THIRTY-FIFTH DAY
(Tuesday, March 14, 1967)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin Hightower
Bates Jordan
Bernal Kennard
Berry Mauzy
Blanchard Moore
Christie Parkhouse
Cole Patman
Connally Ratliff
Creighton Reagan
Grover Schwartz
Hall Watson
Hardeman Wilson
Harrington Word
Herring Word

Absent—Excused
Brooks

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Jordan.

Morning Call Dispensed With

On motion of Senator Hall and by unanimous consent the Morning Call was dispensed with.

Senate Bill 375 on Third Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up S. B. No. 375 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up S. B. No. 375 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19
Aikin Jordan
Bates Mauzy
Bernal Patman
Christie Ratliff
Cole Reagan
Connally Schwartz
Hall Watson
Hardeman Wilson
Harrington Word

Nays—8
Blanchard Moore
Grover Parkhouse
Herring Strong
Kennard Wade

Absent
Berry Hazlewood
Creighton

Absent—Excused
Brooks

The President laid before the Senate on its third reading and final passage:

S. B. No. 375, A bill to be entitled "An Act relating to re-establishing certain graduate programs leading to the Doctor of Philosophy degree at East Texas State University; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Strong, Blanchard, Herring, Parkhouse, Moore, Cole, Grover and Creighton asked to be recorded as voting "Nay" on the final passage of S. B. No. 375.

Senate Bill 285 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 285, A bill to be entitled "An Act providing for the sale of certain unsold school lands and the issuance of patent to the City of Port Arthur with all oil, gas, and
other minerals reserved to the State, along with leasing rights; and containing an emergency clause."

The bill was read second time and passed to engrossment.

Senate Bill 285 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 285 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29
Aikin
Bates
Bernal
Berry
Blanchard
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Herring
Hightower

Absent
Hazlewood

Absent—Excused
Brooks

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 14, 1967.

Hon. Preston Smith, President of the Senate.

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

H. C. R. No. 62, Congratulating the citizens of Albany and Shackelford County on their presentation of the "Fort Griffin Fandangle."

H. C. R. No. 58, Concerning the re-interment in a place of honor in the State Cemetery of Texas for the late Governor and Mrs. Joseph Draper Sayers.

H. C. R. No. 64, In memory of Karl Hoblitzelle.

S. C. R. No. 34, In memory of Vincent W. Miller.

H. B. No. 511, A bill to be entitled "An Act relating to commitment and admission of mentally ill and mentally retarded persons to community centers; and declaring an emergency."

H. B. No. 193, A bill to be entitled "An Act relating to the power of counties to dispose of county real estate; amending Article 1577, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act repealing Articles 7546 and 7553, Revised Civil Statutes of Texas, 1925, relating to the power of a Texas corporation to sell permanent water rights and to lease or rent water; repealing Article 7552, Revised Civil Statutes of Texas, 1925, relating to chartering a corporation for the purpose of constructing, operating, and maintaining improvements for storing and delivering water; and declaring an emergency."


Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives
Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
March 14, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred S. B. No. 499, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Watson by unanimous consent submitted the following reports:

Austin, Texas,
March 14, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 308, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Austin, Texas,
March 14, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 311, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senate Concurrent Resolution 39

Senator Reagan offered the following resolution:

S. C. R. No. 39, Ratifying proposed amendment to Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Whereas, The Eighty-ninth Congress of the United States of America, at the first session begun and held at Washington, D. C., Monday, January 4, 1965, by a constitutional two-thirds vote in both houses adopted a joint resolution proposing an amendment to the Constitution of the United States, to wit:

"Joint Resolution

"Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of
his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as the Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office;" now, therefore, be it

Resolved by the Legislature of the State of Texas, by the Senate and the House concurring:

Section 1. That the Legislature of the State of Texas hereby ratifies and adopts this proposed amendment to the Constitution of the United States.

Sec. 2. That the Secretary of State of Texas notify the President of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Administrator of General Services of the United States, and each senator and representative from Texas in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this concurrent resolution.

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution was considered immediately and was adopted.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 577, A bill to be entitled "An Act relating to the election by trustees of certain independent school districts; amending Section 2, Chapter 36, Acts of the 59th Legislature, Regular Session, 1965 (Article 2775f, Vernon's Texas Civil Statutes), and adding a new Section 4a; and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act to provide for the leasing of coal, lignite, sulphur and potash that may be upon and within surveys, and portions of surveys, that have heretofore been sold with all minerals reserved to the State; constituting the owner of the soil the agent of the State for the purpose of leasing such minerals, upon such terms as may be prescribed by the School Land Board; etc., and declaring an emergency."

Senate Bill 21 With House Amendment

Senator Ratliff called S. B. No. 21 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend S. B. No. 21 by inserting the word "Fine" between the words "Texas" and "Arts" wherever the same appears in the bill.

The House amendment was read.
Senator Ratliff moved that the Senate concur in the House amendment.

The motion prevailed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 14, 1967.
Hon. Preston Smith, President of the Senate.
Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 33, Inviting Ambassador Edward Clark to address a Joint Session of the 60th Legislature at his convenience.

H. C. R. No. 65, Commending the Scottish Rite Freemasons.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 40 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin  Hightower
Bates  Jordan
Bernal  Kennard
Berry  Mauzy
Blanchard  Moore
Christie  Parkhouse
Cole  Patman
Connally  Ratliff
Creighton  Reagan
Grover  Schwartz
Hall  Strong
Hardeman  Wade
Harrington  Watson
Hazlewood  Wilson
Herring  Word

Absent—Excused
Brooks

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senator Moore:
S. C. R. No. 40, Granting C. C. (Cecil) Adams et al. permission to sue the State of Texas.

Whereas, C. C. (Cecil) Adams, a resident of Houston, Harris County, Texas, and R. F. Adams, a resident of Houston County, Texas, are the joint owners of the following described tract or parcel of land situated in Houston County, Texas, and more particularly described as follows:

Being out of the Charles Richards League situated in Houston County, Texas, and being three acres of land deeded by R. H. Hyde to Aaron Hutchings and George Hutchings on January 8, 1878, the three acre tract or parcel of land is described as follows:

Beginning at the NE corner of the Robbins League;

Thence N 45 E 130 vrs to stake in field a Post Oak 10 in brs S 17 W 12 vrs a Hickory 6 in brs S 19 W 26 vrs both mdk X;

Thence S 45 E 130 vrs to stake in road a Post Oak 3 in brs S 76½ W 2 vrs another 8 in brs N 65½ E 3 both mdk X;

Thence S 45 W 130 vrs to stake a Hickory 10 in brs S 16 W 9 vrs a Post Oak 10 in brs S 85 deg W 11 vrs;

Thence N 45 W 130 vrs to place of beginning; and

Whereas, C. C. (Cecil) Adams and R. F. Adams went into immediate possession of the parcel of land above described after having acquired title thereto and have paid taxes thereon continuously since they acquired same and at all times have exercised possession and dominion over the premises; and

Whereas, The owners, C. C. (Cecil) Adams and R. F. Adams, cultivated a grove of Post Oak trees on the parcel of land above described with the intention of building retirement homes thereon and employing the grove of trees for the purpose of providing shade and beauty as well as a tasteful background for the homes planned; and

Whereas, Certain inmates of the Eastham State Farm, a unit of the Texas Department of Public Corrections, acting under instructions from the authorities of the aforementioned unit, entered upon the tract or parcel
of land above described some time during the year 1966 and such inmates cut and felled and removed the entire grove of Post Oak trees and leveled the entire parcel of land; and

Whereas, The owners of the property, C. C. (Cecil) Adams and R. F. Adams, never authorized the inmates of the Eastham State Farm or the authorities of said unit to enter upon the land and destroy the grove of trees; and

Whereas, C. C. (Cecil) Adams and R. F. Adams, the owners of the above described tract or parcel of land have suffered irreparable damage as the result of the unauthorized entry upon their property by the inmate employees of the Eastham State Farm since the site is no longer desirable as a place to build and erect retirement homes as planned by the owners; and

Whereas, The Director of the Texas Department of Corrections denies the above contenions and contends that the parcel of land in controversy belongs to the Texas Department of Corrections; and

Whereas, Such controversies should be determined and decided by the courts of this State; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said C. C. (Cecil) Adams and R. F. Adams be, and they are hereby, given permission to sue the State of Texas, in any court of competent jurisdiction in said State to determine the ownership of the tract or parcel of land above described as well as for damages suffered as the result of the occurrence above described; and be it further

Resolved, That service of citation and of any other legal process in such suit shall be had upon the Director of the Texas Department of Corrections and upon the Attorney General of the State of Texas, with service of process upon both of these officials to have the same force and effect as the service of process upon a Defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any such party in any such suit shall have the right of appeal as provided in other civil cases; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suit under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

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

Senate Bill 518 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—80

Aikin
Bates
Bernal
Berry
Blanchard
Christie
Cole
Connally
Grover
Hall
Hardeman
Harrington
Hazlewood
Herring
Yeas—30

Hightower
Jordan
Kendall
Mauzy
Moore
Parkhouse
Patman
Ratliff
Reagan
Schwartz
Strong
Wade
Wilson
Word

Absent—Excused

Brooks

The following bill was then introduced, read first time and referred to the Committee indicated:
By Senator Moore:
S. B. No. 518, A bill to be entitled “An Act relating to the cooperation between State and Federal agencies in the control of predation caused by predatory animals and birds; providing for enforcement by peace officers of competent jurisdiction; amending Section 1, Chapter 96, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 192b, Vernon’s Texas Civil Statutes); and adding a Section 14 to Chapter 96, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 1378a, Vernon’s Texas Penal Code); and declaring an emergency.”

To the Committee on Game and Fish.

Senate Resolution 247

Senator Schwartz offered the following resolution:

Whereas, In view of the presence in Texas of the most worthy and honorable George L-P Weaver, Assistant Secretary of Labor for International Affairs; and

Whereas, Mr. Weaver was born on May 18, 1912, in Pittsburgh, Pennsylvania; he received his elementary and secondary schooling in Dayton, Ohio; attended the YMCA School in Chicago (presently Roosevelt University) and Howard University Law School in Washington, D.C., and has spent most of his working life in the labor movement; and

Whereas, Mr. Weaver began working for the Congress of Industrial Organizations in 1941 as a member of the War Relief Committee; in 1942, he was named assistant to the CIO’s Secretary-Treasurer and Director of the CIO Civil Rights Committee; in 1958, he became assistant to the president of the International Union of Electrical, Radio and Machine Workers, where he directed the political education program and International Labor Affairs program; in October 1950, he served as Special Assistant to the Chairman of the National Security Resources Board and in 1951, he assisted in the reorganization of the Reconstruction Finance Corporation; and

Whereas, Mr. Weaver has been the recipient of the Eleanor Roosevelt Key for outstanding service to the world community; he was awarded an honorary degree of Doctor of Laws from Howard University, Washington, D.C., and he was the first American to be presented with the Malayan honorary award of the Panglima Mangku Mogara which he received personally from the Malayan Head of State; now, therefore, be it

Resolved by the Senate of the State of Texas, That the Honorable George L-P Weaver of Washington, D.C. be extended a most cordial and hearty Texas welcome and that he be honored for his outstanding contributions in the field of labor; and that he be invited to address the Senate on March 15, 1967.

SCHWARTZ
JORDAN
COLE
BERNAL
MAUZY
HARRINGTON

The resolution was read and was adopted.

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
March 14, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senate Concurrent Resolution 40
Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. C. R. No. 40 was ordered not printed.

House Concurrent Resolution 65
on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 65, Commending the Scottish Rite Freemasons.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the resolu-
tion was considered immediately and was adopted.

**Senate Joint Resolution 5 on Second Reading**

The President laid before the Senate as pending business S. J. R. No. 5 (the resolution having been read the second time on yesterday with an amendment by Senator Hardeman pending.)

Question—Shall the amendment by Senator Hardeman to S. J. R. No. 5 be adopted?

Pending discussion by Senator Hardeman of his amendment, Senator Bates occupied the Chair.

( President in the Chair.)

Question—Shall the amendment by Senator Hardeman to S. J. R. No. 5 be adopted?

**Recess**

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. took recess until 2:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:30 o'clock p.m. today.

**House Concurrent Resolution 64 on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 64, In memory of Karl Hoblitzelle.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

**House Concurrent Resolution 62 on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 62, Congratulating the citizens of Albany and Shackelford County on their presentation of the "Fort Griffin Fandangle."

The resolution was read.

On motion of Senator Ratliff and by unanimous consent the resolution

**House Concurrent Resolution 55 on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 55, In memory of Vincent W. Miller.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

**House Bills and Resolutions on First Reading**

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 396, to Committee on Agriculture and Livestock.

H. B. No. 133, to Committee on Counties, Cities and Towns.

H. B. No. 173, to Committee on Jurisprudence.

H. B. No. 1.29, to Committee on Jurisprudence.

H. B. No. 341, to Committee on State Affairs.

H. B. No. 65, to Committee on Game and Fish.

H. B. No. 286, to Committee on Agriculture and Livestock.

H. B. No. 52, to Committee on State Affairs.
H. B. No. 63, to Committee on Counties, Cities and Towns.

H. B. No. 269, to Committee on Education.

H. B. No. 268, to Committee on Education.

H. B. No. 109, to Committee on Counties, Cities and Towns.

H. B. No. 57, to Committee on Water and Conservation.

H. B. No. 29, to Committee on State Affairs.

H. B. No. 71, to Committee on Counties, Cities and Towns.

H. B. No. 149, to Committee on State Affairs.

H. B. No. 112, to Committee on Counties, Cities and Towns.

H. C. R. No. 30, to Committee on Contingent Expenses.

H. B. No. 174, to Committee on Water and Conservation.

H. B. No. 229, to Committee on Education.

H. B. No. 400, to Committee on Counties, Cities and Towns.

H. B. No. 450, to Committee on State Affairs.

H. C. R. No. 58, to Committee on State Affairs.

H. C. R. No. 52, to Committee on State Affairs.

H. B. No. 171, to Committee on Water and Conservation.

H. B. No. 346, to Committee on Counties, Cities and Towns.

H. B. No. 176, to Committee on Water and Conservation.

H. B. No. 253, to Committee on Water and Conservation.

H. B. No. 605, to Committee on Agriculture and Livestock.

H. J. R. No. 1, to Committee on Constitutional Amendments.

H. B. No. 102, to Committee on Counties, Cities and Towns.

H. B. No. 141, to Committee on Game and Fish.

H. B. No. 167, to Committee on Water and Conservation.

H. B. No. 235, to Committee on Game and Fish.

H. B. No. 244, to Committee on Game and Fish.

H. B. No. 233, to Committee on Counties, Cities and Towns.

H. B. No. 320, to Committee on Game and Fish.

H. B. No. 198, to Committee on State Affairs.

H. B. No. 140, to Committee on Water and Conservation.

H. B. No. 511, to Committee on Jurisprudence.

H. B. No. 36, to Committee on Jurisprudence.

H. B. No. 255, to Committee on State Affairs.

H. B. No. 429, to Committee on Game and Fish.

H. B. No. 528, to Committee on Education.

H. B. No. 522, to Committee on Game and Fish.

H. B. No. 310, to Committee on Jurisprudence.

H. B. No. 108, to Committee on State Affairs.

Senate Bill 519 on First Reading

Senator Schwartz by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin   Cole
Bates   Connally
Bernal  Creighton
Berry   Grover
Blanchard   Hall
Christie  Hardeman
The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Schwartz, Cole and Jordan:

S. B. No. 519, A bill to be entitled “An Act amending Acts 1941, 47th Legislature, Chapter 560, to make Act effective to additional governing bodies of the institutions named; to clarify the terms of such Act; to eliminate any restrictions on the subsequent issuance of bonds payable from building use fees authorized in other acts; authorizing the said governing bodies to refund bonds issued pursuant to said Act; extending the maximum maturity and altering interest rate limitation, and making such bonds eligible for investment purposes and security of public funds; validating bonds heretofore issued; providing for severability; and declaring an emergency.”

To the Committee on State Affairs.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 176, A bill to be entitled “An Act abolishing the office of County Superintendent, and transferring its duties to the County Judge, in certain counties; and declaring an emergency.”

Senate Joint Resolution 5 on Second Reading

The Senate resumed the consideration of the pending business, same being S. J. R. No. 5 on its second reading with an amendment by Senator Hardeman pending.

Question—Shall the amendment by Senator Hardeman to S. J. R. No. 5 be adopted?

Pending further discussion by Senator Hardeman of his amendment to S. J. R. No. 5, Senator Reagan occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Hardeman of his amendment to S. J. R. No. 5, Senator Bates moved that the Senate take recess until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, “Yeas” and “Nays” were demanded.

The motion was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bates</td>
<td>Aikin</td>
</tr>
<tr>
<td>Jordan</td>
<td>Geoer</td>
</tr>
<tr>
<td>Ratliff</td>
<td>Hall</td>
</tr>
<tr>
<td>Schwartz</td>
<td>Harrington</td>
</tr>
<tr>
<td>Wade</td>
<td>Hazlewood</td>
</tr>
<tr>
<td>Word</td>
<td>Herring</td>
</tr>
<tr>
<td>Yeas-14</td>
<td></td>
</tr>
<tr>
<td>Nays-14</td>
<td></td>
</tr>
</tbody>
</table>

Absent: Cole

Absent—Excused

Brooks

Welcome and Congratulatory Resolutions


S. R. No. 246—By Senator Herring: Extending welcome to the American Studies Class of Brown Ranch of Travis County.

S. R. No. 248—By Senator Word:
Extending welcome to members of Comal Garden Club of New Braunfels.

S. R. No. 249—By Senator Herring:
Extending welcome to ladies of the Texas Telephone Association Annual Convention.

S. R. No. 251—By Senator Grover:
Extending welcome to the Reverend Lee Porter of Bellaire.

S. R. No. 252—By Senator Word:
Extending welcome to Senior Class of Bandera High School.

Recess

Senator Christie moved that the Senate take recess until 10:40 o'clock a.m. in the morning.

Question on the motion to recess, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—14

Bates  Bernal

Nays—12

Akin  Moore
Grover  Parkhouse
Hall  Patman
Harrington  Strong
Herring  Watson
Kennard  Wilson

Absent

Berry  Hazlewood
Cole  Wade

Absent—Excused

Brooks

Accordingly, the Senate at 4:00 o'clock p.m. took recess until 10:40 o'clock a.m. tomorrow.
In Memory of

Lieutenant Marion Lee “Sandy” Kempner

Senator Schwartz by unanimous consent offered the following resolution:

(Senate Resolution 250)

Whereas, Marion Lee “Sandy” Kempner died in the service of his country in Viet Nam on November 11, 1966, due to injuries received in combat; and

Whereas, Lt. Kempner arrived in Viet Nam in July of last year, and in October, received the Purple Heart for wounds incurred in battle; then in November, while serving as platoon leader, he received critical wounds at Chu Lai during a heavy Viet Cong attack; and

Whereas, The life of Sandy Kempner was full of meaning and love, and those who knew him are better for his having lived and touched their lives; and that his willingness to give his life to preserve, protect and defend democracy and freedom for his fellow man is in the highest tradition of our Nation’s honor; and

Whereas, A special reading room with its own book collection has been created in the Rosenberg Library to perpetuate the purposes for which he lived and died; and

Whereas, It is the desire of the Senate to honor the memory of Lt. Marion Lee Kempner and to express its sympathy to his survivors; his parents, Mr. and Mrs. Harris L. Kempner; his paternal grandparents, Mr. and Mrs. I. H. Kempner; his maternal grandmother, Mrs. Marion Levy; one brother, Harris L. Kempner, Jr.; and one nephew, Harris L. Kempner III, all of Galveston; now, therefore, be it

Resolved by the Senate of the State of Texas, That it does hereby extend sincere sympathy to the family of Lt. Kempner; and that copies of this Resolution be sent to them by the Secretary of the Senate under the seal of the Senate; that a page in the Journal be set aside for this Resolution; and that when the Senate adjourns today, it do so in honor of Lt. Marion Lee “Sandy” Kempner.

The resolution was read and was adopted by a rising vote of the Senate.