES AND INHERITANCES

The Speaker said before the House for consideration at this time,

H. C. R. No. 33, Memorializing the Congress to propose an amendment to the Constitution of the United States relative to taxes on incomes, gifts and inheritances and to provide limitations on taxes as levied and to repeal the Sixteenth Amendment to the Constitution of the United States.

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

The resolution was read.

Mr. Zbranek offered the following amendment to the resolution:

Amend Section 2 of H. C. R. 33 by striking the words “26%” and substituting therefor the words “19%.”

Mr. Mann moved to table the amendment by Mr. Zbranek.

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

The vote of the House was taken on the adoption of H. C. R. No. 33 and the vote was announced yeas 63, nays 65.

A verification of the vote was requested and granted.

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

Yea-63

Armour
Atwell
Baker
Bartram
Bell
Bishop
Bland
Blanchard
Bowers
Bristow
Bullock
Burket
Byrd
Clites
Cole
Cotten
Cowen
Crosswhite
Day
Dugas
Ehrle
Fairwell
Feryth
Healy
Heflin
Hendley
Holman
Hosey
Hudson
Huffman
Hughes of Dallas
Johnson

Nays-65

Mr. Speaker
Anderson
Ballman
Bass
Beynon

Mr. Speaker
Bradshower
Anderson
Chapman
Cleod
Coby
Cusky
Boyson
Out of Bell
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Dewey  Mullen
Duff, Miss  Myatt
Dungan  Oliver
Elliott  Parish
Fenoglio  Parsons
Foreman  Patterson
Glass  Richardson
Glusac  Sandahl
Green  Sanders
Hale  Schwartz
Harrington  Schwartz
Hefman  of Galveston
Hollowell  Shaw
Holstein  Sherrill
Hooks  Slack
Hufer  Smith of Jefferson
Hughes of Grayson  Springer
Iaacks, Miss  Stewart
Jamison  Stroman
Jones  Talesk
Kennard  Turner
Kennedy  Waillig
Koliba  Welch
Korloch  Wheeler
Lee  White
McCoppin  Wilson of Young
McGregor  Woolsey
of McLennan  Yeazak
McGregor  of El Paso

Absent
Bryan
Conley  Pippin
de la Gara  Ramsey
Ellis
Ford
Hutchins  Shackleford
Jackson  Shannon of Erath
McDonald  Sheridan
Murray  Spilman

Absent—Excused
Kilpatrick  Storey

(Printing the verification of the vote. Mr. Dewey occupied the Chair temporarily.)

(Speaker in the Chair.)

The Speaker stated that H. C. R. No. 22 was lost by the above vote.

Mr. Heitman asked unanimous consent of the House to be recorded as voting "nay" on H. C. R. No. 22.

There was objection offered.

Mr. Heitman moved that he be granted permission to be recorded as voting "nay" on H. C. R. No. 22.

The motion prevailed by a two-thirds vote.

Mr. Lee moved to reconsider the vote by which H. C. R. No. 22 was lost.

Mr. Dewey moved to take the motion to reconsider the vote by which H. C. R. No. 22 was lost.

A record vote was requested on the motion to table.

The motion to take the table the motion to reconsider the vote was lost by the following vote:

Yeas-52
Ballman
Baso
Blaine
Boors
Bryant
Brasher
Bryan
Mullin
Chapman
Myatt
Dewey
Duff Miss
Dungan
Penoglio
Richardson
Foreman
Sandahl
Glass
Sanderson
Green
Schwartz
Hale
of Galveston
Harrington
Hollowell
Slotstein
Hooks
Hufer
Hughes of Grayson
Iaacks, Miss
Jamison
Jones
Kennard
Kennedy
Koliba
Korloch
of McLennan
of El Paso

Nays-81
Anderson
Armour
Atwell
Bafram
Bell
Bishop
Blanchard
Bowers
Brtatow
Bullock
Burkett
Byrd
Cline
Cloud
Glusac

(Speaker to the Chair.)

Mr. Heitman asked unanimous consent of the House to be recorded as voting "nay" on H. C. R. No. 22.

The Speaker stated that H. C. R. No. 22 was lost by the above vote.

Mr. Dewey moved to take the motion to reconsider the vote by which H. C. R. No. 22 was lost.

A record vote was requested on the motion to table.

The motion to take the table the motion to reconsider the vote was lost by the following vote:

Yeas-52
Ballman
Baso
Blaine
Boors
Bryant
Brasher
Bryan
Mullin
Chapman
Myatt
Dewey
Duff Miss
Dungan
Penoglio
Richardson
Foreman
Sandahl
Glass
Sanderson
Green
Schwartz
Hale
of Galveston
Harrington
Hollowell
Slotstein
Hooks
Hufer
Hughes of Grayson
Iaacks, Miss
Jamison
Jones
Kennard
Kennedy
Koliba
Korloch
of McLennan
of El Paso

Nays-81
Anderson
Armour
Atwell
Bafram
Bell
Bishop
Blanchard
Bowers
Brtatow
Bullock
Burkett
Byrd
Cline
Cloud
Glusac
The motion to reconsider the vote by which H. C. R. No. 22 was lost, prevailed.

Mr. Lee offered the following amendment to the resolution:

Amend Section 2 of H. C. R. 22 by adding the following after the words "twenty-five (25) per centum" where they first appear, to wit:

"except, however, all income derived from taxing the income of corporate entities shall not be subject to such limitation."

The amendment was adopted.

The vote of the House was taken on the adoption of H. C. R. No. 22 and the vote was announced yeas 67, nays 67.
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McCoppin  Shaw
McGregor  Sherrill
McGregor  Slack
McGregor  Smith of Jefferson
Mullen  Springer
Myatt  Stewart
Oliver  Sworman
Parish  Tallek
Patterson  Terrell
Ramsey  Torman
Richardson  Wallig
Sanders  Welch
Sanders  Wheeler
Schwartz  White
Schwartz  of Galveston  Yeask
Schwartz  of Washington  Zbrane

Absent
Atwell  Hutchins
Baker  Isaacks, Miss
Conley  Laurel
de la Garza  Pipkin
Ford  Shackleford
Healy  Wilson of Potter
Hutchins  Wohlford

Absent—Excused
Kilpatrick  Storey

The Speaker stated that H. C. R. No. 32 was adopted by the above vote.

PRESENTATION OF THE TREBLE CHOIR OF MORTON HIGH SCHOOL

In accordance with the provisions of H. S. R. No. 90, by Mr. Bowers, inviting the Morton High School Treble Choir to sing in the House, the Choir was admitted to the Hall of the House and escorted to the Speaker’s rostrum.

Speaker Carr presented Mr. Bowers with a bouquet of flowers, congratulated him and presented Mr. Joe L. Carroll, Director of the Choir.

Mr. Carroll then presented the Choir in several selections.

At the conclusion of the numbers, Mr. Bowers expressed appreciation to Mr. Carroll and the Choir for the songs.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read several times, and referred to the appropriate Committees, as follows:

By Mr. Bell:
H. B. No. 644, A bill to be entitled “An Act providing that any owner, operator, employee, or any duly authorized peace officer shall have the authority to hold in a reasonable manner any person suspected of shoplifting and in so doing shall not be subject to civil or criminal liabilities for false imprisonment or slander, and declaring an emergency.”
Referred to the Committee on Criminal Jurisprudence.

By Mr. Elliott:
H. B. No. 644, A bill to be entitled “An Act prohibiting defrauding the owner, manager, or attendant of a motor vehicle for hire without driver; defining the offense; providing penalties; making other provisions relating thereto; providing a severability clause and declaring an emergency.”
Referred to the Committee on Criminal Jurisprudence.

By Mr. Parish:
H. B. No. 645, A bill to be entitled “An Act creating the 121st Judicial District, composed of the counties of Aransas, San Patricio, Bee, Live Oak and McMullen to be known as the 121st District Court, providing for the appointment and election of the Judge of the 121st District Court; providing for the organization of the Court and regulating the practices therein; providing for the appointment of an official shorthand reporter; providing for other officers of the Court; prescribing the powers, duties and compensation of the Judge of the 121st said court; prescribing the qualifications, duties, powers and compensation of other officials of the court; providing for the transfer of certain cases before the 36th and 121st District Courts and for the exchange of benches; providing for the manner of selecting jurors; providing for the transfer of cases pending on the dockets of the 36th Judicial District Court in San Patricio County to the 121st District Court and for the transfer of all odd numbered civil cases pending on the dockets of the 36th Judicial District Court in the remaining Counties of said 36th Judicial District to the Dockets of the 121st Judicial Dis
H. B. No. 650, A bill to be entitled "An Act authorizing the Commissioners' Court of Ector County to pay the District Judge of the 76th Judicial District compensation in addition to the compensation paid by the State; making other provisions relating thereto; providing a severability clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Lee:

H. B. No. 651, A bill to be entitled "An Act to amend Section 9 of Chapter 177, Acts of the 42nd Legislature, Regular Session, 1931, as amended by Section 5, of Chapter 249, Acts of the 42nd Legislature, Regular Session, 1961 (codified as Section 9 of Article 46a, Vernon's Texas Civil Statutes), relating to the status of adopted children for inheritance and other purposes; providing a severability clause; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Ress:

H. B. No. 652, A bill to be entitled "An Act to amend House Bill number 678, Section 1, Acts of the 56th Legislature, Regular Session, 1947, Chapter 411, Page 937, (codified as Section 1, Article 1641b, Vernon's Texas Civil Statutes), so as to provide that the Auditor provided for therein shall be an Independent, Certified Public Accountant, duly licensed within the State of Texas, to amend Section 2 of House Bill number 678, Acts of the 56th Legislature, Regular Session, 1947, Chapter 411, Page 937, (codified as Section 2, Article 1641b, Vernon's Texas Civil Statutes), so as to provide that a copy of said report shall be filed with the District Clerk and a copy of said report shall be filed with the State Auditor; To amend Section 3 of House Bill Number 678, Acts of the 56th Legislature, Regular Session, 1947, Chapter 411, page 937, (codified as Section 3, Article 1641b, Vernon's Texas Civil Statutes), so as to in-
crease the sum and amount said Auditor shall be entitled to receive for his services an amount not to exceed fifty ($50.00) dollars per day; To amend Section 3a of House Bill Number 678, Acts of the 50th Legislature, Regular Session, 1947, Chapter 411, page 857, (Codified as Section 3a, Article 164b, Vernon's Texas Civil Statutes), so as to delete, abrogate and abolish said section 3a; providing that this Act shall be cumulative; Providing a savings clause; and declaring an emergency."

Referred to the Committee on Counties.

By Miss Duff:

H. B. No. 653, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

Referred to the Committee on State Affairs.

By Messrs. Hooks and Shackelford:

H. B. No. 654, A bill to be entitled "An Act establishing a Juvenile board in each of the Counties of Hardin and Tyler; prescribing the membership and powers of each board and providing for compensation of its members; authorizing each board to appoint a Juvenile officer; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Yezak:

H. B. No. 655, A bill to be entitled "An Act to amend Section 2 of Article 2706, Revised Civil Statutes, 1925, as last amended by Chapter 412, Acts of the 51st Legislature, 1949, to raise the amount allowed for aggregate salaries of all assistants to the County Superintendents of public instruction in certain counties; providing a severability clause; and declaring an emergency."

Referred to the Committee on Counties.

By Messrs. Yezak and Welch:

H. B. No. 656, A bill to be entitled "An Act amending Article 6602, Section 1, Revised Civil Statutes of Texas, 1925, and adding a new section to be called Section 5, authorizing attorneys at law of the State of Texas to take acknowledgments or proof of an instrument of writing for record within the State of Texas by paying a record fee therefor; providing for a seal and declaring an emergency."
Referred to the Committee on Municipal and Private Corporations.

By Mr. Wheeler:
H. B. No. 661, A bill to be entitled "An Act prescribing the maximum salaries that may be paid justices of the peace in certain counties; providing the method of fixing salaries of these officials; providing that all fees and commissions earned and collected by the officials named in this Act shall be paid by the County Treasury in accordance with the provisions of Section 61 of Article 16 of the Constitution of Texas; making other provisions relating to the compensation of justices of the peace in certain counties; providing a severability clause and declaring an emergency."
Referred to the Committee on Counties.

By Messrs. Holman, Shannon of Tarrant, Green, Cowen, Moore of Tarrant, McDonald and Kennard:
H. B. No. 662, A bill to be entitled "An Act to establish the Probate Court of Tarrant County; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Tarrant County; and providing for the transfer of matters and proceedings from the County Court of Tarrant County to said Probate Court of Tarrant County; declaring the validity in the transferred cases of writs and proceedings from the County Court of Tarrant County to sit; granting said Court certain powers; providing for the practice and procedure in said Court, and for the terms of said Court, and the election, qualification and appointment of a Judge thereof, and the execution of a bond and oath of office, the filling of vacancies on said court, and the election or appointment of a Special Judge; providing for a Clerk of said Court, and for the duties of said Clerk, and the duties of the Sheriff as to such Court; providing a seal for said Court; establishing the fees and compensation to be paid the Judge thereof, and providing for the payment of such compensation; conferring upon the County Judge the power and authority to transfer matters and proceedings from the County Court of Tarrant County to said Probate Court, and conferring upon the County Judge the power to sit and act as the Judge of said Court in certain cases; providing other provisions concerning the function and business of said Court; providing for other officers and employees of said Court; authorizing the Commissioners Court of Tarrant County to amend the county budget for the 1957 fiscal year to provide for the expenses herein authorized; providing for a severability clause; and declaring an emergency."
Referred to the Committee on Counties.

By Mr. White, Miss Isaacks and Mr. Chapman:
H. B. No. 663, A bill to be entitled "An Act making an appropriation for payment of aid and compensation to Kenneth Massey for having served a prison sentence for an offense of which he was not guilty; and declaring an emergency."
Referred to the Committee on Claims and Accounts.

By Mr. Hale:
H. B. No. 664, A bill to be entitled "An Act requiring all cities having a population of more than 100,000 inhabitants, according to the proceeding (federal) census, to revise and re-enact their ordinances at intervals not to exceed ten years; providing the date for initial revision; stating the effect of failure to include an ordinance in a revision and of failure to adopt a revision as required in this Act; repealing conflicting laws invalidating conflicting charter provisions; and declaring an emergency."
Referred to the Committee on Municipal and Private Corporations.

By Mr. Chapman:
H. B. No. 665, A bill to be entitled "An Act amending Section 73 (a) of the Uniform Act Regulating Traffic on Highways, as amended (codified as Section 73 (a) of Article 6701b, Vernon's Texas Civil Statutes) to regulate entrance to any highway, and declaring an emergency."
Referred to the Committee on Highways and Roads.

By Messrs. Hutchins and Puckett:
H. B. No. 666, A bill to be entitled "An Act dealing with the regulation of the transportation of persons or property in intrastate commerce by aircraft; declaring the sovereignty of
space above the lands and waters of this state to be vested in the state to the exclusion of all other governments or governmental agencies, providing that the transportation of persons and property for hire in intrastate traffic by aircraft to be affected with the public interest; defining the words 'person, commission, certificate, permit, aircraft, aircraft carrier, common carrier, contract carrier, as used in this Act; declaring that the regulation and control of the navigation and operation of aircraft for compensation or hire in intrastate commerce shall be vested in the Railroad Commission of Texas; giving such Commission full and complete authority to carry out the aims and purpose of this Act and to make and enforce such orders, rules and regulations that are necessary; providing that from the effective date of this Act no aircraft carrier shall operate as a common carrier in intrastate commerce without having obtained from the Railroad Commission a certificate of public convenience and necessity; providing the conditions under which a certificate of public convenience and necessity may be issued; providing that if any such common carrier or predecessor in interest was in bona fide operation as a common carrier by aircraft on January 1, 1957, over the routes, airways and airports within the territory for which application is made and has so operated continuously since that time, the Commission shall issue a certificate without requiring further proof that public convenience and necessity will be served by such operation, under certain circumstances, providing that such application is presented to the Commission within one hundred twenty (120) days after the effective date of this Act; providing that if such application is timely made the applicant shall be entitled to continue to operate pending action thereon by the Commission; providing for the conditions under which such permits may be issued; providing that under certain circumstances such permit shall be issued without further proceedings if application is made to the Commission for such permit, and in compliance with this Act within the one hundred twenty (120) days after the effective date of this Act; provided that the applicant shall be entitled to continue to operate until his application is acted on by the Commission; providing for the powers and duties of the Commission upon the filing of an application for a certificate of public convenience and necessity and providing for the conditions under which such permit shall be granted; providing for the manner of filing applications for a certificate with the Commission and providing such application shall be accompanied by a filing fee of Twenty-five ($25) Dollars, payable to the State Treasurer; providing that no certificate or permit shall be issued to an aircraft carrier or remain in force unless such carrier complies with such reasonable rules and regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, or other securities or agreements; authorizing the Commission to require any common carrier, by aircraft, to file surety bonds, policies of insurance or other securities or agreements, the amount to be determined by the Commission; requiring such carrier to make compensation to shippers and/or consignees for loss or damage to property belonging to shippers and/or consignees and coming into the possession of such carrier in connection with its transportation service; providing that certificates and permits may be sold, leased, transferred or assigned, subject to the approval of the Commission; giving the Commission authority to fix its own procedure for such approval of the transfer of such permit or certificate which shall be accompanied by a filing fee of Twenty-five ($25) Dollars, payable to the State Treasurer, requiring that the certificates provided in this Act shall be inheritable; requiring that no application for permit shall be granted by the Commission until after a hearing with notice to interested parties; providing for the procedure to be followed when an application being filed with the Commission and giving the Commission a power to fix a date and place for a hearing; providing for the kind of notice to be issued by the Commission, the manner of giving said no-
tice, the date of said notice and the parties to whom said notice shall be addressed; providing that the hear­ings on said applications may be con­ducted by the Commission or any member thereof or any person so authorized by the Commission, under rules and regulations promulgated by the Com­mission; providing for the procedure in such hearing; authoriz­ing the Commission to promulgate and enforce reasonable rates, charges and fares to be assessed or collected by aircraft common carriers for trans­portation of passengers or property; mak­ing it unlawful for such carrier to assess, demand, collect or receive any greater or less rate, charge or fare than that approved by the Com­mission; giving the Commission au­thority to approve minimum rates, charges and fares of contract aircraft carriers for the transportation of persons or property; making it un­lawful for any such aircraft contract carrier to assess, demand, collect or receive or contract for a rate, charge or fare which is less than that pre­scribed by the Commission; authoriz­ing the Commission to require all aircraft carriers to file with it perio­dical reports; providing the time, form and Information that may be re­quired in such reports; authorizing the Commission to prescribe a uniform accounting system for such car­riers; authorizing the Commission to require and provide for identifica­tion plates operated under its juris­diction so as to identify such aircraft and distinguish it from privately owned and operated aircraft; author­izing the Commission to determine the size, design and Information to be required on such plates; provid­ing that separate identification plates of distinguishing correct characteris­tics shall be provided for common carriers and contract carriers respec­tively; providing that a carrier shall pay to the Commission a fee of Ten ($10) Dollars per plate for each air­craft; providing that any certificate or permit issued under this Act may be cancelled, suspended, revoked or modified. In whole or in part by the Commission under certain cir­cumstances and providing the circum­stances under which such certificate or permit may be cancelled, suspend­ed, revoked or modified; de­claring the purpose of this Act; providing that ten (10) days, exclusive of the day of mailing, shall be considered reasonable notice in this Act except that in case of emergency the Com­mission may hear any cases of com­plaint in less than ten (10) days no­tice; providing for the punishment of any person violating any provisions of this Act or any order, rule, or regulation promulgated by the Com­mission pursuant to this Act; pro­viding for the review of any decision, rate, charge, rule, order, act or regu­lation of the Commission in the Dis­trict Court of Travis County under certain circumstances; providing for the burden of proof in such cases and the authority of the District Court in such cases; providing that such cases shall be tried de novo and the pro­cedure to be followed in the trial thereof; authorizing an appeal from the judgment of the District Court; providing that the Commission shall not be required to give an appeal bond in such cases arising under this Act; providing that no injunction shall be granted against the Com­mission without hearing unless it shall clearly appear that irreparable injury will be done if the injunction is not granted; in case of an appeal to the District Court of Travis County the petition shall be filed within one hun­dred twenty (120) days from and after the effective date of the decl­ARATION, rate, charge, rule, order, act or regulation appealed from; providing for a saving clause, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Hutchins:

H. B. No. 667, A bill to be entitled "An Act creating the County Court at Law of Hunt County; defining the jurisdiction of such court; provid­ing for transfer of cases pending in the County Court to such Court and lim­iting the jurisdiction of the County Court; prescribing terms of Court; providing for the election to office of a judge of such Court; prescribing the judges qualifications and term of office; providing for execution of bond, appointment and compensation of a Special Judge; defining powers of Court and Judge; providing for a Clerk and attendance at Court by Sheriff and Deputy; authoriz­ing initial appointment of Judge by Governor; prescribing fees and salary of
March 7, 1957

HOUSE JOURNAL

By Mr. Hutchins:
H. R. No. 648, A bill to be entitled "An Act to create a more efficient road system for Hunt County, Texas, for maintenance of public roads and highways other than duly designated State Highways of Hunt County; defining terms used in this Act; conferring upon the Commissioners Court of said County full power, authority and supervision of all public roads therein, other than State Highways, and prescribing the rights, powers, and duties of said Court over such public roads; prescribing the powers and duties of each County Commissioner; authorizing the appointment of certain standing committees from the membership of the Commissioners Court and prescribing the mode, manner, and compensation of a reporter for said Court; making certain other provisions relating to said Courts procedure, organization, and administration; providing a severability clause, repealing conflicting laws; and declaring an emergency." Referred to the Committee on Counties.

By Mr. Hutchins:
H. R. No. 648, A bill to be entitled "An Act to create a more efficient road system for Hunt County, Texas, for maintenance of public roads and highways other than duly designated State Highways of Hunt County; defining terms used in this Act; conferring upon the Commissioners Court of said County full power, authority and supervision of all public roads therein, other than State Highways, and prescribing the rights, powers, and duties of said Court over such public roads; prescribing the powers and duties of each County Commissioner; authorizing the appointment of certain standing committees from the membership of the Commissioners Court and prescribing the mode, manner, and compensation of a reporter for said Court; making certain other provisions relating to said Courts procedure, organization, and administration; providing a severability clause, repealing conflicting laws; and declaring an emergency." Referred to the Committee on Counties.

Judge; providing for appointment and compensation of a reporter for said Court; making certain other provisions relating to said Courts procedure, organization, and administration; providing a severability clause, repealing conflicting laws; and declaring an emergency." Referred to the Committee on Counties.
By Mr. Piggin:

H. B. No. 669, A bill to be entitled "An Act to amend Article 4691, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 363, Acts of the 52nd Legislature, 1951, to designate legal holiday, providing an effective date, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Mann:

H. B. No. 670, A bill to be entitled "An Act amending Title 5, Article 716, of the Penal Code, to provide a fee and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 671, A bill to be entitled "An Act amending Title 7, Article 711, of the Code of Criminal Procedure of the State of Texas."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 672, A bill to be entitled "An Act amending Title 8, Chapter 7, Article 711, of the Code of Criminal Procedure of the State of Texas."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 673, A bill to be entitled "An Act amending Title 8, Chapter 7, Article 710, of the Code of Criminal Procedure of the State of Texas."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 674, A bill to be entitled "An Act amending Title 7, Chapter 4, Article 508 of the Code of Criminal Procedure of the State of Texas."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 675, A bill to be entitled "An Act amending Article 648 (f) of the Penal Code, to provide a fee

Referred to the Committee on Criminal Jurisprudence.
of Eight ($8.00) Dollars upon making an application for an original license, and declaring an emergency.”

Referred to the Committee on Liquor Regulation.

By Mr. Mann:

H. B. No. 682, A bill to be entitled “An Act to amend Article 3935, Revised Civil Statutes of Texas, 1925, relating to fees allowed Justices of the Peace, containing a repealing clause, a saving clause, and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. Mann:

H. B. No. 683, A bill to be entitled “An Act to amend Article 3933, Revised Civil Statutes of Texas, 1925, as amended by Acts 1937, 45th Legislature, page 437, Section 1 as amended by Acts 1946, 49th Legislature, page 662, Chapter 368, Section 5 raising certain fees for Sheriffs and Constables and repealing all laws herewith in conflict herewith and declaring an emergency.”

Referred to the Committee on Judiciary.

By Mr. Mann:

H. B. No. 684, A bill to be entitled “An Act repealing the provisions of Article 3912, Section 19q, as amended by Chapter 205, House Bill 856, of the 54th Legislature, which requires all fee officers to make annual reports to the State Auditor, on forms designed by the State Auditor; and declaring an emergency.”

Referred to the Committee on State Affairs.

By Mr. Mann:

H. B. No. 685, A bill to be entitled “An Act amending Article 1073, Code of Criminal Procedure, to provide a jury fee of $8.00 to be taxed against the defendant upon conviction, and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 686, A bill to be entitled “An Act to amend Article 1064 of the Code of Criminal Procedure of the State of Texas, relating to fees allowed the Clerks of the County and District Courts for their services, containing a repealing clause, a saving clause, and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mann:

H. B. No. 687, A bill to be entitled “An Act to amend Article 1065 of the Code of Criminal Procedure of the State of Texas, relating to fees allowed the Sheriff or other Peace Officer performing the same services in misdemeanor cases, to be taxed against the defendant upon conviction, containing a repealing clause, a saving clause, and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

HOUSE JOINT RESOLUTION ON FIRST READING

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

By Mr. Latimer:

H. J. R. No. 40, A Joint Resolution Proposing an amendment to Article VII of the Constitution of the State of Texas by adding thereto a new Section to be numbered Section 5a to provide for the establishment of a State Public School Building Authority created for the purpose of constructing, improving, maintaining and operating public school buildings and facilities and furnishing and equipping the same for use as public schools as a part of the public school system of the State; and providing for the necessary proclamation and election.

Referred to the Committee on Constitutional Amendments.

SENATE BILLS ON FIRST READING

The following Senate Bills received from the Senate were today laid before the House read severally first time and referred to the appropriate Committee, as follows:

S. B. No. 53 to the Committee on Motor Traffic.

S. B. No. 73 to the Committee on State Affairs.

S. B. No. 74 to the Committee on State Affairs.
S. B. No. 77 to the Committee on Municipal and Private Corporations.

S. B. No. 126 to the Committee on Conservation and Reclamation.

S. B. No. 254 to the Committee on Conservation and Reclamation.

S. B. No. 280 to the Committee on Conservation and Reclamation.

S. B. No. 49 to the Committee on Judiciary.

BILL AND RESOLUTION SIGNED BY THE SPEAKER

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

S. B. No. 68, An Act for the relief of purchasers and providing for the issuance of a patent to Lot 8, Block 159 of the City of Austin, Texas, and declaring an emergency.

H. B. No. 110, An Act amending Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to clarify and make more certain the laws pertaining to contents, issuance, service, and return of writs, notices, and citations in probate proceedings; to define more clearly the laws applicable to independent executors; amending the laws pertaining to persons disqualified to serve as executor or administrator; to clarify and define the laws pertaining to appointment of non-resident guardians, and domestic guardians of non-residents; amending and clarifying the laws relating to the handling of small estates; to clarify the rights of the competent spouse of an incompetent spouse with respect to community property; to amend and revise laws pertaining to the amount of bonds to be given by personal representatives who are required to give bonds, determining penalties, reducing or raising penalties of such bonds, defining qualifications of sureties and the means by which bonds may be secured, making such regulations applicable to sales and other matters affecting property of estates; more clearly defining the powers, duties, and obligations of guardians appointed to receive and disburse government funds, and validating acts of such guardians in conformance with orders of court; to amend and revise laws pertaining to the compensation of personal representatives; to amend and revise laws relating to fees of court appointed appraisers in probate matters; more clearly defining the character of drilling operations required to extend the primary term of a mineral lease, the provisions relating to a lease at private sale, and the execution of collateral instruments without court order; amending, revising, rearranging, and clarifying the laws pertaining to the filing, contents, proof, and examination of annual accounts, the penalty for failure to file an annual account, and action of the court thereon; containing a severability clause; repealing Section 319 of said Chapter 86; and declaring an emergency.

H. C. H. No. 33, Relative to State's Sovereignty and State's Rights.

H. B. No. 145, An Act amending Chapter 352, General Laws, Regular Session, Fifty-third Legislature, 1960, (codified as Articles 7519a and 7519b Vernon's Civil Statutes of Texas), so as to declare as presumably abandoned all certified filings hereafter filed with and permits heretofore issued by the Board of Water Engineers and permits hereafter issued by the Board of Water Engineers or its successor, which certified filings and permits authorize the appropriation of public waters, when no part of the water appropriated has ever been put to beneficial use at any time during the ten-year period preceding the effective date of this Act or the date of cancellation proceedings authorized hereby; providing for cancellation by the Board of certain unused portions of permits and certified filings under certain conditions and in the manner herein specified; requiring public hearings before cancellation; providing for notice before hearing and the manner thereof; affording an opportunity to present evidence at such public hearing; allowing a holder to retain an appropriation to the extent that he has conservation storage; exempting those certified filings held by cities to the extent that such filing allows diversion for municipal purposes; declaring that failure to hili-
ate proceedings to cancel shall not validate or enhance a certified filing or permit and requiring a five-year lapse of time between cancellation proceedings against a particular permit or certified filing; defining certain terms; providing for appeals from orders of cancellation and partial cancellation; repealing all conflicting laws and providing a saving clause; and declaring an emergency.

ADJOURNMENT

Mr. Koroth moved that the House adjourn until 10:00 o'clock a.m. next Monday.

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

The motion by Mr. Bass was lost.

The Reverend E. C. McDonal.d, Chaplain, offered the benediction, as follows:

“Our Father as we adjourn this session of the 55th session of the House of Representatives and we go our several ways, may the grace of our Lord Jesus Christ be with you, now and forever more. In His name we pray.—Amen.”

The motion by Mr. Koroth prevailed and the House accordingly, at 12:59 p.m. adjourned until 10:00 a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

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


Public Health: H. B. No. 484 and S. B. No. 149.


REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 6, 1957

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

Sir: Your Committee on Enrolled Bills to whom was referred H. B. No. 248, An Act amending Subsection (a), (b), and (h), of Section 2, Section 3 and Section 21 of Chapter 147, Acts, 1949, Fifty-first Legislature, Regular Session, creating the Port of Beaumont Navigation District of Jefferson County, Texas, so as to clarify and make more certain the rights, powers, privileges, functions and authority of said District to acquire, construct, operate, and maintain facilities or aids consistent to or necessary to the operation or development of ports or waterways within the District, and to make more certain that any obligation incurred payable from taxation shall be submitted to a vote of the qualified electorate; to provide for the election of six (6) Port Commissioners whose terms shall be staggered and shall be for a period of six (6) years; to make clear that all General and Special Laws applicable to navigation districts created pursuant to Section 59, Article 16 of the Constitution, except as expressly limited by the Act creating the Port of Beaumont Navigation District, shall apply to said District; providing that the present facilities shall never be encumbered or subject to forced sale; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

AMOS A. MARTIN, Vice-Chairman.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 6, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 182, A bill to be entitled “An Act creating an additional District Court in El Paso County, Texas, to be known as the District Court of the 120th Judicial District; providing the terms and jurisdiction for said Court; providing for the appointment and election of the District Judge of said Court; prescribing his qualifications, powers, duties, term of office and
Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, March 6, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 189, A bill to be entitled "An Act repealing Article 2833, Revised Civil Statutes of Texas, 1925; providing for stopping payments to the school districts from the State for failing to comply with this provision; prescribing penalties for falsely swearing to a report of a deputy collector and for filing a false report; establishing venue for prosecution therefor; providing that the State Commissioner may order a school district to furnish an audit of its accounts; providing for stopping payments to the school district from the State under certain conditions; 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.

Austin, Texas, March 6, 1957

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

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 199, A bill to be entitled "An Act amending Article 2833, Revised Civil Statutes of Texas, 1925; amending Article 397, Chapter 268, Section 1, codified as Article 397A of the Revised Civil Statutes of Texas, providing that law licenses shall be granted without requirement of passage of the State Bar Examination and setting out the conditions thereof; excepting certain persons from the provisions of this Act; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HERMAN YEZAK, Chairman.

Austin, Texas, March 7, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 23, Memorializing the Congress to propose an amendment to the Constitution of the United States relative to taxes on incomes, gifts and inheritances and to provide limitations on taxes so levied, and to repeal the Sixteenth Amendment has carefully compared same and finds it correctly engrossed.

HERMAN YEEZAK, Chairman.

SENT TO THE GOVERNOR
March 6, 1957
H. B. No. 248.
In Memory of

Clay E. Ross

Mr. Fenoglio offered the following resolution:


Whereas, On March 1, 1967, Archer City and the State of Texas lost a worthy citizen in the passing of Clay E. Ross; and

Whereas, He was born September 5, 1886, at Greenville in Hunt County. He was married to Miss Clarissa Roles on November 14, 1909, at Canyon. He was at one time county cattle inspector in Archer County and he is credited with having ridded the county of cattle ticks. He ranched near Dundee before moving to Archer City; and

Whereas, He served as deputy sheriff, sheriff and justice of the peace in Archer City. He was a member of the Dundee Masonic Lodge at Holliday; and

Whereas, This good man’s life was exemplary of the courage that shows itself in gentleness, true wisdom that shows itself in simplicity, and a Christian faith that finds its expression in righteousness; and

Whereas, He is survived by his widow; five sons, Weldon and David of Wichita Falls; Joe of Seymour; Donal of Mankins; Pat of Olney; two daughters, Mrs. W. W. Birdwell of Wichita Falls; Mrs. Jay Griffith of Lubbock; one brother, William S. Kingston; and fourteen grandchildren; now, therefore, be it

Resolved, That the House of Representatives pays tribute to Clay E. Ross with a copy of 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 respect to him.

The resolution was unanimously adopted by a rising vote.
Mr. Yezak offered the following resolution:
H. S. R. No. 234, In Memory of Mr. Peter Louis Brady, Jr.

Whereas, On February 24, 1957, the City of Hearne and the State of Texas lost an esteemed and worthy citizen in the passing of Mr. Peter Louis Brady, Jr.; and

Whereas, He was born in Hearne on October 20, 1886, where he was engaged in business, farming and served in public office; and

Whereas, On May 12, 1906, he married Miss Olive McWilliams, and their married life had been spent in Hearne where they reared their children; and

Whereas, Mr. Brady was County Commissioner for 15 years and Mayor of the City of Hearne since 1933; and

Whereas, He is survived by his widow, three sons, Peter Louis Brady III, Austin, Texas, Robert Brady, Brazoria, Texas, and Pat Brady, Houston, Texas; and two daughters, Mrs. Walter Reed, Hearne, Texas, and Mrs. Mary Schwethelm, Fort Leavenworth, Kansas; three brothers, Alfred B. Brady and E. M. Brady, Hearne, Texas, and Dr. Jesse Brady, Austin, Texas; four sisters, Mrs. Emery Hughes, Austin, Texas, Sister Irene Brady, El Paso, Texas, Mrs. Albert Thompson, Fort Stockton, Texas and Mrs. M. V. Carson, Hearne, Texas; and twelve grandchildren and four great grandchildren; now, therefore, be it

Resolved, That the House of Representatives dedicate a page in the House Journal in his respect; and that we extend our deepest sympathy to the entire family and be it further

Resolved, That when the House of Representatives adjourn today, it do so in honor of Mr. Peter Louis Brady, Jr., and that copies of this Resolution be forwarded to members of the family.

The resolution was unanimously adopted by a rising vote.