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

Mr. Speaker: Hollowell
Anderson: Holman
Armour: Holstein
Atwell: Hooks
Bailey: Horsley
Ballman: Howard
Bartrum: Huffman
Bax: Hufford
Bell: Hughes of Grayson
Bishop: Hughes of Dallas
Blaine: Hotchins
Blanchard: Issacks, Miss
Bowers: Jackson
Boyce: Jamison
Brahea: Johnson
Bratow: Jones
Bryan: Joseph
Bullock: Kelly
Burke: Kennard
Byrd: Kennedy
Chapman: Kilpatrick
Cline: Koliba
Cloud: Korbath
Cole: Kothmann
Coley: Latimer
Conley: Laurel
Cory: Lee
Coates: McCoppin
Cowan: McDonald
Cowen: McGregor
Cox: of McLennan
Cresthawt: Day
de la Garza: of El Paso
Dewey: McHany
Dugan: Miss Mann
Dugas: Martin
Dungan: Mathew
Ehrle: Mary
Elliot: Moore of Harris
Elliott: Moore of Tarrant
Penoglio: Mullen
Farrell: Murray
Ford: Myatt
Foreman: Oliver
Fountain: Osborn
Glass: Parish
Gilling: Parsons
Goetz: Patterson
Green: Pipkin
Hare: Pool
Harrington: Presler
Healy: Parkett
Heflin: Ramsey
Richardson: Spelman
Roberts: Springer
Russell: Stewart
Sador: Storey
Sandahl: Strickland
Sander: Stroman
Saul: Sudderth
Schram: Sutton
Schwartz: of Galveston
Schwartz: of Washington
Seidlin: Walling
Shackelford: Watson
Shannon: of Erath
Shannon: Wheeler
of Tarrant: Wilson of Young
Shaw: Wilson of Tarrant
Sheridan: Winfree
Sherrill: Wooley
Sick: Yezak
Smith of Hays: Zbranek
Smith of Jefferson

A quorum of the House was announced present.

The Invocation was offered by the Reverend Carroll H. Thompson, Pastor of the First Methodist Church, Georgetown, Texas, as follows:

"O Lord our God, shed the light of Thy Holy Spirit within the minds and hearts of Thy servants in this place of responsibility and decision, that all who sincerely seek the truth may find it, and finding it may follow it, whatever the cost, knowing that it is the truth that makes men free. Our Father God, when we get sick of ourselves, ashamed of our littleness, our selfishness, and the petty things that irritate us, then let it be the beginning of spiritual health by making us willing to have Thee create in us clean hearts and renew right spirits within us. Hold us steady, O God, lest we lose our poise. Temper our speech with kindness lest by cutting words and careless deeds we hurt our colleagues and the cause for which we spoke.

"Deliver us, our Father from the error of asking and expecting Thy blessing and Thy guidance in our public lives while closing the doors to Thee in our private living. Thou knowest what we are wherever we
LEAVES OF ABSENCE GRANTED

Mr. Wohlford for today on motion of Mr. Ballman.

Mr. Welch for today on account of flood conditions on motion of Mr. Cox.

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

Mr. Hensley for today on motion of Mr. Stickland.

RECOGNIZING VISIT OF STUDENTS FROM THE JERRY JOSLIN ELEMENTARY SCHOOL OF AUSTIN, TEXAS

Mr. Jones offered the following resolution:

H. S. R. No. 471

WHEREAS, The Third Grade Students from the Jerry Joslin Elementary School of Austin, Texas, accompanied by their Teacher, Miss Barton, were visiting in the State Capitol on the seventh day of May, 1957; and

WHEREAS, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

WHEREAS, It is the desire of the House of Representatives of the Fifty-Fifth Legislature to commend this group for their interest; now, therefore,

Resolved, That they be officially recognized and that a copy of this Resolution be forwarded to the Class.

JONES, SANDAH, FOREMAN.

The resolution was adopted.

THANKING REPRESENTATIVES FOR GULF COAST FISHING TRIP

Messrs. Joseph and Lee offered the following resolution:

H. S. R. No. 467

WHEREAS, Members of the House of Representatives were the guests of the Honorable W. T. Oliver, the Honorable D. Roy Harrington and the Honorable Rufus U. Kilpatrick on a most enjoyable fishing trip and tour of the varied Gulf Coast industries; and

WHEREAS, Members were impressed with the hospitality of their hosts and although many became ill from the waves they rode, they all had a fine time. Members were again reminded of the tremendous potential of the Golden Coast of Texas in our industrial future; now, therefore,

Resolved, That the Texas House of Representatives of the Fifty-Fifth Legislature wishes to thank these...
fellow Members for a wonderful and informative weekend and to express sincere appreciation for the time and effort involved.

JOSEPH. LEE, LATIMER. BOYSSEN.

The resolution was adopted.

HONORING AND CONGRATULATING THE HOUSTON CHRONICLE
Mr. Mann offered the following resolution:

H. S. R. No. 472

Whereas, The Houston Chronicle has continually urged Texans to take full advantage of rights and privileges of their government;

Whereas, The Chronicle's continued civic leadership in the recently completed "Cut The Budget" contest, a contest urging readers to write their congressmen on ways and means of slashing the proposed $75,000,000,000 Federal Budget and to curb excessive Federal spending;

Whereas, Hundreds of citizens of Harris County, Texas, and adjoining counties and states did participate in the contest, won by Miss M. J. Negri of Wharton, David H. Rude, 414 Little John Lane, Houston; and Haskell Stripling, 5407 Breen, Houston;

NOW, Therefore be it Resolved that the House of Representatives of the State of Texas do hereby honor and commend The Houston Chronicle, the winners of the contest, and the many contestants for their active participation in seeking better government.

MANN, CLINE, COLE, HEPFLIN, WINFREE, PRESSLER, MOORE of Harris, BAKER, ELLIOTT.

The resolution was adopted.

MESSAGE FROM THE GOVERNOR
The Speaker laid before the House and had read the following message from the Governor:

AUSTIN, Texas, May 14, 1957
To The Members of The Fifty-fifth Legislature:

In accordance with the provisions of S. C. R. No. 85, I am returning herewith Senate Bill No. 293, to authorize the execution of a highway right-of-way easement in Walker County.

Respectfully submitted,

PRICE DANIEL, Governor of Texas.

MESSAGE FROM THE SENATE
Austin, Texas, May 13, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

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

S. C. R. No. 87, Granting permission for the hanging in the Capitol of a replica of the U. S. Constitution presented by Texas Society, Daughters of the American Revolution to the State.

Respectfully,

CHARLES SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 320 ON SECOND READING
The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 320, A bill to be entitled "An Act making an appropriation to pay the principal due thereon of a certain judgment obtained against the State of Texas in Cause No. 194-74, styled Southern Minerals Corporation vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill No. 320 by striking out all below the enacting clause
and substituting in lieu thereof the following:

Section 1. There is hereby appropriated out of the General Revenue Fund of the State of Texas the sum of Five Million, Seven Hundred Thirty Thousand, Seven Hundred Thirty Dollars and Ninety Six Cents ($5,730,730.96) to pay according to their tenor, effect and reading, certain final judgments obtained against the State of Texas, by the following named persons, firms and corporations in the following causes, for the recovery of Gas Gathering Taxes paid to the State of Texas under the provisions of Section XXIII of House Bill Number 285, Chapter 692, Acts of the 62nd Legislature:

Southern Mineral Corporation No. 104,974 $ 37,408.88
126th Judicial District Court of Travis Co. Texas

Thomas L. Wade No. 106,786 $ 2,626.40
126th Judicial District Court of Travis Co. Texas

ETexas Producers Gas Company No. 103,680 $ 7,473.85
126th Judicial District Court of Travis Co. Texas

Midway Gas Company No. 106,753 $ 1,208.95
53rd Judicial District Court of Travis Co. Texas

Upham Gas Company No. 106,888 $ 12,792.48
126th Judicial District Court of Travis Co. Texas

Empire Southern Gas Company No. 101,788 $ 11,832.88
126th Judicial District Court of Travis Co. Texas

Natural Gas Distributing Corp. No. 102,468 $ 6,974.13
98th Judicial District Court of Travis County Texas

Sam Sklar, Trustee No. 101,904 $ 7,217.33
98th District Court of Travis County, Texas

C. V. Lyman, Judgment No. 105,622 $ 26,051.83
126th Judicial District Court of Travis Co. Texas

Stuart & Barrett, Judgment No. 105,219 $ 608.00
53rd Judicial District Court of Travis Co. Texas

The Chicago Corporation, No. 105,695 $ 23,513.34
126th Judicial District Court of Travis Co. Texas

Sinclair Oil & Gas Company, No. 105,692 $ 19,217.61
126th Judicial District Court of Travis Co. Texas

Transcontinental Gas Pipe Line Corp. No. 101,688 $ 50,647.99
126th Judicial District Court of Travis Co. Texas

Colony Gas Company, Judgment No. 102,634 $ 1,369.65
126th District Court of Travis County, Texas

W. J. Smith-Assignee of Northern Natural Gas Company, No. 104,718 $ 9,325.28
126th Judicial District Court of Travis Co. Texas

Cabinet Carbon Company, No. 105,429 $ 2,085.50
126th Judicial District Court of Travis Co. Texas

The Wheeler Gas Company, No. 104,180 $ 850.69
126th Judicial District Court of Travis Co. Texas

Delta Gulf Drilling Company, No. 105,692 $ 1,584.87
126th Judicial District Court of Travis Co. Texas

Bryce McCandless, No. 106,647 $ 14,301.18
126th Judicial District Court of Travis Co. Texas

C. N. Houck, Judgment No. 105,699 $ 818.01
126th Judicial District Court of Travis Co. Texas

Mac Drilling Company, Judgment No. 106,692 $ 1,123.94
126th Judicial District Court of Travis Co. Texas

Northern Natural Gas Company, No. 101,333 $ 257,628.00
126th Judicial District Court of Travis Co. Texas

Peter N. Petkas, Judgment No. 106,692 $ 9,645.09
126th Judicial District Court of Travis Co. Texas

Salt Dome Production Company, No. 106,693 $ 8,394.49
126th Judicial District Court of Travis Co. Texas

West Texas Utilities Co., Inc. No. 106,648 $ 11,349.86
126th Judicial District Court of Travis Co. Texas
May 13, 1957

Drilling & Exploration Company, No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 934.83
Cassy & Wsmape Oil Company, No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 1,045.64
Hassie Hunt Trust, Judgment No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 1,151.72
El Paso Natural Gas Co. Judgment No. 10,472, 53rd District Court of Crockett County, Texas $2,658,935.51
Hewitt & Dougherty, Judgment No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 6,718.74
Pan American Gas Company, No. 104,938, 126th Judicial District Court of Travis Co. Texas $ 21,295.13
Shell Oil Company, Judgment No. 102,335, 98th Judicial District Court of Travis Co. Texas $ 31,280.38
South-Tex Corp as Agent for Memser & Fisher, Judgment No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 1,378.57
Souther Community Gas Co., No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 559.08
South-Tex Corporation, No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 30,942.25
Tide Water Associated Oil Co., No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 5,118.44
Tennessee Gas Transmission Co., No. 100,870, 126th Judicial District Court of Travis Co. Texas $ 1,140,906.00
Southern Community Gas Co., No. 105,439, 98th Judicial District Court of Travis Co. Texas $ 2,345.91
Richard Park et al, Judgment No. 103,226, 126th Judicial District Court of Travis Co. Texas $ 1,526.66
Bevly Oil & Developing Corp. No. 105,692, 126th Judicial District Court of Travis Co. Texas $ 2,080.79
Dow Chemical Company, Judgment No. 104,488, 126th Judicial District Court of Travis Co. Texas $ 109,064.12
Phillips Natural Gas Company, No. 103,204, 126th Judicial District Court of Travis Co., Texas $ 1,476.70
Phillips Natural Gas Company, No. 103,204, 126th Judicial District Court of Travis Co. Texas $ 405.66
Phillips Natural Gas Company, No. 103,204, 126th Judicial District Court of Travis Co. Texas $ 1,131.72
Sohio Petroleum Company, No. 102,830, 126th Judicial District Court of Travis Co. Texas $ 1,227.31
Sohio Petroleum Company, No. 102,830, 126th Judicial District Court of Travis Co. Texas $ 1,131.72
United Gas Pipe Line Company, No. 104,488, 126th Judicial District Court of Travis Co. Texas $ 1,045.48
Zephyr Oil Company, No. 102,830, 126th Judicial District Court of Travis Co. Texas $ 1,131.72
Magnolia Petroleum Company, No. 106,342, 98th Judicial District Court of Travis Co., Texas $ 2,383.21

Section 2. The Comptroller of Public Accounts is hereby authorized and directed to issue a warrant or warrants on the State Treasury in favor of each of the persons, firms or corporations named herein, in the amounts set opposite their respective names, and shall mail or deliver to each of the said persons, firms or corporations or their attorneys, a warrant or warrants in payment of said judgments and the same is hereby suspended and this Act shall take effect and be

2 Jour.--14
in force from and after its passage, and it is so enacted.

Mr. Hale offered the following amendments to the Committee Amendment:

Amend Committee Amendment No. 1 to House Bill No. 320 by striking out the words "Phillips Natural Gas Company" where they appear on lines 42 and 44 on Page 2 of the printed bill, and in each instance substituting in lieu thereof the words "Phillips Petroleum Company."

Amend Committee Amendment No. 1 to House Bill No. 320 by adding the word "District" immediately preceding the words "Phillips Petroleum Company." Amend Committee Amendment No. 1 to House Bill No. 320 by adding at line 3 of Page 1 the printed bill, and by adding the word "District" between the word "Judicial" and the word "Court" on Line 30 of Page 2 of the printed bill.

The amendments were severally adopted.

Mr. Holman offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to House Bill No. 320 by adding at the end of Section 1 the following:

"The amendments were severally adopted.

COMMITTEE MEETING

Mr. Slack asked unanimous consent of the House that the Committee on Oil, Gas and Mining be permitted to meet at this time.

There was no objection offered.

Mr. Smith of Harris offered the following amendment to the Committee Amendment to H. B. No. 320:

Amend Committee Amendment No. 1 to House Bill No. 320 by striking therefrom the following:

(1) Lines 12 and 13 on Page 2 of the printed bill
(2) Lines 30 and 31 on Page 2 of the printed bill
(3) Lines 48 and 49 on Page 2 of the printed bill

and by striking out Sections 2 and 3 of Committee Amendment No. 1, and substituting in lieu thereof the following Sections 2, 3, 4, 5 and 6, said new sections to read as follows:

Section 2. Final and valid judgments having been obtained against the State of Texas by the following named corporations in the following cases for the recovery of Gas Gathering Taxes paid to the State of Texas under the provisions of Section XXIII of House Bill 266, Chapter 402, Acts of the 52nd Legislature:

El Paso Natural Gas Co. Judgment No. 10,473, 63rd District Court of Travis County, Texas - $1,101,000.00
Tennessee Gas Transmission Co. Judgment No. 104,489, 126th Judicial District Court of Travis Co., Texas - $1,105,904.00
United Gas Pipe Line Company Judgment No. 104,489, 126th Judicial District Court of Travis Co., Texas - $1,105,904.00

In lieu of an appropriation to pay said judgments, there is granted to each of said corporations a credit in the full amount of said judgments, according to their tenor, effect and recovery, to be applied against any and all franchises, gross receipts and occupation taxes which may become due and payable to the State of Texas after the effective date of this Act by each said corporation, its successors or assigns. Such credit may be freely assigned, in whole or in part, by each said corporation, its successors or assigns.
successors or assigns, and any such successor or assign may apply such credit against any such taxes which may be due and payable by such successor or assignee to the State of Texas. No such assignment of credit shall be effective until the State Comptroller shall have been furnished a true copy of such assignment certified to be correct by the assignor or the assignor’s duly authorized officer, agent or attorney in fact. The credit granted to each corporation may be applied against the taxes specified above over a period of not to exceed TEN (10) years from and after the effective date of this Act, and no more than Twenty-five per cent (25%) of the tax credit provided herein owned or acquired by such person, firm or corporation shall be applied against taxes by such person, firm or corporation in any one calendar year. In order to apply against taxes the credit granted hereunder, the owner thereof, contemporaneously with each tax payment, shall submit to the State Comptroller a statement sworn to by such owner or his or its duly authorized officer, agent or attorney in fact, stating the amount of credit being applied, the tax against which it is applied, and that not more than Twenty-five per cent (25%) of the total credit originally owned or acquired by such owner has been applied against taxes for the applicable calendar year. The application of a credit against the taxes hereunder shall constitute a full accord and satisfaction, to the extent of the sum of the credit, of the judgment for which the credit is granted, and the application of such credit against taxes shall constitute a full accord and satisfaction of such taxes to the extent of the sum of the credit applied.

However, in the event that the manner of accreditation as provided herein is declared unconstitutional such companies shall not be assessed any penalty or interest for taxes on which credit has been applied, if paid with reasonable promptness after any such declaration of unconstitutionality.

Section 4. The provisions of this Act shall be severable. Should any item or amount itemized herein be held to be illegal, invalid, or incorrect, such holding shall not affect the legality, validity, or correctness of the remaining items or amounts itemized herein, and the Legislature hereby specifically declares its intent and policy that each and every item and amount herein contained shall be valid and effective by itself, notwithstanding the absence of any of such items or amounts as may have been found to be illegal, invalid or incorrect. If any section, paragraph or provision of this Act shall be declared unconstitutional or invalid for any reason, such holding or declaration shall not in any way affect the remaining sections, paragraphs or provisions hereof, and the Legislature hereby declares that it would have passed such remaining portions of the bill notwithstanding the absence of any such portions as may have been declared unconstitutional or invalid.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

Section 6. The fact that the judgments for which appropriations and credits are herein made are past due, and the persons, firms and corporations to whom the same are payable are being deprived of the proceeds thereof, creates an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

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

Amend Committee Amendment No. 1 to H. B. 229 by striking therefrom the words and figures

"Five Million Seven Hundred Thirty Thousand Seven Hundred Thirty Dollars and Ninety-six Cents ($5,730,730.96)"

Where they appear in lines 10 and 11 on page 1 of the printed bill, and substituting in lieu thereof the following:

"Eight Hundred Forty-two Thousand, Six Hundred Thirty-three Dollars and Ninety-four cents ($842,633.94)"

The amendment was adopted.
Committee Amendment No. 1, as amended, was adopted.

Mr. Hale offered the following amendment to the bill:

Amend House Bill 320 by striking out all above the enacting clause and substituting in lieu thereof the following:

“A BILL

To Be Entitled

An Act making an appropriation of Eight Hundred Forty-two Thousand Six Hundred Thirty-three Dollars and Ninety-four Cents ($842,833.94) due on certain judgments obtained against the State of Texas for recovery of Gas Gathering Taxes paid under Section XXIII of House Bill No. 285, Chapter 402, Acts of the 52nd Legislature, according to the tenor, effect and reading of such judgments; directing the Comptroller of Public Accounts to cause the necessary warrants to be drawn on the State Treasurer and issued to the persons, firms and corporations, or their attorneys, entitled to same; providing that certain persons, firms, or corporations, or their assigns, in lieu of obtaining refunds, may use their judgments as offsets against future tax liabilities to the State of Texas, and directing the Comptroller of Public Accounts to recognize said judgments and allow same as offsets against such tax liabilities; declaring that items and amounts shall be severable each from the others, and containing a general severability clause, repealing all laws or parts of laws in conflict herewith; and declaring an emergency.”

The amendment was adopted.

On motion of Mr. Smith of Hays, and by unanimous consent of the House, the Caption of House Bill No. 320 was ordered amended to conform with the body of the bill.

House Bill No. 320 was then passed to engrossment.

HOUSE BILL NO. 320 ON THIRD READING

Mr. Hale moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 320 be placed on its third reading and final passage.

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May 13, 1957

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Mr. Hale moved to reconsider the vote by which H. B. No. 329 was passed and to table the motion to reconsider.

The motion to table prevailed.
The Speaker announced that H. B. No. 336 was passed subject to the provisions of Section 49A, Article III of the Constitution.

MESSAGE FROM THE SENATE
Austin, Texas, May 13, 1957

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

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

S. J. R. No. 1, Proposing an amendment to the Constitution to create an agency of the State of Texas with the authority to issue $100,000,000.00 in negotiable bonds of the State of Texas to acquire conservation storage space in reservoirs, prescribing certain duties and functions of such agency and placing limitations upon their power to acquire such storage space, etc.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

CONFERENCE COMMITTEE APPOINTED ON H. B. NO. 18
The Speaker announced the appointment of the following Conference Committee on the part of the House on H. B. No. 18:

Messrs. Anderson, Lee, Sanders, Slack and Bartram.

HOUSE BILL NO. 237 ON SECOND READING
Mr. Huffman moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 237. The motion prevailed.

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

H. B. No. 237, A bill to be entitled "An Act providing transfer and appeal procedure for public schools in cases involving constitutional questions or a petition for transfer from schools of pupil's race into school designated for the other race, and declaring an emergency."

The bill was read second time.

A record vote was requested on the passage of H. B. No. 237 to engrossment.

House Bill No. 237 was then passed to engrossment by the following vote:

Yes—79

Anderson Kilpatrick
Armour Koliba
Ballman Lattimer
Bishop McCoppin
Boysen McDonald
Bradbeer Meaders
Bristow Mann
Bryan Matthew
Bullock Mays
Burkett Moore of Harris
Byrd Mynatt
Chapman Oliver
Cloud Parsons
Cole Pool
Colley Prentiss
Cowan Puckett
Cox Sadler
Day Saul
Dewey Schram
Duff Miss
Dugas Schwartz
Dungan Shackelford
Ehrle Shannon
Ford Sherrill
Gooch of Tarrant
Green Shaw
Harrington Smith of Hays
Healy Smith of Jefferson
Haflin Stover
Hollowell Stremmel
Holman Sutton
Hoska Torrell
Huffman Thurmond
Huffor Tunnell
Hughes of Grayson Turman
Hughes of Dallas Walling
Hutcheson Watson
Johnson Wilson of Young
Joseph Zbranek

Mays—44

Bartram Bills
Bess Pens Industrial
Bell Forsyth
Blair Hals
Blanchard Holstein
Bowers Honey
Bowen Imsacks, Miss
Conley Janie
Cory de la Garza Jones
Mr. Huffman moved to reconsider the vote by which H. B. No. 237 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 237 ON THIRD READING

Mr. Huffman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 237 be placed on its third reading and final passage.

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

Yea—75

Anderson  Chapman  Duncan  Oliver
Armour  Cloud  Frize  Osburn
Baker  Cole  Frye  Parsons
Bishop  Coyle  Ford  Pool
Boyden  Owen  Goss  Powers
Brashear  Cox  Green  Puckett
Bridgew  Day  Harrington  Scurlock
Bryan  Dewey  Healy  Schwartz
Byrd  Dugas  Hendin  of Washington

Nays—43

Bartram  Korioth  Bukie  Osburn
Bilane  Kothmann  Burkat  Parsons
Blanchard  Laurel  Cline  Parish
Bowers  McGregor  Conley  Puckett
Buckett  El Paso  Curry  Richardson
Cory  de la Garza  Ellis  Russell
Fucilatto  Farmers  Finley  Sanders
Foreman  Fore Ry  Fuentes  Shadwell
Hale  Galveston  Holstein  Shanklin
Honey  Hemphill  Honea  Sanders
Issacks, Miss  Jefferson  Jamison  Stewart
Jamestown  Johnson  Jones  Wheeler
Kelli  Kendall  Kennedy  Kelly
Kemp  Kerwood  Kothmann  Kennedy
Leach  Lemon  Lesley  Lone
Lindsey  Lemmon  Libbey  Long
Little  Lauret  Little  Luckett
Logan  LaTour  Lumbard  Longstreet

Absent

Atwell  Billman  Elliott  Lee
Baker  Blaine  Holman  Lemmon
Boyden  Brashear  Smith  Longstreet
Buchanan  Bridgew  Stephenson  Longstreet
Cotten  Bredell  Swenson  Longstreet
Crosthwait  Weatherford  Swenson  Longstreet
Crenshaw  Whittington  Swenson  Longstreet
Mr. White moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 89.

The motion prevailed.

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

H. B. No. 89, A bill to be entitled "An Act relating to dividends and guaranty funds for credit unions; amending Section 21 and 22 of Chapter 37, Acts of the 33rd Legislature, Regular Session, 1913, as amended (codified as Article 1481 and 1482 of Vernon's Texas Civil Statutes), so as to provide that in each of the first five fiscal years of the existence of the credit union, twenty per cent, and in each of the remaining fiscal years, ten per cent, of the income for such fiscal year which remains after the deduction of expenses shall be credited to a guaranty fund; to provide that "expenses" shall not be construed to include losses on bad debts; to eliminate the phrase, "and the investments thereof"; to provide that losses on bad debts for a fiscal year may be charged against the guaranty fund to the extent of any balance therein regardless of whether the net income after expenses is sufficient to cover such losses; to substitute the word, "amount," for "proportion of gross"; to provide that a dividend may be paid from income which had actually been collected from the time the association began business to the close of the fiscal year next preceding such payment, after deduction of expenses and guaranty fund; providing that any such dividend shall first be declared at an annual meeting; to provide for a reversal in the former sequence and Article numbers in which the two sections appeared in the statutes, and to clarify the meaning of the existing law; and declaring an emergency."

The bill was read second time.

Mr. Joseph offered the following amendment to the bill:

Amend H. B. No. 89 by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. Section 5 of Chapter 37, Acts of the 33rd Legislature, Regular Session, 1913, as last amended by Chapter 166, Section 1, Acts of the 33rd Legislature, Regular Session, 1953 (codified as Article 1466 of Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Sec. 5. Supervision; Examination and Examiners; Fees; Expenses.

"Each credit union shall maintain such books and records as the Banking Commissioner may deem necessary. The Banking Commissioner shall cause each credit union to be examined at least once yearly, such examination to be made by:

"(1) One or more credit union examiners who shall be appointed by the Banking Commissioner and who shall receive in addition to the salary fixed and determined by the Finance Commission, all necessary traveling expenses, a sworn itemized account of which shall be rendered monthly by each examiner and approved by the Commissioner; or by

"(2) The Deputy Commissioner, departmental examiner, any bank examiner, assistant bank examiner, building and loan supervisor, building and loan examiner, or loan and brokerage-credit union supervisor;

"Each credit union examined shall pay an examination fee fixed by the Banking Commissioner not to exceed Fifty Dollars ($50) per person engaged in such examination, or a total fee of Ten Dollars ($10) per person per One Thousand Dollars ($1,000) of assets or fraction thereof, as reflected by the examination, whichever is lower. Such fees, together with all other fees, penalties or revenues collected by the Banking Department, shall be deposited
by said Department and shall be expended only for the expenses of said Department.”

Sec. 2. Section 21 of Chapter 87, Acts of the 33rd Legislature, Regular Session, 1913, as last amended by Chapter 375, Section 5, Acts of the 50th Legislature, 1947 (codified as Article 2481 of Vernon’s Texas Civil Statutes) is hereby amended to read as follows:

“Section 21. Dividends.

“A dividend may be paid from income which has been actually collected from the time the credit union began business to the close of the fiscal year next preceding such payment, after deduction of all expenses, losses and the amount required to be set apart to the statutory guaranty fund, to the close of said fiscal year. Before any such dividend may be paid, it shall first be declared at the annual shareholders’ meeting. Such dividend shall be paid on all fully-paid shares outstanding at the close of the fiscal year, but shares which become fully paid during the year shall be entitled only to a proportional part of said dividend, calculated from the first day of the month following such payment in full. Dividends due to a member shall be paid to him in cash or credited to the account of partly-fast shares for which he has subscribed. Dividends shall not exceed six percent (6%) per annum.”

Sec. 2. Section 22 of Chapter 87, Acts of the 33rd Legislature, Regular Session, 1913, as last amended by Chapter 384, Section 4, Acts of the 49th Legislature, 1945 (codified as Article 2484 of Vernon’s Texas Civil Statutes) is hereby amended to read as follows:

“Section 22. Guaranty Fund.

“From the net income of each credit union which has accumulated during the next preceding fiscal year there shall be set apart to a guaranty fund at least twenty percent (20%) of the net income which has accumulated during such period until such fund equals twenty percent (20%) of the aggregate of investments in shares and deposits. All entrance fees shall be added at once to the guaranty fund. The guaranty fund shall be held in cash or invested in securities approved by the Banking Commissioner, and shall not be used except upon permission of the Banking Commissioner to meet losses to the extent they exceed income, other reserves and undivided profits. Upon recommendation of the board of directors, the members at an annual meeting may increase the proportion of net income to be set apart to the guaranty fund.”

Sec. 4. Section 24 of Chapter 87, Acts of the 33rd Legislature, Regular Session, 1913, as last amended by Chapter 166, Section 4, Acts of the 33rd Legislature, 1953 (codified as Article 2484 of Vernon’s Texas Civil Statutes) is hereby amended to read as follows:


“Within thirty (30) days after the last business day of December of each year, every such association shall make to the Banking Commissioner a report in such form as he may prescribe, signed by the President, Treasurer, and a majority of the supervisory committee, who shall certify and take oath that the said report is correct according to their knowledge and belief. Said credit union shall pay to the Banking Commissioner at the time of the filing of this report the sum of Fifteen Dollars ($15) as a filing fee, unless said credit union shall have been chartered within the past six (6) months of the calendar year, in which case no filing fee shall be charged. Any such association that shall neglect to make the said report within the time herein prescribed shall forfeit to the State Five Dollars ($5) for each day during which said neglect shall continue. The Banking Commissioner may, however, for good cause shown, extend the time of filing of said report not more than sixty (60) days. All such associations shall be exempt from all franchise or other license tax; nor shall any intangible property of such associations be taxable by this State or any political subdivision thereof.”

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or ap-
plication, and to this end the provisions of this Act are declared to be severable.

Sec. 7. The fact that the present law provides for an inadequate amount to be set apart as a guarantee fund, and that the present law needs clarification which may be effective immediately with respect to the charging of losses and the income from which dividends may be paid, and the fact that credit union operations in this State have attained a great volume of investments in shares and deposits by the general public, a portion of which will be made more secure as soon as the foregoing amendments become effective, and the fact that at the present time credit unions have little or no reserves, which would affect the safety of the investments of the general public in times of economic depression, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. White moved to table the amendment by Mr. Joseph.

The motion to table prevailed.

House Bill No. 89 was then passed to engrossment.

HOUSE BILL NO. 89 ON THIRD READING

Mr. White moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yes—115</th>
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<tr>
<td>Anderson</td>
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<td>Boyles</td>
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| Cox | Mays |
| Crosthwaite | Moors of Tarrant |
| Day | Mullen |
| de la Garza | Murray |
| Dewey | Myatt |
| Dorsett | Oliver |
| Ellis | Parsons |
| Fenoglio | Paterson |
| Ferrell | Pipkins |
| Foreman | Poole |
| Forsyth | Pressler |
| Glass | Richardson |
| Goode | Roberts |
| Green | Russell |
| Hale | Sanders |
| Harrington | Schramm |
| Heady | Schwartz |
| Hollowell | Schulte |
| Holman | Shackelford |
| Holstein | Shannon of Erath |
| Hooks | Sharron |
| Hovey | Smith of Wheaton |
| Huffman | Snow |
| Hufford | Springer |
| Hughes of Grayson | Spillman |
| Hughes of Dallas | St. John of Galveston |
| Hutchins | Smith of Jefferson |
| Isacks, Miss | Spinks |
| Jackson | Stover |
| Jameson | Stovall |
| Johnson | Stovall |
| Jones | Strickland |
| Kennard | Sutton |
| Kennedy | Teague |
| Kilpatrick | Thomas |
| Koliba | Tunod |
| Korioth | Turman |
| Kothenmann | Walker |
| Latimer | Watson |
| Lee | Wheeler |
| McLendon | Wilson of Young |
| McDonald | Wilson of Potter |
| McGregor | Winnie |
| of McLennan | Woolley |
| McIlhany | Yeakel |
| Mann | Zbranek |
| Mayer | Baxley |

Nays—18

| Baxley | Joseph |
| Beam | Matthews |
| Blanchard | Puckett |
| Bullock | Sadler |
| Burkett | Sandahl |
| Cotten | Stuart |
| Drue | White |

Present—Not Voting
May 13, 1957  HOUSE JOURNAL 2695

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| Chapman  | Hughes of 
          | Grayson   |
| Clifton  | Hughes of 
          | Dallas    |
| Cloud    | Hutchins  |
| Cole     | Isabella, 
          | Miss      |
| Colley   | Jackson   |
| Conley   | Johnson   |
| Cory     | Jones     |
| Cotten   | Kelly     |
| Owen     | Kennard   |
| Cox      | Kennedy   |
| Crouchett| Kilpatrick|
| Day      | Kilby     |
| de la Garza| Litter    |
| Dewey    | Kothmann  |
| DuPias   | LaFleur   |
| Duncan   | Laurel    |
| Ehle     | Lee       |
| Elliott  | McCoppin  |
| Elias    | McDonald  |
| Ferguson | McGregor  |
| Forrell  | McGregor  |
| Foreman  | McElhany  |
| Forsyth  | Shannon of 
          | El Paso    |

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<tr>
<td>Kelly</td>
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          | El Paso    |
| McElhany | Smith of 
          | Harris     |
| Mann     | Smith of 
          | Tarrant    |
| May      | Smith of 
          | Tarrant    |
| Moore    | Smith of 
          | Hays       |
| Mullen   | Smith      |
| Murray   | Smith      |
| Myatt    | Smith      |
| Osborn   | Spillman   |
| Parish   | Stewart    |
| Parsons  | Storey     |
| Pipkin   | Strickland |
| Pool     | Sutton     |
| Pressler | Terrell    |
| Puckett  | Thorne     |
| Richardson| Tunnell   |
| Roberts  | Tunnell    |
| Russell  | Tunnell    |
| Sanders  | Walling    |
| Saul     | Watson     |
| Schramp  | Wheeler    |
| Schwartz | Wilson of  
          | Galveston  |
| Schwartz | Wilson of  
          | Potter     |
| Shevlinson| Winfree    |
| Shevlinson| Wooley    |
| Shevlinson| Yesak     |
| Shackleford| Zbnezek  |

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On motion of Mr. White, and by unanimous consent of the House, the Caption of House Bill No. 89 was ordered amended to conform with the body of the bill.

**RELATIVE TO H. R. No. 845**

Mr. Kelly moved to suspend all necessary rules for the purpose of setting H. R. No. 845 as a special order for 10:30 o'clock a. m. tomorrow.

The motion was lost not receiving the necessary two-thirds vote.
MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1867

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. B. No. 820, Authorizing the Texas Highway Department to expend money for the purchase of rights of way and right-of-way easements for United States and State designated Highways under certain conditions; and declaring an emergency. (With Amendments).

The Senate wishes to withdraw the request for a Conference Committee on H. B. No. 438. The Senate has concurred in House Amendment to H. B. No. 438 by a voice vote.

Respectfully,

CHARLES SCHNABEL, Secretary of the Senate.

HOUSE BILL NO. 851 ON SECOND READING

Mr. Mays moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 851.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 851.

H. B. No. 851, A bill to be entitled "An Act amending Section 69, as amended, Section 126, and Section 131, Chapter 421, Acts of the Fifty-fifth Legislature, Regular Session, 1867, by providing more definitely the motor vehicles required to be equipped with and to use, stop and turn signal lamps; by authorizing the use of lighting equipment of motor vehicles to warn of the presence of a vehicular traffic hazard; and declaring an emergency."

The bill was read second time.

Mr. Cotten offered the following amendment to the bill:

AMEND H. B. No. 851: Add to Section 1 a new subsection to be known as subsection C:

(c) The provisions of this act shall not apply to passenger automobiles.

The amendment was adopted.

A record vote was requested on the passage of H. B. No. 851 to engrossment.

House Bill No. 851 was then passed to engrossment by the following vote:

Year—65

Andersen
Bailman
Bartram
Bass
Blaine
Bojahn
Bullock
Burkett
Cline
Coll
Cole
Colley
Cotten
Cowan
Day
de la Garza
Dugas
Elliott
Ford
Foreman
Foreyth
Haile
Hedlin
Holman
Honey
Huffman
Huff
Hunter
Jackson
Johnson
Joseph
Kelly
Kennard
Laurel
McDonald
McFarland
Mays
McGregor
Atwell
Atwell
Balbom
Baldwin
Barnes
Bates
Beeley
Benson
Bristow
Byrd
Carr
Carroll
Carter
Cleveland
Cloud
Collins
Collins
Collins
Collum
Comy
Cox
Crockett
Cromwell
Crotwell

Yes—65

Dewey
Duff, Miss
Dungan
Dungan
Ehrle
Fenoglio
Ferrell
Glass
Green
Harrilligton
Hollowell
Holstein
Hogsett
Horner
Huskie
Jenkins
Johnston
Joseph
Keller
Kennard
Laurel
McDonald
McFarland
Mays
McGregor
Armour
Atwell
Atwell
Balbom
Baldwin
Barnes
Bates
Beeley
Benson
Bristow
Byrd
Cloud
Collins
Collins
Collins
Collum
Comy
Cox
Crockett
Cromwell
Crotwell

No—66

Andersen
Bailman
Bartram
Bass
Blaine
Bojahn
Bullock
Burkett
Cline
Coll
Cole
Colley
Cotten
Cowan
Day
de la Garza
Dugas
Elliott
Ford
Foreman
Foreyth
Haile
Hedlin
Holman
Honey
Huffman
Huff
Hunter
Jackson
Johnson
Joseph
Kelly
Kennard
Laurel
McDonald
McFarland
Mays
McGregor
Armour
Atwell
Atwell
Balbom
Baldwin
Barnes
Bates
Beeley
Benson
Bristow
Byrd
Cloud
Collins
Collins
Collins
Collum
Comy
Cox
Crockett
Cromwell
Crotwell
Huebner
Hughs of Grayson
Isaacks, Miss
Jackson
Jones
Kennedy
Kilpatrick
Korich
Kothmann
Latimer
McCopin
McGregor
Mcklein
Matthew
Myatt
Osborn
Parnish
Richardson
Lee
Absent
Baker
Blanchard
Bowers
Chapman
Ellis
Glusng
Goth
Heaty
Hooks
Hughes of Dallas
Jamison
Absent
Heasley
Talasek
Wohlford
Mr. Mays moved to reconsider the
H. B. No. 851 was passed
May 13, 1957
Hughes
Huebner
take up and have placed on its second
reading, H. B. No. 855.
Mr. Yezak moved that the regular
order of business be suspended to
take up and have placed on its second
reading and passage to engrossment,
H. B. No. 855.

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

H. B. No. 655, A bill to be entitled
"An Act to amend Section 2 of Arti­
cle 2709, Revised Civil Statutes, 1925,
as last amended by Chapter 412, Acts of
the 51st Legislature, 1949, to raise the
amount for aggregate salaries of all assistants
to the County Superintendents of Pub­
lic Instruction in certain counties,
providing a severability clause; and de­
clar ing an emergency."

The bill was read second time.

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

Committee Amendment No. 1
Amend House Bill No. 655 by strik­
ing out all below the enacting
clause and substituting in lieu of
the following:

Section 1. Section 2 of Article
2709, Revised Civil Statutes, 1925,
as last amended by Chapter 412,
Acts of the 51st Legislature, 1949,
shall be read as follows:

"Section 2. In making the annual
budget for County Administration ex­
pense, the County School Trustees
shall make an allowance out of the
State Available School Fund for the
salary and expense of the County
Superintendents and the same shall be
determined by the resident scholastic
population of the county, and the sal­
ary schedule as provided for in Section
1 of this Act. It shall be the duty
of the County Board of Trustees to
file the budget for County Administra­
tion expenses with the State Depart­
ment of Education on or before Sep­
tember first of each scholastic year,
the budget to be approved and certi­
fied to by the County Board of Edu­
cation and attested to by the County
Superintendent. The compensation
determined herein, provided for shall be paid
monthly upon the order of the Coun­
ty School Trustees; provided that
the salary for the month of Septem­
ber shall not be paid until the Coun­
ty Superintendent presents a receipt
from the office of the Chief State
School Officer showing that he has
made all reports required of him.
"The County Superintendent with the
approval and confirmation of the
County Board of Education, may employ a competent executive assistant to the County Superintendent and may employ such other assistants as necessary, provided the aggregate amount of the salaries of all assistants to the County Superintendent shall not exceed Eight Thousand Two Hundred Dollars ($8,200) per annum; provided that the counties having a population of more than one hundred thousand (100,000) according to the last Federal Census may employ a competent executive assistant to the County Superintendent and may employ such other assistants as necessary, provided that the aggregate amount of the salaries of all assistants shall not exceed Eight Thousand Eighty Dollars ($8,800) annually; and said Board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expense of the County Superintendents are paid, and the County Board of Education may make further provisions as it deems necessary for office and traveling expenses of the County Superintendent; provided that expenditures for office and traveling expenses of the County Superintendent shall not be more than One Thousand Eighty Dollars ($1,080) annually; and said Board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expense of the County Superintendents are paid, and the County Board of Education may make further provisions as it deems necessary for office and traveling expenses of the County Superintendent; provided that expenditures for office and traveling expenses of the County Superintendent shall not exceed One Thousand Eighty Dollars ($1,080) per annum and shall not be paid except upon notarized claims made upon forms filed with the County School Superintendent, and Approved by the County School Board.

"The office and traveling expenses of Superintendents may be paid from County Administration Funds, provided such expenses shall not exceed Fifty Dollars ($50) per Superintendent per month for Superintendents under the supervision of the County Superintendent; provided such Superintendents shall agree to work in cooperation within a given county for not to exceed nine (9) months."
Mr. Yezak moved to reconsider the vote by which H. B. No. 655 was passed to engrossment and to table the motion to reconsider. The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1957

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

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

H. B. No. 10, Relating to the regulation of certain persons who undertake to promote or oppose the passage of legislation by the Legislature or its approval or veto by the Governor: and declaring an emergency. (With Amendments).

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

S. J. R. No. 5, A Joint Resolution Proposing an amendment to Article IX of the Constitution of the State of Texas, by adding thereto a new section to be known as Section 5, to provide that the Legislature may authorize the creation of a Hospital District co-extensive with the incorporated limits of the City of Amarillo, Texas, authorizing the County of Potter to render
constitutional provisions of this Act; repealing laws and parts of laws in conflict therewith; and declaring an emergency.

S. B. No. 200, An Act providing Workmen's Compensation Insurance for certain employees of the institution and agency under the direction or government of the Board of Directors of Texas Technological College; authorizing the said institution and agency to be self-insuring; providing that the institution and agency shall administer this Act; prescribing the powers and duties of the Industrial Accident Board and of the institution and agency, adopting by reference certain Legislative Acts relating to Workmen's Compensation Insurance; etc., and declaring an emergency.

S. B. No. 231, An Act implementing the provisions of Article VII, Section 18 of the Texas Constitution, approved by vote of the people on August 22, 1947, and the amendment of said Article VII, Section 18, approved by vote of the people on November 6, 1956, by providing that bonds or notes hereafter issued pursuant to said constitutional provisions shall be registered by the Comptroller of Public Accounts; providing authority for refunding of all bonds or notes issued pursuant to said constitutional provisions of this Act; providing for the approval of such refunding bonds or notes by the Attorney General and registration by the Comptroller of Public Accounts; providing that all bonds and notes whether original or refunding, issued pursuant to said constitutional provisions or this Act shall be fully negotiable instruments, and making them authorized for investments and for securing public funds and exempting them from taxation; prescribing a solvency provision; enacting other provisions relating to the subject and declaring an emergency.

May 13, 1957

245, Sec. 1), or under any other law granting to such corporations the right to adopt and become subject to certain provisions of the Texas Business Corporation Act (Acts of the 54th Legislature, Regular Session, 1955, Chapter 641), and prescribing the procedure for such adoption, and containing a provision regarding conflicting laws; and amending Article 9.09 of Chapter 9 of the Insurance Code concerning filing of charter and amendments; and a provision declaring that the holding as unconstitutional of any part of this Act shall not affect the remainder; and declaring an emergency.

H. B. No. 231, An Act to declare the public policy of the State of Texas with respect to public education; to provide for further study and analysis as a basis for general reconsideration of the efficiency of the system in promoting the progress of pupils in accordance with their aptitudes and in furtherance of social order and good will; pending such reconsideration to authorize district and county Boards of School Trustees to provide for the continuation or establishment of units, facilities and curricula and the placement of pupils therein so as to assures the best practical educational curriculum and environment for the individual pupils consistent with the educational progress of others and the paramount function of the State's police power to assure social order, good will and the public welfare; and to prohibit such Boards from making or administering any order of reallocation of pupils without a finding by the Board or authority designated by it that such transfer or placement is as to each individual pupil consistent with the policies prescribed by this Act; authorizing transfer of pupils and funds from adjoining districts; authorizing assignment and reassignment of teachers; to establish the right of parents or guardians to withdraw children from public schools under certain conditions; to provide for appeals from the decisions of such Boards in certain cases; providing that nothing in this Act shall affect any action heretofore taken by any school district in this State covering the subject matter of this Act; and declaring an emergency.

H. B. No. 232, An Act amending Article 2875, Revised Civil Statutes of 1925, as amended so as to permit common school districts and/or common consolidated school districts with a scholastic population of three hundred (300) or more to requisition textbooks in the same manner as city and town superintendents; and declaring an emergency.


H. B. No. 348, An Act fixing the deadline for filing applications of candidates in elections for the office of county school trustee or trustee of any school district; fixing the time for printing of the ballots in such elections; making provisions relative to absentee voting in such elections; amending Article 2744a. Revised Civil Statutes of Texas 1925, as amended; repealing conflicting laws; and declaring an emergency.

H. B. No. 425, An Act authorizing cities to hold an election to authorize the use of proceeds of bond issues for other purposes where the purpose for which the bonds were voted has been accomplished by other means or has been abandoned; containing a saving clause; and declaring an emergency.

H. B. No. 527, An Act amending Section 3, Section 9 (A), Section 10, Section 12, Section 13, Section 17, Section 19, Section 19 (A), and Section 21, of Chapter 518, Acts of the Fifty-second Legislature, Regular Session, 1949, as amended by Chapter 224, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Chapter 176, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended by Chapter 329, Acts of the Fifty-fourth Legislature, Regular Session, 1955, providing for the issuance of negotiable bonds not exceeding the aggregate sum of Two Hundred Million Dollars ($200,000,000), to mature not later than forty (40) years from their date; providing that any bonds pre-
issued shall mature in accordance with their provisions; providing for the signatures and seal to be placed on the bonds; providing that for each year until December 1, 1966, sufficient money shall be set aside to pay the interest and principal due on all bonds, therefore issued and outstanding, and after December 1, 1966, all moneys received, or so much thereof as may be necessary, shall be used to pay the principal and interest on all outstanding bonds; etc., and declaring an emergency.

H. B. No. 667, An Act creating, as a temporary Court, the County Court at Law of Hunt County; prescribing the jurisdiction, terms and durations of the Court; limiting the jurisdiction of the County Court of Hunt County during the existence of the Court herein created; providing for the qualification, selection, and compensation of the Judge of the County Court at Law and for the selection and compensation of a Special Judge thereof; providing for the selection, designation, and compensation of other officers of the Court; making other provisions relative to the business and functioning of the Court; providing for severability; repealing conflicting laws; and declaring an emergency.

H. B. No. 876, An Act to amend Chapter 58, Acts of the Fifty-second Legislature, Regular Session, 1951, (codified as Article 236k-15, Vernon's Texas Civil Statutes), to provide an additional compensation to the District Attorney of the 79th Judicial District, and providing for payment thereof; to authorize the District Attorney of the 79th Judicial District, with approval of the Commissioners Courts of the counties comprising the 79th Judicial District, to appoint a First and Second Assistant District Attorney of said District, fixing their compensation, duties, and qualifications, and providing the manner of payment of their compensation; providing the Second Assistant shall serve for a term not to exceed December 31, 1958; to provide for special assignment of one of the Assistant District Attorneys to one or more counties in the 79th Judicial District and prescribe the manner of payment of his salary in this event; to authorize ap-
The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

Mr. Parsons moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 413.

There was no objection offered and it was so ordered.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 413, A bill to be entitled "An Act providing for release of interest and penalties on all State ad valorem taxes and on certain county ad valorem taxes that were delinquent on or before January 1, 1951, if paid before November 1, 1957: providing conditions for partial payment; releasing certain costs that have accrued or attached by reason of the delinquency; providing for publication and posting of notice of the contents of this Act; suspending conflicting laws; and declaring an emergency."

The bill was read second time.

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

House Committee Amendment No. 1

To House Bill No. 413

Amend House Bill 413 by striking out Section 2 and by inserting in lieu thereof the following:

"Sec. 3. Anyone availing himself of the full benefits of this Act shall be required to pay all State and county ad valorem taxes owed in the county in which payment is made, that were delinquent on January 1, 1951, and on which the period for bringing suit for their recovery has not expired. Anyone wishing to avail himself of the benefits of this Act with respect to any specific piece of real property, less than the entire property on which such delinquent taxes are due, shall be required to pay all unpaid State and county ad valorem taxes that were delinquent on that specific piece of property on January 1, 1951, together with a six per cent (6%) penalty on the total amount delinquent to be paid on the specific piece of property. Anyone desiring to pay at one time all the taxes delinquent on the specific piece of property shall do so and shall be entitled to the benefits of this Act with respect to the entire property on which such taxes are due."

H. C. R. No. 10, Requesting the Texas Legislative Council to study the Texas Constitution and make recommendations concerning revision and providing for the appointment of a Citizens Advisory Commission on the Constitution.


H. C. R. No. 106, Recalling H. B. No. 907 from the Senate.

S. C. R. No. 11, To grant Bl-Stone Fuel Company permission to sue the State.

S. C. R. No. 21, To grant Texas Southeastern Gas Company permission to sue the State.

S. C. R. No. 32, Authorizing the Board of Regents of the University of Texas to accept on behalf of the Medical Branch of the University of Texas at Galveston private funds for the construction of a small building.

S. C. R. No. 41, To grant Anastacio Vargas permission to sue the State.

S. C. R. No. 44, To grant Hoy H. Blythe permission to sue the State.

S. C. R. No. 49, To grant Lopeno Oil Company permission to sue the State.

S. C. R. No. 55, To grant Delphi-Taylor Oil Corporation permission to sue the State.

S. C. R. No. 57, To grant M. G. Selman and Jim H. Gordon permission to sue the State.

S. C. R. No. 62, To grant James Barton Brown permission to sue the State.

S. C. R. No. 66, To grant Sammie E. Glass and William R. Glass permission to sue the State.

RECESS

On motion of Mr. Sadler the House adjourned at 12:30 o'clock p.m. until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.
Committee Amendment to H. B. No. 413

Mr. Parsons moved to reconsider the vote by which H. B. No. 413 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 299 ON SECOND READING

Mr. Hughes of Dallas moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 299.

The motion prevailed.

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

H. B. No. 299, A bill to be entitled "An Act amending Section 5 of Chapter 400, Acts of the Forty-fourth Legislature, 1935, First Called Session, page 1589, as amended, compiled as Section 5 of Article 1111d, Vernon's Penal Code of Texas, and the same in hereby amended to add a new sub-section immediately following sub-section (b), to be numbered (b-1) and to read as follows:

"(b-1) Any applicant for license hereunder who has been subject to the terms and provisions of this Act and who has operated stores in this state for the period of Twelve (12) months ending the thirtieth day of November prior to the filing of said application for license and whose average annual sales per store do not exceed the sum of Two Hundred Thousand Dollars ($200,000.00) per store determined as herein provided shall have the right to elect to pay in lieu of the license fees specified above, license fees as follows:

1. Upon one (1) store the license fee shall be Four Dollars ($4.00);
2. Upon each additional store in excess of one (1), but not to exceed two (2), the license fee shall be Nine Dollars ($9.00);
3. Upon each additional store in excess of two (2), but not to exceed five (5), the license fee shall be Twenty-seven Dollars and Fifty cents ($27.50);
4. Upon each additional store in excess of five (5), but not to exceed ten (10), the license fee shall be Fifty-five Dollars ($55.00);
5. Upon each additional store in excess of ten (10), the license fee shall be One Hundred Dollars ($100.00).

Such fees are for the period of Twelve (12) months and, upon the issuance of any license after the first day of any one year, there shall be collected such fractional part of the license fee heretofore fixed as the remaining months in the calendar year (including the month in which such license is issued) bear to the twelve month period.

"With the application for license the applicant who elects the provisions of this sub-section shall make a report to the Comptroller of Public Accounts at his office in Austin, Travis County, Texas, properly sworn.
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to and executed by such applicant or its representative in charge which shall show the date such report was executed, the name under which such applicant transacts business, the period which the report covers, the total sales of all of applicant’s stores within the state for the period of twelve (12) months ending the sixteenth day of November prior to the filing of said application, the number of stores operated by applicant within the state during the same period, the average sales per store for such period as determined by dividing the total sales of all of applicant’s stores within the state for said period by the total number of stores operated by applicant within the state during the same period, and such other information as the Comptroller of Public Accounts may require. The Comptroller of Public Accounts may prepare and furnish a form prescribing the order in which the information required herein should be set out in said report, but the failure of any applicant electing the provisions of this sub-section to obtain such form from said Comptroller shall be no excuse for the failure to file a report containing all the information required to be reported herein.

"For the purpose of enabling the Comptroller, or his authorized representatives, to ascertain if an applicant electing to pay under this provision of this sub-section has reported all correct sales and paid the correct tax, the Comptroller or his authorized representatives are hereby authorized to have the right to inspect, audit, and examine any books and records of applicant. All books and records are to be kept for a period of two (2) years for the inspection at all times by the Comptroller or his authorized representatives. Said Comptroller may employ auditors or other persons to ascertain the correct average sales per store during said period, and a reasonable expense incurred by the Comptroller in such audit, and a 10% penalty must be added to the amount of the license fee which should have been paid as shown by audit made. Any applicant who fails to allow the Comptroller or his authorized representative the right to inspect, audit, or examine his books or records, or to pay audit fee or 10% penalty or keep records as required, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25.00 nor more than $500.00. Each day’s violation shall constitute a separate offense and incur another penalty. All audit fees collected by the Comptroller are hereby appropriated for his use in enforcement of this sub-section.

Section 2. The fact that the present law prescribing license fees for stores operated in the State of Texas works an unjust hardship and discriminates against the operators of stores with small volume and multiple units, constitutes an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and this rule is hereby suspended; and that this Act take effect and be in force from and after its passage and it is so enacted.

The amendment was adopted.

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

Committee Amendment No. 2
To H. B. No. 299

Amend House Bill No. 299 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Section 5 of Chapter 469, Acts of the Fortieth Legislature, 1935, First Called Session, page 1589, as amended, compiled as Section 5 of Article 1111d, Vernon’s Penal Code of Texas to add a new sub-section to be numbered (b-1): levying a schedule of license fees upon those who elect to comply with this Act: providing for a report to be filed with the Comptroller and prescribing the information to be contained therein: fixing the time and manner of making said reports; providing that an applicant shall be liable for a certain audit expense, upon failure or refusal to report properly: providing for a statutory penalty: appropriating audit fees to Comptroller for enforcement purposes: prescribing qualifications for eligibility to elect the provisions of this Act: and declaring an emergency.”
The amendment was adopted.

House Bill No. 299 was then passed to engrossment.

Mr. Hughes of Dallas moved to reconsider the vote by which H. B. No. 299 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 299 ON THIRD READING

Mr. Hughes of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 299 be placed on its third reading and final passage.

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

Yea—89
Anderson
Atwell
Baker
Ballman
Bass
Bell
Blair
Bowers
Bowen
Byrd
Chapman
Cline
Coley
Crow
Croughnall
Day
del Marca
Duff, Miss
Dugan
Dungan
Ehrle
Elliot
Foreman
Forrith
Glass
Goetz
Green
Hale
Harrington
Holman
Hooks
Howe
Huffman
Hughes of Grayson
Hughes of Dallas

Nay—40
Armor
Bishop
Blanchard
Braheer
Burkett
Cloud
Conley
Cory
Costen
Dewey
Doyle
Goggin
Graying
Heflin
Hollowell
Holstein
Huebner
Jackson
Joseph
Kerr
Kopol
LaRue
Lay
Lee
Mantin
Mays
Patterson
Ramsey
Walls
Walling
Welch

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1897

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

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

S. B. No. 145, Authorizing companies to amend their charters to operate trust companies with limited powers under supervision of the Banking Commissioner, and declaring an emergency.
S. B. No. 478 Authorizing the state youth council to relocate the site of the Blanchard School, etc., and declaring an emergency.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 367 ON PASSAGE TO ENGROSSMENT

Mr. Hutchins moved that the regular order of business be suspended to take up and have placed on its passage to engrossment, H. B. No. 367.

The motion prevailed.

The Speaker laid before the House, on its passage to engrossment, H. B. No. 367, a bill to be entitled "An Act amending and amending Sections 140, 141, and 142, Article XV, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, as amended by Chapter 290, Acts of the Fifty-Third Legislature, Regular Session, 1953, so as to include steering mechanism within its provisions, and declaring an emergency."

The bill having been read a second time on April 16, having failed to pass to engrossment on April 16 and the vote by which the bill failed to pass to engrossment having been reconsidered on April 29, 1957.

Mr. Hutchins offered the following amendment to the bill:

Amendment No. 1 to Committee Amendment No. 1

Amend Committee Amendment No. 1 to House Bill No. 367, by inserting the following sentence after the period in line 36 of the printed copy of the bill: "Such inspection shall not include wheel alignment."

The amendment was adopted.

A record vote was requested on the passage of H. B. No. 367 to engrossment.

House Bill No. 367 was then passed to engrossment having been reconsidered on April 29, 1957.

Yeas—76

Nays—46


Compensation contributions, engrossment, for benefits, and Section duration of on its second reading and in terms, of the Texas Unemployment Compensation Act, as amended, providing a penalty for failure to file certain reports; and to repeal subsection (1) of Section 16 and Section 20 of the Texas Unemployment Compensation Act, as amended, providing an effective date for this Act and its sections; providing for the repeal of all laws and parts of laws in conflict therewith and for preserving rights accrued thereunder; providing for the separability of provisions; and declaring an emergency."

The bill was read second time.

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

Committee Amendment No. 1
To H. B. No. 587
Amend Section 2 of H. B. No. 587, as originally introduced, by (1) striking out the first sentence of the paragraph beginning on the sixth line of page four of H. B. No. 587, as originally introduced and inserting in lieu thereof the following sentence: "If such employing unit has filed a notification with the Commission in accordance with this Section, an examiner shall make a determination as to whether the claimant is disqualified from receipt of benefits under Section 5 of this Act, as to any other laws affecting the claimant's right to receive benefits which may have arisen under any other provisions of this Act, and as to whether such employing unit's benefit wages shall include benefit wages of the claimant, and shall make a copy of the determination to the claimant and to such employing unit;" and (2) inserting after the word "final" and before the word "and" in the twenty-second line of page four of H. B. No. 587, as originally introduced, the following words: "for all purposes".

The amendment was adopted.

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

Committee Amendment No. 2
To H. B. No. 587
Amend Section 12 of H. B. No. 587, as originally introduced, by (1) striking out the paragraph on page fourteen of H. B. No. 587, as originally introduced, defining "Benefit year" and
inserting in lieu thereof the following paragraphs:

"(4) 'Benefit year,' with respect to any individual means the period of one year beginning with the day with respect to which his first valid initial claim is filed and, thereafter, the period of one year beginning with the day with respect to which his next valid initial claim is filed after the termination of his last preceding benefit year."

and (2) by inserting after the semicolon in line eighteen, on page fifteen, of H. B. No. 587, as originally introduced, in the paragraph defining "Employer", the following:

"(2) Any individual or employing unit which acquired the organization, trade, or business, or substantially all of the assets thereof, of another which at the time of such acquisition was an employer subject to this Act," and renumbering the remaining subparagraphs to correspond, that is "(3), "(4)" and "(5)."

The amendment was adopted.

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

Committee Amendment No. 3
To H. B. No. 587
Amend H. B. No. 587, as originally introduced, by deleting Section 8 on page 13 and renumbering succeeding Sections in accordance therewith.

The amendment was adopted.

Mr. Harrington offered the following amendment to the bill:

Amend H. B. No. 587 by adding to page 1 after line 22 and before line 23 the following paragraph:

"(b) Benefit amount for total unemployment. Each eligible individual who is totally unemployed in any benefit period, shall be paid with respect to such benefit period, benefits at the rate of one twenty-sixth (1/26) of his wages received from employment by employers during that quarter in his base period in which such wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar ($1), it shall be adjusted to the next higher multiple of One Dollar ($1); and

"(2) Such rate shall not be more than Thirty-one Dollars ($31) per benefit period nor less than Seven Dollars ($7) per benefit period."

Mr. McDonald moved to table the amendment by Mr. Harrington.

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. Harrington was lost by the following vote:

Yeas—42
Anderson, Matthew
Armstrong, May
Barreras, Hennes
Branham, Hennes
Buell, Osborn
Bishop, Parsons
Blanchard, Piggin
Bower, Pool
Browning, Preston
Bullock, Russell
Burkett, Sadler
Chapman, Sandahl
Cline, Sanders
Cloud, Saul
Conley, Schwartz
Dory, Schwartz
Dowen, of Washington
Crowell, Swepson
D artworks, Swepson
Dugas, Shannon
Eddie, Shaw
Foreman, Sheridan
Forysth, Slick
Healy, Smith of Hays
Helin, Spillman
Honey, Strickland
Hubner, Sutton
Jackson, Thurmond
Joseph, Tinsell
McDonald, Watson
McGregor, Wilson of Potter
of Mclennan

Nays—69
Baker, Holstein
Balmer, Hooks
Blaine, Huffman
Blystone, Huffer
Byrd, Hughes of Grayson
Bryan, Hughes of Dallas
Chesley, Hughes of Dallas
Cox, Huteshels
De la Garza, Isaacs, Miss
Dwyer, Jackson
Elliott, Jones
Epperson, Kelly
Glass, Kenneth
Gosling, Kennedy
Gooch, Kilpatrick
Hank, Koliba
Harrington, Korish
Hollowell, Kothmann
COMMITTEE MEETING

Mr. Parsons asked unanimous consent that the Committee on Game and Fisheries be permitted to meet at this time.

There was no objection offered.

A record vote was requested on the amendment by Mr. Harrington.

The amendment by Mr. Harrington was lost by the following vote:

Yea—64

Bailman
Bryan
Byrd
Coley
de la Garza
Dewey
Duff, Miss
Dungan
Ellis
Fensolio
Glass
Gots
Hale

Lee
McCoplin
McElhany
Moore of Harris
Mullen
Myatt
Parish
Oliver
Parish
Patterson
Richardson
Schram
Shackelford
Sherrill
Smith Of Jefferson
Moore of Harris
Stewart
Stewart
Stewart
Stuart
Stuart
Stuart

Yeas—46

Anderson
Armor
Avery
Bartram
Beck
Bell
Bishop
Blaine
Blankard
Bowers
Boyce
Brahe
Bullock
Walls

Nays—6

Ballman
Bryan
Byrd
Coley
de la Garza
Dewey
Duff, Miss
Dungan
Ellis
Fensolio
Glass
Gots
Hale

Lee
McCoplin
McElhany
Moore of Harris
Mullen
Myatt
Parish
Oliver
Parish
Patterson
Richardson
Schram
Shackelford
Sherrill
Smith Of Jefferson
Moore of Harris
Stewart
Stewart
Stewart
Stuart
Stuart
Stuart

Absent—Excused

Haensley
Tateck

Ford
Green
Johnson
Martin
Puckett
Ramsey
Roberts

Absent

Atwell
Brabear
Braddock
Cole
Duff, Miss
Dungan
Ellis
Farrell

Hensley
Welch

Johnson
Kearard
Lattimer
McDonald
McGregor
McGregor
McGregor
McGregor
Matthew
Moore of Harris
Murray

Richardson
Local
Welch

Ford
 ..........
Mr. Stroman offered the following amendment to the bill:

"Amend H. B. 587 by deleting sec. "b" or Section 17 on page 7 of the printed bill."

REQUEST FOR COMMITTEE MEETING

Mr. Strickland asked unanimous consent of the House that the Committee on Municipal and Private Corporations be permitted to meet at this time.

There was objection offered.

Mr. Lee offered the following substitute amendment for the amendment by Mr. Stroman:

"By striking the first sentence of sub-section "b" of "Section 17" and substituting in lieu thereof the following: "All criminal actions for violations of any provision of this Act, or of any rules or regulations issued pursuant thereto, shall be prosecuted by the Prosecuting Attorney in the County in which the offense is alleged to have occurred."

The substitute amendment was adopted.

The amendment, as substituted, was adopted.

House Bill No. 587 was then passed to engrossment.

HOUSE BILL NO. 587 ON THIRD READING

Mr. McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 587 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Anderson
Armstrong
Baker
Ballman
Bartlett
Bass
Bell
Bishop
Blaine
Boyd
Braxton
Bullock
Burd
Chapman
Cline
Cloud
Cole
Coley
Coley
Corley
Cory
Cowen
Craig
Crawford
Day
de la Garza
Dewey
Doff, Miss
Dogan
Duncan
Ehrle
Elliot
Elliott
Fenoglio
Foreman
Forstyth
Glass
Glasgow
Gooch
Green
Hale
Harrington
Healy
Hedson
Hollos	
Holtman
Hokanson
Honey
Hubner
Huffman
Hughes of Grayson
Hughes of Dallas
Hutchins
Ibarra
Jackson
Jamison
Jones
Jones
Joseph
Kelly
Kennard
Kennedy
Kilpatrick
Korinth
Kothmann
Kotthoff
Lee
Lee
McClain
McDonald
McGregor
McGregor
McGregor
McElhaney
Mann
Matthew
Mays
Moore of Harris
Moore of Tarrant
Mullen
Murrey
O'Donnell
Osborn
Parham
Parsons
Patterson
Pipkin
Pool
Presley
Russell
Sandahl
Sanders
Schrader
Schwartz
of Galveston
Schwartz
of Washington
Stelzenger
Shackelford
Shannon
of Tarrant
Shaw
Sherman
Sherrell
Slack
Smith of Hays
Smith of Jefferson
Spilman
Springer
Stewart
Storey
Stroman
Sudderth
Sutton
Terrell
The Chair then laid House Bill No. 587 before the House on third reading and final passage. The bill was read third time and was passed.

Mr. McDonald moved to reconsider the vote by which H. B. No. 587 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, May 13, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.

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

S. B. No. 143, Prohibiting the manufacture, sale and use of certain fireworks, etc.; and declaring an emergency.

S. B. No. 467, Authorizing eligible cities to issue refunding bonds; providing method of paying and securing such bonds; enacting other provisions relating to the subject . . . and to the issuance and payment of such bonds; and declaring an emergency.

Respectfully,

CHARLES SCHNABEL
Secretary of the Senate.

SENATE BILLS AND SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Bills and Senate Joint Resolution received from the Senate were today laid before the House and referred to the appropriate Committee, as follows:

S. J. R. No. 1, to the Committee on Constitutional Amendments.

S. B. No. 478 to the Committee on State Hospitals and Special Schools.

S. B. No. 166 to the Committee on Insurance.

S. B. No. 143 to the Committee on Criminal Jurisprudence.

HOUSE BILL ON FIRST READING

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

By Mr. Cory, (By Request):

H. B. No. 950, A bill to be entitled "An Act for the purpose of conserving the game and fishing resources of Calhoun County, Texas, under the authority of Article 3, Section 51 of the Constitution of Texas, by withdrawing certain areas of water, marsh islands and submerged land from sale or lease and setting the same aside for a public hunting and fishing area, subject to certain exceptions and restrictions; providing for injunctive relief; providing for the repeal of all laws or parts of laws in conflict therewith; providing for the severability of provisions and rules of construction; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Providing for Interim Employers and Other Interim Provisions of the House of Representatives

Mr. Cory offered the following resolution:

H. S. R. No. 479

Whereas, It is necessary that certain officers and employees of the
Resolved, That the Rules Committee of the House be hereby authorized to assign those officers and employees to the duties requiring their attention in compiling their tasks for such periods of time as in the judgment of said Committee will be necessary for them to continue their assignments, to complete their records for the permanent files of the House of Representatives, and to restore the furnishings and equipment of the House to good condition; and

Whereas, it is necessary that the Speaker make certain appointments following the sine die adjournment; be it further

Resolved, That the Speaker of the House is hereby authorized to make such interim appointments as have been previously authorized by Resolutions, Statutes, or Constitution, by filing the names of the persons appointed and the positions to which they are appointed with the Chief Clerk of the House and by entering such appointments in the Permanent Journal; and

Whereas, It is desirable that the Hall of the House of Representatives shall be kept open from 9:00 o'clock each morning until 5:30 o'clock each afternoon in order that visitors may have the opportunity of visiting the Hall of the House of Representatives; and be it further

Resolved, That the Rules Committee of the House is hereby authorized and empowered to name such interim employees as in their judgment they deem necessary to carry on any interim business of the House which may arise, to receive such visitors as may arrive, and to keep in a clean and orderly condition the Hall of the House of Representatives, the Committee Rooms on the first, second and third floors, and the Speaker's Office and Apartment, and said committee shall have the right to discharge such employees when in their judgment the best interests of the House of Representatives or State of Texas would best be served by so doing; and, be it further

Resolved, That each officer or employee retained under authority of this resolution shall receive the salary as determined by the Rules Committee but not more than the amount of salary as received for like work during this Session, to be paid out of any sum appropriated for the Contingent Expense Fund of the Regular Session of the Fifty-fifth Legislature, the amount to be paid by vouchers or warrants to be signed by the Speaker of the House and the Chairman or Vice-Chairman of the Committee on Contingent Expenses; and, be it further

Resolved, That the Hall of the House, all Committee Rooms and other rooms incident thereto on the first, second and third floors of the Capitol Building, and the furniture, fixtures, equipment, and other records of the House shall be in charge of and under the protection of the Speaker of the House after sine die adjournment of the Regular Session of the Fifty-fifth Legislature; and he shall have the authority to repair, restore or replace any furniture, fixtures, other furnishings, and equipment he deems necessary and appropriate to the dignity and good appearance of the Hall of the House, the committee rooms, the Speaker's Office and Apartment, and all other space in the Capitol set aside for the use of the House, same to be paid out of the Contingent Expense Fund of the House upon authority of the Speaker and the Chairman of the Contingent Expense Committee; and the Speaker is further authorized to delegate such protective custody to any person who in his judgment would properly perform such protective supervision in the absence of the Speaker; and, be it further

Resolved, That either the Chairman or Vice-Chairman of the Committee on Contingent Expenses shall quarterly receive mileage to Austin and return together with his other actual expenses during his stay in Austin to attend to the business of the House and also for the Committee on Contingent Expenses and Rules to receive actual expenses in Austin for a period of not more than five (5) days immediately following adjournment of this Session; and, be it further

Resolved, That two hundred and fifty (250) copies of the Permanent House Journal of the Regular Session of the Fifty-fifth Legislature, when completed with corrections and index, shall be printed and bound in
Presented by the Clerk.

Resolved, That there be printed in conjunction with the Senate for use of the Senate, a sufficient quantity of Legislative Manuals and supplementary thereto covering committees formed and procedures to be determined by the Chairman of the Contingent Expense Committee. Said Manual shall contain the Constitution of Texas, the Rules of the Senate, the Joint Rules of the House and Senate, all of which Rules shall be properly indexed and annotated; a list of the Standing Committees of the House and Senate, and the names of the Representatives and Senators, and their respective districts and may, contain a reproduction, in sections, of the panel picture of the Fifty-fifth Legislature. It shall contain the names of the officers of the House, the Senate and of the representatives of the press in attendance. A copy of the Legislative Manual shall be furnished to each Member of the Fifty-fifth Legislature and to new Members of the Fifty-sixth Legislature.

The cost of preparing, annotating, publishing, and binding said Manuals, shall be paid out of the Contingent Expense Fund of the House on a voucher or vouchers signed by the Speaker of the House and the Chairman or Vice-Chairman of the Committee on Contingent Expense; and, be it further resolved, Between sessions the Speaker and the employees designated by him are authorized to purchase any items which may be necessary in the judgment of the Speaker or the Chairman of the Contingent Expense Committee, for the performance of the duties and the keeping, of the records of the House, and answering inquiries of Members, and for any other matters which may be necessary to carry on properly such work between sessions; and, be it further resolved, That the Speaker and his family are hereby authorized to occupy the Speaker's apartment at any time he deems necessary during the interim, utilizing the services of regular interim employees of the House and others on a temporary basis if and as needed; and he is further authorized to obtain through the Contingent Expense Committee the necessary supplies to operate his office during the interim and also to have paid through that Committee necessary local and long distance telephone charges; and it is further resolved, That each Member of the House of Representatives of the Fifty-fifth Legislature be, and is hereby, allowed an additional Fifty Dollars ($50) each, with the Committee on Contingent Expense for expenditures of stationery, supplies, postage, telephone tolls, and telegraph tolls. Those Members that have exceeded the amount herefore authorized shall be entitled to have their
additional amount paid from the Contingent Expense Fund, but no more.

Mr. Strickland moved to suspend all necessary rules for the purpose of permitting the Committee on Municipal and Private Corporations to meet at this time.

The motion prevailed by the following vote:

Yeas—109

Anderson
Armour
Atwell
Baker
Bartram
Bell
Blunt
Boozer
Braheur
Byrd
Chapman
Cline
Cox
Crookshank
Dewey
Duff, Miss
Dungan
Eldridge
Ellis
Foreman
Fowyer
Glass
Green
Hale
Healy
Hedin
Hollowell
Holman
Holstine
Hooks
Honey
Huehner
Huffman
Huffoy
Hughes of Dallas
Hutchins
Isaacks, Miss
Jackson
Jamison
Johnson
Jones
Kelly
Kennard
Kennedy
Kilpatrick

Koliba
Korj subdiv
Laurel
McCoppin
McDonald
McGregor
McLeheaan
McGregor
Melhany
Mann
Matthew
Mays
Moore of Harris
Murray
Myatt
Oliver
Parish
Parron
Patterson
Pipkin
Pool
Prosser
Puckett
Roberts
Russell
Sandahl
Sanders
Schram
Schwartz
of Galveston
of Washington
of Sackelford
of Shannon
of Shannon
of Smith of Hays
of Smith of Jefferson
Horey
Huey
Hughes of Dallas
Hutchins
Isaacks, Miss
Jackson
Jamison
Johnson
Jones
Kelly
Kennard
Kennedy
Kilpatrick

Koliba
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Laurel
McCoppin
McDonald
McGregor
McLeheaan
McGregor
Melhany
Mann
Matthew
Mays
Moore of Harris
Murray
Myatt
Oliver
Parish
Parron
Patterson
Pipkin
Pool
Prosser
Puckett
Roberts
Russell
Sandahl
Sanders
Schram
Schwartz
of Galveston
of Washington
of Sackelford
of Shannon
of Shannon
of Smith of Hays
of Smith of Jefferson
The motion prevailed.

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

Committee Amendment No. 1

Amend House Bill No. 316 by striking all of the bill below the enacting clause and substituting the following in lieu therefor:

Section 1. Section 3 of Article II of the 54th Legislature, R. S., Chapter 104, p. 1980, (1975), codified as Article 7065b-14a of Vernon's Annotated Civil Statutes, is hereby amended to read and provide as follows:

"Provided, however, that the taxes levied by Sections 2 and 14 of Article XVII of Acts of the 47th Legislature, R. S., Chapter 184, (1941), as amended, codified as Articles 7065b-2 and 7065-14 of Vernon's Annotated Civil Statutes, shall not be applicable when motor fuel, liquefied gases, and other liquid fuels are used or consumed, or are to be used or consumed by a transit company (a) the greater portion of whose business is the transportation of persons within the limits of an incorporated city or town in conveyance designed to transport twelve (12) or more passengers; (b) which holds a franchise from such city or town; (c) whose franchise provides for or which otherwise pays to such city or town a franchise tax or a tax on its gross receipts; or (d) whose franchise is not subject to a franchise tax or a tax on its gross receipts.

"Where the first sale, distribution, or use of motor fuel, or the use of liquefied gases or other liquid fuels, in this State is to or by a transit company, and such company shall furnish to the distributor or seller, or to the Comptroller of Public Accounts, as the case may be, an affidavit to the effect that it possesses the aforementioned four (4) characteristics and that it will use such motor fuel, liquefied gases, or other liquid fuels only in the operation of its transit vehicles, the distributor or seller, or the Comptroller of Public Accounts, as the case may be, shall not collect from said transit company the taxes levied by Sections 2 and 14 of the aforementioned statute.

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 316 by striking all of the bill below the enacting clause and substituting the following in lieu therefor:

Section 1. Section 3 of Article II of the 54th Legislature, R. S., Chapter 104, p. 1980, (1975), codified as Article 7065b-14a of Vernon's Annotated Civil Statutes, is hereby amended to read and provide as follows:

"Provided, however, that the taxes levied by Sections 2 and 14 of Article XVII of Acts of the 47th Legislature, R. S., Chapter 184, (1941), as amended, codified as Articles 7065b-2 and 7065-14 of Vernon's Annotated Civil Statutes, shall not be applicable when motor fuel, liquefied gases, and other liquid fuels are used or consumed, or are to be used or consumed by a transit company (a) the greater portion of whose business is the transportation of persons within the limits of an incorporated city or town in conveyance designed to transport twelve (12) or more passengers; (b) which holds a franchise from such city or town; (c) whose franchise provides for or which otherwise pays to such city or town a franchise tax or a tax on its gross receipts; or (d) whose franchise is not subject to a franchise tax or a tax on its gross receipts.

"Where the first sale, distribution, or use of motor fuel, or the use of liquefied gases or other liquid fuels, in this State is to or by a transit company, and such company shall furnish to the distributor or seller, or to the Comptroller of Public Accounts, as the case may be, an affidavit to the effect that it possesses the aforementioned four (4) characteristics and that it will use such motor fuel, liquefied gases, or other liquid fuels only in the operation of its transit vehicles, the distributor or seller, or the Comptroller of Public Accounts, as the case may be, shall not collect from said transit company the taxes levied by Sections 2 and 14 of the aforementioned statute.

The bill was read second time.

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

Committee Amendment No. 1

Amend House Bill No. 316 by striking all of the bill below the enacting clause and substituting the following in lieu therefor:

Section 1. Section 3 of Article II of the 54th Legislature, R. S., Chapter 104, p. 1980, (1975), codified as Article 7065b-14a of Vernon's Annotated Civil Statutes, is hereby amended to read and provide as follows:

"Provided, however, that the taxes levied by Sections 2 and 14 of Article XVII of Acts of the 47th Legislature, R. S., Chapter 184, (1941), as amended, codified as Articles 7065b-2 and 7065-14 of Vernon's Annotated Civil Statutes, shall not be applicable when motor fuel, liquefied gases, and other liquid fuels are used or consumed, or are to be used or consumed by a transit company (a) the greater portion of whose business is the transportation of persons within the limits of an incorporated city or town in conveyance designed to transport twelve (12) or more passengers; (b) which holds a franchise from such city or town; (c) whose franchise provides for or which otherwise pays to such city or town a franchise tax or a tax on its gross receipts; or (d) whose franchise is not subject to a franchise tax or a tax on its gross receipts.

"Where the first sale, distribution, or use of motor fuel, or the use of liquefied gases or other liquid fuels, in this State is to or by a transit company, and such company shall furnish to the distributor or seller, or to the Comptroller of Public Accounts, as the case may be, an affidavit to the effect that it possesses the aforementioned four (4) characteristics and that it will use such motor fuel, liquefied gases, or other liquid fuels only in the operation of its transit vehicles, the distributor or seller, or the Comptroller of Public Accounts, as the case may be, shall not collect from said transit company the taxes levied by Sections 2 and 14 of the aforementioned statute.
"Where the first sale or distribution of motor fuel, liquefied gases, or other liquid fuels in this State is not to a transit company possessing the aforementioned four (4) characteristics, with the result that the distributor or seller has collected the taxes levied by Sections 2 and 14 of the aforementioned statute, but such motor fuel, liquefied gases, or other liquid fuels are thereafter sold or distributed to, or used by, such a transit company, such transit company may obtain a refund of the amount of taxes so paid on such motor fuel, liquefied gases, or other liquid fuels by conforming to the refund procedure set forth in Section 4 of Article XXII of Acts of the 52nd Legislature, 1951, as amended, codified as Article 7065b-13 of Vernon's Annotated Civil Statutes, and by furnishing to the Comptroller of Public Accounts an affidavit to the effect that it possesses the aforementioned four (4) characteristics and that it has used, or will use, such motor fuel, liquefied gases, or other liquid fuels only in the operation of its transit vehicles."

Section 2. The need to free transit companies of the type covered by this Act from double taxation for the use of the public streets creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and the same is hereby suspended, and this Act shall be in full force and effect from and after the date of its passage, and it is so enacted.

The amendment was adopted.

A record vote was requested on the passage of H. B. No. 316 to engrossment.

House Bill No. 316 was then passed to engrossment by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>73</td>
<td>57</td>
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1 Jour.—15
Mr. Cowen moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 316 be placed on its third reading and passed.

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

**Yeas:** 74

Anderson
Atwell
Baker
Bass
Bell
Bell
Bishop
Byrd
Chapman
Coles
Cowen
Crosthwaite
Day
De La Garza
Duff, Miss
Dugas
Dugas
Elliott
Foreman
Forayth
Glass
Glueck
Green
Hale
Harrington
Holman
Honey
Hoffman
Holler
Hughes of Grayson
Hughes of Dallas
Hughes

**Nays:** 48

Armstrong
Blanchard
Boysen
Braisher
Bullock
Cline
Cotten
Cox
Dewey
Ehrle
Ellis
Fenoglio
Fontes
Hedtig
Hollowell
Holtin
Hooks
Hubbard
Jackson
Joseph
Kelly
Kennedy
Lee
McCoppin
McGregor
McNutt
McNutt
Moore of Tarrant
Mullen
Oliver
Osborn
Parish
Parsons
Pipkin
Poll
Premo
Pressler
Puckett
Puckett
Rainey
Reed
Rice
Rheem
Rice
Russell
Sadler
Sanders
Scherer
Schwartz
Schwartz
Seeliger
Seeliger
Siddall
Simpson
South
Spilman
Sudderth
Sulli
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COMMITTEE MEETING

Mr. Schwartz of Galveston asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

HOUSE BILL NO. 519 ON SECOND READING

Mr. Terrell moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 519.

There was no objection offered and it was so ordered.

The Speaker laid before the House a bill to be entitled "An Act amending Sections 61, 62 and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06, and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain other provisions relative to the form of the ballot and the method of marking the ballot; and declaring an emergency."

The bill was read second time.

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

Amend Committee Amendment No. 1 to H. B. 519 by substituting in lieu thereof the following: Amend Committee Amendment No. 1 to H. B. 519 by substituting in lieu thereof the following:

Mr. Yeak moved to table the substitute amendment by Mr. Johnson.

A record vote was requested on the motion to table.

The motion to table the substitute amendment by Mr. Johnson was lost by the following vote:

Yea—59
   Bell  Isaac, Miss
   Bishop  Jackson
   Boyen  Jamison
   Bryan  Jones
   Chapman  Joseph
   Cloud  Kennedy
   Cole  Kothman
   Cotten  McGroger
   Cox  of El Paso
   Dewey  Melhany
   Duncan  Matthew
   Ebrie  May
   Fenoglio  Mullen
   Glass  Myatt
   Hale  Parish
   Healy  Richardson
   Hollowell  Sadler
   Holman  Schram
   Holstein  Schwartz
   Hooks  of Washington
   Huffman  Shannon
   Huffor  of Tarrant
   Hughes of Grayson Sherrill
A record vote was requested on the substitute amendment by Mr. Johnson. The substitute amendment was adopted by the following vote:

**Yeas—60**
- Anderson
- Armor
- Atwell
- Baker
- Bartram
- Bartram
- Bowers
- Burks
- Byrd
- Chapman
- Clay
- Conley
- Cory
- Creed
- Day
- de la Garza
- Dugan
- Elliott
- Ellis
- Hedges
- Honey
- Hughes of Dallas
- Hughes of Houston
- Hutchins
- Johnson
- Kelly
- Kennard
- Kilpatrick
- Ladner
- Laurel
- Lewis
- Lines
- McCooplin
- McDonald
- McGregor
- Milburn
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May 13, 1957

Committee Amendment No. 1 as substituted was lost.

Mr. Hollowell moved to reconsider the vote by which the Committee Amendment, as substituted was lost and to table the motion to reconsider.

The motion to table prevailed.

H. B. No. 519 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 519 ON THIRD READING

Mr. Terrell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 519 be placed on its third reading and final passage.

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

Yea—101
Anderson, Bartram
Baker, Bell

Nay—31
Army, Hughes of Dallas
Bass, Jackson
Blanchard, Johnson
Bowes, Joseph
Bullock, Kennedy
Covin, Laurel
Day, McDade
Dugan, McGregor
Ehrle, of McLennan

Korioth, Lee
Kothmann, McCoppin
McGregor, of El Paso
McIlhany, Mann
Matthew, Moore of Harris
May, Murray
Myatt, Myatt
Parish, Oliver
Richardson, Parsons
Roberts, Cullen
Sadler, Pitzer
Schram, Shannon
Schwartz, of Galveston
Shackelford, Shannon
Shannon, of El Paso
Shannon, of Tarrant
Shaw, Shaw
Smith of Hays, Smith of Jefferson
Smith of Hays, Spilman
Stewart, Stroyer
Strom, Strobel
Terrell, Terrell
Thurmond, Thurmond
Turner, Turner
Walling, Watson
White, White
Wilson of Young, Wilson of Potter
Winfree, Winfree
Woolley, Woolley
Woolsey, Yeak

Present—Not Voting
Blaine, Parsons
Forsyth, Shackelford
Hallman, Harrington
Brashear, Koliba
Bristow, Martin
Duff, Miss Ramsey
Ferrall, Sherrill
Ford, Wehling
Goetz,

Absent—Excused
Hensley, Welch
Talasek,

Committee Amendment No. 1 as substituted was lost.

Mr. Hollowell moved to reconsider the vote by which the Committee Amendment, as substituted was lost and to table the motion to reconsider.

The motion to table prevailed.

H. B. No. 519 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 519 ON THIRD READING

Mr. Terrell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 519 be placed on its third reading and final passage.

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

Yea—101
Anderson, Bartram
Baker, Bell

Nay—31
Army, Hughes of Dallas
Bass, Jackson
Blanchard, Johnson
Bowes, Joseph
Bullock, Kennedy
Covin, Laurel
Day, McDade
Dugan, McGregor
Ehrle, of McLennan

Korioth, Lee
Kothmann, McCoppin
McGregor, of El Paso
McIlhany, Mann
Matthew, Moore of Harris
May, Murray
Myatt, Myatt
Parish, Oliver
Richardson, Parsons
Roberts, Cullen
Sadler, Pitzer
Schram, Shannon
Schwartz, of Galveston
Shackelford, Shannon
Shannon, of El Paso
Shannon, of Tarrant
Shaw, Shaw
Smith of Hays, Smith of Jefferson
Smith of Hays, Spilman
Stewart, Stroyer
Strom, Strobel
Terrell, Terrell
Thurmond, Thurmond
Turner, Turner
Walling, Watson
White, White
Wilson of Young, Wilson of Potter
Winfree, Winfree
Woolley, Woolley
Woolsey, Yeak

Present—Not Voting
Blaine, Parsons
Forsyth, Shackelford
Hallman, Harrington
Brashear, Koliba
Bristow, Martin
Duff, Miss Ramsey
Ferrall, Sherrill
Ford, Wehling
Goetz,
Mays
Mullen
Puell
Flickett
Sanders
Saul

Absent
Atwell
Haltman
Bristow
Burkett
Ford
Glusing
Kelly

Absent—Excused
Henaley
Thranek

Mr. Terrell moved to reconsider the vote by which H. B. No. 619 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE
Austin, Texas, May 13, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives:

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

H. B. No. 721, Making it unlawful for any person to hunt, take, kill, or possess any game bird or game animal in Comal county, and other game regulations in said County, and declaring an emergency.

H. J. R. No. 37, Amending the Constitution of Texas, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State.

Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

HOUSE BILL NO. 640 ON SECOND READING

Mr. Walling (on Mr. Harrington's suspension) moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 640.

The motion prevailed.

The Speaker laid before the House, on its second reading and passage to engrossment, H. B. No. 640, A bill to be entitled "An Act amending Section 2 and Section 7 of Article 6228 (b) of the Revised Civil Statutes of Texas, being acts of the 51st Legislature, Regular Session, Chapter 59, page 281, as amended by the acts of the 52nd Legislature, Regular Session, Chapter 206, page 334, and as further amended by Chapter 74, page 335, of the acts of the 54th Legislature, Regular Session, 1955, and declaring an emergency."

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amdn H. B. No. 640 by adding new Sections 2 and 3, re-numbering all subsequent sections, said new sections 2 and 3 to read as follows:

Section 2. Section 4 of Article 6228a, Revised Civil Statutes of Texas, as amended by Acts 1951, 52nd Legislature, p. 334, ch. 206, sec. 1, is hereby amended so as hereafter to read as follows:

"Section 4. Any person who was, or but for the abolishment of such Court before the expiration of his term of office would have been, serving as a Judge of a Court of this State at the time the Retirement Amendment, House Joint Resolution No. 39, was adopted November 20, 1948, and who had served on one (1) or more of the Courts of this State at least ten (10) years, continuously or otherwise, and had attained the age of sixty-five (65) years at the time of the adoption of the Retirement Amendment, shall be deemed to come within the provisions of this law and be entitled to receive retirement pay under the same terms and limitations provided in Section 3 of this Act, regardless of whether he is now serving on a Court of this State. Any person who has served on one (1) or more Courts of this State as defined herein for twenty-four (24) years or more at any time, continuously or otherwise, provided that his last service prior to the date of retirement shall have been continuous for a period of not less than ten (10) years, shall likewise be en-
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tried to retirement pay under the provisions of this Act; provided, however, any person who has served four (4) or more years as Justice of the Peace in any Justice Precinct of the State of Texas prior to his service as a Judge of a Court of this State shall be entitled for such service as Justice of the Peace to a credit of two (2) years on the twenty-four (24) years of total service here-in required.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

The amendment was adopted.

Mr. Myatt offered the following amendment to the bill:

Amend H. B. No. 640 by striking the words "Section 7" wherever they appear and deleting all of Section 7, lines 31 through 40.

The amendment was adopted.

House Bill No. 640 was then passed to engrossment.

HOUSE BILL NO. 640 ON THIRD READING

Mr. Walling moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Anderson
Armour
Bishop
Blount
Blanchard
Brazhour
Bullock
Byrd
Chapman
Cline
Cole
Colley
Conley
Cory
Cowen
Cox
Crosthwaite
de la Garza
Dewey

Huffor
Hughes of Grayson
Hughes of Dallas
Husak, Miss
Jackson
Jambon
Johnson
Kelly
Kennard
Kennedy
Kilpatrick
Koliha
Koroth
Kothmann
Laurel
Lee
McCoy
McDonald
McGregor
of El Paso
McIntyre
Man
May
Moore of Harris
Mullen
Murray
Myatt
Oliver
Parish
Parsons
Patterson
Pipkin
Pool
Preister
Reynolds
Roberts

Sadler
Sandahl
Sanders
Schrans
Schwartz
Schwartz
Shackelford
Shannon of Erath
Shannon of Tarrant
Sheridan
Sick
Smith of Jefferson
Spillman
Springer
Stewart
Storey
Strickland
Stroman
Suddeth
Sutton
Tindall
Tunell
Turner
Walling
Watson
Wheeler
White
Wilson of Young
Winfrey
Welchford
Woolsey
Yenak
Zbranek

Nays—18

Baker
Bell
Boysen
Cloud
Day
Ehrle
Heflin
Hollowell
Holloway
Huebner
Huehner
Latimer
Matthew
Picket
Richardson
Russell
Shaw
Sherill

Present—Not Voting

Thurmond

Absent

Atwell
Ballman
Bartram
Bass
Bowers
Bratow
Bryan
Burkett
Cotton
Cord
Covington

Hutchins
McGregor
of McLennan
Martin
Moore of Tarrant
Osborn
Ramsey
Saul
Seeligson
Smith of Hays
Wilson of Potter
The Speaker then laid House Bill No. 640 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. Hale and by unanimous consent of the House, the Caption of House Bill No. 640 was ordered amended to conform with the body of the bill.

LOCAL AND UNCONTESTED BILL CALENDAR SET

Mr. Baker moved to suspend all necessary rules for the purpose of setting a Local and Uncontested Bill Calendar for next Wednesday at 9:00 o'clock a.m.

There was no objection offered and it was so ordered.

SENATE BILL NO. 143 ORDERED NOT PRINTED

Mr. Johnson moved to suspend all necessary rules for the purpose of not printing S. B. No. 143.

The motion prevailed by the necessary two-thirds vote.

HOUSE BILL NO. 153 WITH SENATE AMENDMENTS

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

H. B. No. 153, A bill to be entitled "An Act amending Section 19 of Chapter 35, Acts of the Thirty-ninth Legislature, Regular Session, 1935, as amended by Section 4 of Chapter 197, Acts of the Forty-fifth Legislature, First Called Session, 1937 (Codified as Article 7880-19) so as to prescribe the procedure for granting or refusing a petition for the organization of a water control and improvement district; authorizing the Board or Court to exclude from the proposed district lands that will not be benefited; authorizing the Court or Board to refuse to grant to the district powers which will not be needed or exercised but allowing districts to petition at a later time for such powers as are then needed and will be exercised; continuing in effect by repeating same the existing law governing creation of underground water districts; providing a saving clause; and declaring an emergency."

Mr. Saul moved to suspend all necessary rules for the purpose of not concurring in the Senate Amendment to H. B. No. 153, and for the purpose of requesting a Conference Committee to adjust the differences between the two Houses on H. B. No. 153.

The motion prevailed by the necessary two-thirds vote.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 153

The Speaker announced the appointment of the following Conference Committee on the part of the House on H. B. No. 153:

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

MESSAGE FROM THE SENATE

Austin, Texas, May 13, 1937

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. No. 30, Amending the Constitution of Texas to require that vacancies in the office of County Judge and Justices of the Peace be filled by the Commissioners Court only until the next General Election.


Respectfully,

CHARLES SCHNABEL,
Secretary of the Senate.

BILLS 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:

H. B. No. 68, An Act to amend Chapter 135, Acts of the Forty-fifth Legislature, 1937, as amended, (codified as Article 2443a, Vernon's Ann...
the qualifications of members; repealing all laws and parts of laws in conflict herewith; containing a severability clause; and declaring an emergency.

SENATE BILL ON FIRST READING

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

S. B. No. 487 to the Committee on Municipal and Private Corporations.

HOUSE BILL NO. 78 WITH SENATE AMENDMENTS

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

H. B. No. 70, A bill to be entitled "An Act relating to rehabilitation of slums and blighted areas in cities of the State of Texas; providing for a law to effectuate city slum rehabilitation to be called "Urban Renewal Law" and providing for its application; authorizing cities to plan and carry out city slum rehabilitation; granting cities power to effectuate city slum rehabilitation and making provisions as to their exercise of such power; prescribing regulations that cities must follow in effectuating the purposes of this Act; providing for financing of such rehabilitation programs; providing for acquisition, by purchase, condemnation or other procedures, and disposal of land necessary for rehabilitation; providing the city urban renewal agency or other public body shall bear the expenses of any relocation of facilities necessitated by the provisions of this Act; authorizing cities to work in conjunction with and encourage private enterprise to effectuate such rehabilitation and to work with other public bodies; providing that property owned by cities for purposes of this Act are exempt from taxes, levy and sale by execution; making other provisions relating to the rehabilitation of such slums and blighted areas; providing a severability clause; and declaring an emergency."

Mr. Kennard moved that all the necessary Rules be suspended for the
TEXT OF SENATE AMENDMENTS TO HOUSE BILL NO. 70

Senate Amendment No. 1
Amend H. B. 70 by changing the period at the end of sub-section (g) of Section 7 to a semi-colon and adding the following:

"provided further that if any owner of property in such area agrees to use such property in a manner not inconsistent with the purposes of the Urban Renewal Plan and the improvements on such property do not constitute a fire or health hazard, then such property shall not be subject to the powers of eminent domain. Any property owner shall have the right to contest before the City Council such powers of eminent domain as respects his individual ownership and shall have the right of appeal to the District Court with a trial de novo."


Senate Amendment No. 2
Amend H. B. No. 70 by adding a new section thereto to be numbered Sec. 22 and renumbering the preceding sections to read as follows:

"Provided, however, the original owner from which property was acquired hereunder by condemnation or through the threat of condemnation, shall have the first right to repurchase at the price at which same shall be offered."


Senate Amendment No. 3
Amend caption to conform to body of bill.


VOTES RECORDED

By unanimous consent of the House, Mr. Oliver was granted permission to be recorded as voting "yea" on the motion to occur in the Senate Amendments to H. B. No. 326, the vote being on May 9, 1967.

By unanimous consent of the House, Mr. Hale was granted permission to be recorded as voting "yea" on the motion to suspend the Constitutional Rule on S. B. No. 331 on May 9, 1967.

By unanimous consent of the House, Mr. Hale was granted permission to be recorded as voting "yea" on the vote on the passage of S. J. R. No. 9 on May 9, 1967.

RECESS

Mr. Holman moved that the House recess until 10:30 o'clock a. m. tomorrow.

Mr. Yesek moved that the House adjourn until 10:30 o'clock a. m. tomorrow.

Mr. Hollowell moved that the House recess until 7:30 o'clock p. m. today.

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

The motion to adjourn until 10:30 o'clock a. m. tomorrow was lost.

The motion to recess until 7:30 o'clock p. m. today was lost.

The motion to recess until 10:00 o'clock a. m. tomorrow prevailed.

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

"O God Thou hast said: Finally Brothers, Be perfect, be of good comfort, of one mind, live in peace; and the God of Love and peace shall be with you. Greet one another with a hearty hand shake. The grace of the Lord Jesus Christ, the love of God, and the Communion of the Holy Spirit, be with you all now and forever. —Amen"

The House, at 8:30 o'clock p.m. took recess until 10:00 o'clock a. m. tomorrow.
APPENDIX

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: H. B. No. 943.
Criminal Jurisprudence: S. B. No. 143.
State Affairs: H. C. R. No. 197.
State Hospitals and Special Schools: S. B. No. 478.
Public Health: S. B. No. 425.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 13, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 71, granting approval to the Board of Directors of the Agricultural and Mechanical College of Texas to expend certain funds received pursuant to provisions of Section 18, Article VII, Constitution of Texas, as amended.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 95, granting permission to Southern Kiddie Rides, Incorporated, to sue the State of Texas.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 105, authorizing the appointment of a Study Commission to consider the problems confronting public school education.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 108, recalling House Bill No. 967 from the Senate.
Has carefully compared same and finds it correctly engrossed.
HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1957
Hon. Waggoner Carr, Speaker of the House of Representatives.
Sir: Your Committee on Engrossed Bills to whom was referred
H. C. R. No. 109, suspending the Joint Rules.
Hon. Waggoner Carr, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 719, A bill to be entitled "An Act providing for the re-filing of Certificates of business Operating under Assumed Name; amending Article 69 24, Revised Civil Statutes of Texas, 1925, by adding thereto Sections numbered 2, 3, 4, 4a and 5, declaring the filing of all the Assumed Names hereby made null and void; providing right to re-file Assumed Name for certain period; providing for forfeiture of such right if not exercised within the certain period; providing for filing or re-filing of Assumed Name if no other person has sought to re-file such Assumed Name, regardless of whether or not the person seeking to file such Assumed Name has previously filed one; and Destruction of Assumed Name Certificates and Certificates of Withdrawal; providing for the giving of written notice to persons who have filed under provisions of the Act; making Sections 2, 3, and 4 of this Act applicable under certain conditions; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed. 

HERMAN YEZAK, Chairman.

Austin, Texas, May 6, 1967

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

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 746, A bill to be entitled "An Act setting squirrel season in Jasper, Newton and Tyler Counties and providing a closed season for hunting squirrels in County Commissioners Precinct No. 4 of Tyler County until January 1, 1968; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed. 

HERMAN YEZAK, Chairman.

Austin, Texas, May 9, 1967
Mr. Puckett offered the following resolution:

H. S. R. No. 465, In Memory of John Louie Senn.

Whereas, On April 9, 1951, the State of Texas and the City of Fort Worth, and Upshur County in particular, lost a useful citizen in the death of John Louie Senn; and

Whereas, John Louie Senn was killed instantly in an airplane collision while coming in for a landing at Meacham Field, Fort Worth; and

Whereas, John Louie Senn was born January 17, 1919 at Rosewood in Upshur County, Texas. He was the son of Ramsey and Madie Walker Senn; and

Whereas, He graduated from Gilmer High School in 1937. Worked as an auto Mechanic a few years and enlisted in the Army Air Force in January 1942 immediately following Pearl Harbor. He saw action in Algeria, French Morocco, Tunisia, Sicily, and the Italian Campaign. He was in Air Combat over Southern France also. He held the rank of Staff Sergeant upon his release from the Air Force and was an airplane inspector; and

Whereas, On February 22, 1945 he married the former Deloris Turner, a niece of Surry Turner who was a member of the Fiftieth and Fifty-first Legislatures; and

Whereas, His father died in August, 1952, he is survived by his wife, Deloris Senn, a son, John Edward and a daughter, Kathy of Fort Worth, Texas, his mother, Mrs. Madie Walker Senn and five sisters, Mrs. Neatye Faye Hill, Mrs. Eva Bland, Mrs. Mary Jo Shaw, Mrs. Bertha McCool, Gilmer, Texas and Mrs. Mary Jane Langford, Mesquite, Texas; now, therefore be it

Resolved, That the House of Representatives dedicate a page in the House Journal in his honor; 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 loving respect to Mr. John Louie Senn, and that copies of this Resolution be forwarded to members of the family.

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

John Lynch Lancaster, Jr.

Mr. Hughes of Dallas offered the following resolution:

H. S. R. No. 468, In Memory of John Lynch Lancaster, Jr.

Whereas, On May 4, 1967, Almighty God, in His infinite wisdom saw fit to call John Lynch Lancaster, Jr., to His eternal reward; and

Whereas, The City of Dallas, and the State of Texas lost a beloved citizen in the passing of John Lynch Lancaster, Jr., at the age of fifty-two years; and

Whereas, Mr. Lancaster was born in Jackson, Tennessee, but moved to Dallas in the State of Texas, twenty-seven years ago where he spent the remainder of his long colorful career as a distinguished member of the Dallas Bar, and a distinguished citizen of that City; and

Whereas, John Lynch Lancaster, Jr., was a man of great ability and a leader in his chosen field being an authority on airline damage suits, and possessing great skill as a trial lawyer. He was a partner in a highly respected law firm of Robertson, Jackson, Payne, Lancaster and Walker; and a leader in civic and welfare affairs; a charter member of the Southwestern Legal Institute and a distinguished member of the Dallas, Texas and American Bar Associations. He was a Roman Catholic, a member of Holy Trinity Catholic Church; and

Whereas, This fine man was well known throughout the State and was an inspiration to the lawyers of his Bar and loved and respected by all of his wide acquaintanceship; and

Whereas, The House of Representatives of the Fifty-fifth Legislature wishes to recognize and pay tribute to the outstanding life of John Lynch Lancaster, Jr.; Now, therefore, be it

Resolved, That copies of this Resolution be sent to the members of his family and that when the House adjourns this day it do so in respect to the memory of John Lynch Lancaster, Jr., and that a page of the House Journal be set aside in his memory.

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

The resolution was unanimously adopted by a rising vote.