THIRTY-NINTH DAY

(Wednesday, March 22, 1967)

The Senate met at 10:00 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        Herring
Bates         Hightower
Bernal        Jordan
Berry         Kennard
Blanchard     Mauzy
Brooks        Moore
Christie      Parkhouse
Cole          Patman
Connally      Ratliff
Creighton     Reagan
Grover        Strong
Hall          Wade
Hardeman      Watson
Harrington    Wilson
Hazlewood     Word

Absent—Excused
Schwartz

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 Schwartz was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Reports of Standing Committees

Senator Cole submitted the following reports:

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 361, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 381, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 393, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 421, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 425, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 435, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 483, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 511, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 512, 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.

COLE, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Senator Christie submitted the following reports:

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. C. R. No. 36, 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.

CHRISTIE, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 504, 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.

CHRISTIE, Chairman.
Senator Parkhouse submitted the following reports:

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 540, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 541, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 542, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 543, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 544, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 545, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 546, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 547, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 548, 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.
and Conservation, to which was referred H. B. No. 549, 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.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 618, 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 Cole submitted the following report:

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 398, 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.

COLE, Chairman.

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 101, 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 Cole submitted the following report:

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 398, 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.

COLE, Chairman.

BLANCHARD

REAGAN

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 464, 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.

HALL, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 104, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 104 was read the first time.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 509, 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.

HALL, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 104, 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.

HALL, Chairman.

Austin, Texas,
March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-
ties, Cities and Towns, to which was referred S. B. No. 522, 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.

HALL, Chairman.

Austin, Texas, March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 463, 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.

HALL, Chairman.

Austin, Texas, March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 232, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HALL, Chairman.

Austin, Texas, March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 133, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HALL, Chairman.

Austin, Texas, March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 383, 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.

HALL, Chairman.

Austin, Texas, March 21, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 434, 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.

HALL, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas, March 22, 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. 70, Congratulating the Tulia Hornets girls' basketball team.

H. J. R. No. 37, Proposing an Amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and State supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

H. J. R. No. 12, A Joint Resolution proposing an amendment to the Constitution of Texas adding a section to be known as Section 49-e of Article III, providing for the issuance and sale of bonds of the State of Texas to create the Texas Park Development Fund to provide for the acquisition of lands for State Park Sites and for developing said sites as State Parks; providing for the payment of such bonds; designating an agency to administer said Fund and to perform other duties prescribed by law; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

H. J. R. No. 3, House Joint Resolution proposing an amendment to Section 9, Article VIII, Constitution of the State of Texas, to provide that counties of over 500,000 popula-
tion may put all county taxes, except the additional road maintenance tax, into one general fund, without regard to the source or purpose of each tax.

H. B. No. 365, A bill to be entitled "An Act relating to adopting the Multistate Tax Compact; providing for membership on the Multistate Tax Commission, consultation with local government representatives, and creation of Multistate Tax Compact Advisory Committee; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolution Signed

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

S. C. R. No. 43, Memorial resolution for Neil A. Addington.

(Senator Harrington in Chair.)

Senate Bill 530 on First Reading

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

Absent—Excused

Schwartz

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

By Senator Herring:

S. B. No. 531, A bill to be entitled "An Act repealing the Stock Transfer Tax levied by Chapter 16 of Title 122A, "Taxation-General", Revised Civil Statutes (1925), as amended; fixing an effective date; and declaring an emergency."

To the Committee on State Affairs.

(President in the Chair.)
Senate Bill 532 on First Reading

Senator Parkhouse 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:

<table>
<thead>
<tr>
<th>Yeas—30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
</tr>
<tr>
<td>Bates</td>
</tr>
<tr>
<td>Bernal</td>
</tr>
<tr>
<td>Berry</td>
</tr>
<tr>
<td>Blanchard</td>
</tr>
<tr>
<td>Brooks</td>
</tr>
<tr>
<td>Christie</td>
</tr>
<tr>
<td>Cole</td>
</tr>
<tr>
<td>Connally</td>
</tr>
<tr>
<td>Creighton</td>
</tr>
<tr>
<td>Grover</td>
</tr>
<tr>
<td>Hall</td>
</tr>
<tr>
<td>Hardeman</td>
</tr>
<tr>
<td>Harrington</td>
</tr>
<tr>
<td>Hazlewood</td>
</tr>
<tr>
<td>Herring</td>
</tr>
<tr>
<td>Herrington</td>
</tr>
<tr>
<td>Hightower</td>
</tr>
<tr>
<td>Absent—Excused</td>
</tr>
<tr>
<td>Schwartz</td>
</tr>
</tbody>
</table>

By Senator Parkhouse:

S. B. No. 532, A bill to be entitled "An Act amending Article 5.33 of Chapter 5 of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, page 868) by changing the basis upon which the State Board of Insurance is authorized to give each city, town, village or locality credit for reducing fire hazards; and declaring an emergency."

To the Committee on Insurance.

Senate Bill 533 on First Reading

Senator Reagan 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:

<table>
<thead>
<tr>
<th>Yeas—30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
</tr>
<tr>
<td>Bates</td>
</tr>
<tr>
<td>Bernal</td>
</tr>
<tr>
<td>Berry</td>
</tr>
<tr>
<td>Blanchard</td>
</tr>
<tr>
<td>Brooks</td>
</tr>
<tr>
<td>Christie</td>
</tr>
<tr>
<td>Cole</td>
</tr>
<tr>
<td>Connally</td>
</tr>
<tr>
<td>Creighton</td>
</tr>
<tr>
<td>Grover</td>
</tr>
<tr>
<td>Hall</td>
</tr>
<tr>
<td>Hardeman</td>
</tr>
<tr>
<td>Harrington</td>
</tr>
<tr>
<td>Hazlewood</td>
</tr>
<tr>
<td>Herring</td>
</tr>
<tr>
<td>Herrington</td>
</tr>
<tr>
<td>Hightower</td>
</tr>
<tr>
<td>Absent—Excused</td>
</tr>
<tr>
<td>Schwartz</td>
</tr>
</tbody>
</table>

By Senator Reagan:

S. B. No. 533, A bill to be entitled "An Act changing the name of Texas College of Arts and Industries at Kingsville, Texas, to Texas A&I University at Kingsville, Texas; making all laws and agreements heretofore or hereafter enacted applicable to said institution under its new name; providing that all legislative acts and appropriations for the benefit of the Texas College of Arts and Industries shall be applicable to and shall benefit the Texas A&I University; providing that funds allocated to and bonds issued by and on behalf of the Texas College of Arts and Industries under the Constitution shall be allocated to and issued by the Texas A&I University; ratifying, confirming and validating all bonds and notes heretofore issued in the name of the Texas College of Arts and Industries; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Education.

Senate Bill 534 on First Reading

Senator Cole 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:

<table>
<thead>
<tr>
<th>Yeas—30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
</tr>
<tr>
<td>Bates</td>
</tr>
</tbody>
</table>
The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Cole:

S. B. No. 534, A bill to be entitled "An Act to amend Article 3909, Revised Civil Statutes of Texas, 1925, as enacted by Acts 1876, relating to the fees which are received by officers, by adding a new Section specifying certain officers to which said Article 3909 does not apply; and declaring an emergency."

To the Committee on Jurisprudence.

House Bill 464 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 464 was ordered not printed.

Senate Bill 535 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 535, A bill to be entitled "An Act authorizing the creation, establishment, maintenance and operation of a Hospital District within the territory of the Blanco Independent School District lying in Blanco and Kendall Counties, Texas, pursuant to Article IX, Section 9, Constitution of Texas, to be known as Blanco Memorial Hospital District; defining the boundaries; finding the boundaries form a closure; defining rights, powers, authority, duties and responsibilities of District; providing for an election and procedure to authorize creation of District with authority to levy annual taxes at not to exceed seventy-five cents on one hundred dollar valuation of all taxable property within District to pay bonds and maintenance and operating expenses and for improvements and additions to the hospital system; providing for subsequent elections; providing for Board of Trustees and for their qualifications and bonds; naming the first Board of Trustees; providing for trustee elections; providing for trustees to fill vacancies; providing for the organization of the Board of Trustees; providing for a secretary pro tem; providing for employment of engineers, architects, attorneys, auditors and other employees; providing for the administration of the hospital system; providing for an administrator and assistant; providing for contracts for care of persons; providing for contracts for establishment or continuation of retirement programs; providing for accounting and control procedures and audits; providing for the power of eminent domain within the boundaries of the District; providing for depositories and related matters; providing for care of eligible needy and indigent persons; providing for determination of patients ability to pay and related matters and for rights and remedies in connection therewith; providing for the issuance of bonds and refunding bonds of the District and levy of taxes therefor; providing for authorization and execution of bonds and refunding bonds and for the approval by the Attorney General and registration by the Comptroller and for the incontestability of such bonds and refunding bonds; providing for the option of adopting the provisions of the general law applicable to water control and improvement districts, except where in conflict, pertaining to the powers, privileges, authority and duties related to taxation and the mechanics of assessing, equalizing and collecting taxes and related matters; providing for the option of adopting the laws and proceedings applicable to Blanco Independent School District for the rendition, assessment, equalization, levy and collection of taxes and using the tax rolls of such School District within the area of the Hospital District; adopting the ad valorem plan of taxation; providing for acceptance of gifts, dona-
tions and endowments; providing District to be a political subdivision of the State; providing for purchasing procedures; providing for tax-free status of District and its bonds and related matters; providing bonds and refunding bonds to be eligible investments; finding that requirements of notice of Article IX, Section 9, Constitution of Texas, have been accomplished; providing a severability clause; finding a benefit to all lands and taxable property within the District; and enacting other provisions related to the aforementioned subjects; authorizing the use of net revenues for hospital purposes and to be used to pay principal and interest on bonds or refunding bonds or to be used for sinking funds or to comply with requirements of the authorizing order or resolution and defining the term "net revenues"; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 536 on First Reading

Senator Brooks 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—31
Aikin                                          Hightower
Bates                                          Jordan
Bernal                                         Kennard
Berry                                          Mauzy
Blanchard                                     Moore
Brooks                                         Parkhouse
Christie                                      Patman
Cole                                          Ratliff
Connelly                                      Reagan
Creston                                      Schwartz
Grover                                       Strong
Hall                                         Wade
Hardeman                                      Watson
Harrington                                  Wilson
Hazlewood                                    Word
Herring

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

By Senator Harrington:
S. B. No. 537, A bill to be entitled "An Act relating to increasing the membership of the Texas State Board of Plumbing Examiners to nine members; amending Chapter 115, Acts of the 50th Legislature, 1947 (Article 6243-101, Vernon's Texas Civil Statutes), by adding a Section 4A; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 301

Senator Aikin offered the following resolution:

Amend Senate Rule 99 to include the Secretary of State.

The resolution was read and was adopted by the following vote:

Yeas—30
Aikin                                          Bates
The President announced the appointment of the following as a Committee pursuant to the above resolution to notify the Secretary of State:

Senators Blanchard, Hall and Herrin.

Report of Special Committee

The Committee to notify the Secretary of State of the provisions of S. R. No. 301 appeared at the Bar of the Senate and Senator Blanchard for the Committee notified the President and the Members that the Committee had completed the duties assigned and requested that the Committee be discharged.

The President discharged the Committee.

Senate Resolution 302

Senator Hightower offered the following resolution:

Whereas, Students of the Masonic Home and School at Fort Worth will be in Austin Thursday for a visit to the State Capitol; and

Whereas, The Senate of the State of Texas extends a welcome to the students and their escorts; and

Whereas, Members from the very fine Masonic Home and School choir will be among the visitors; and

Whereas, The Senate of the State of Texas takes great interest in the work and accomplishments of the young citizens of Texas; now, therefore, be it

Resolved, The Senate of the State of Texas does hereby request the members of the choir to honor its chamber by a performance on the Senate floor.

HIGHTOWER
KENNARD
CREIGHTON
HALL

The resolution was read and was adopted.

Resolutions Signed

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

H. C. R. No. 67, Granting either House permission to adjourn from Thursday, March 23, 1967 to Tuesday, March 28, 1967.

H. C. R. No. 68, Memorial resolution for Neil A. Addington.

Committee to Escort The Honorable Edward Clark to the Joint Session

The President announced the appointment of the following as a Committee to escort The Honorable Edward Clark, Ambassador to Australia, pursuant to the provisions of S. C. R. No. 33:

Senators Hardeman, Aikin, Reagan, Bates and Hazelwood.

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
March 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred S. B. No. 535, 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.

HALL, Chairman.
WORD
CHRISTIE

Senate Bill 535 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 535 was ordered not printed.

House Bill 540 Ordered Not Printed

On motion of Senator Brooks and
by unanimous consent H. B. No. 540 was ordered not printed.

House Bill 541 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 541 was ordered not printed.

House Bill 542 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 542 was ordered not printed.

House Bill 543 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 543 was ordered not printed.

House Bill 544 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 544 was ordered not printed.

House Bill 545 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 545 was ordered not printed.

House Bill 546 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 546 was ordered not printed.

House Bill 547 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 547 was ordered not printed.

House Bill 548 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 548 was ordered not printed.

House Bill 549 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 549 was ordered not printed.

House Bill 618 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 618 was ordered not printed.

Motion to Recess

Senator Hardeman moved that the Senate take recess to 2:00 o'clock p.m. today subject to the Joint Ses-

sion to hear The Honorable Edward Clark.

Joint Session

(To hear address of The Honorable Edward Clark, Ambassador of the United States to Australia)

The President announced at 10:50 o'clock a.m. the time had arrived to hear an address by the Honorable Edward Clark, pursuant to the provisions of S. C. R. No. 33.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Platform.

The Honorable Edward Clark, Ambassador of the United States to Australia, was escorted to the Speaker's Rostrum by Senators Hardeman, Aikin, Reagan, Bates and Hazlewood, on the part of the Senate, and Representatives Cavness, Armstrong, Cain, Foreman, Howard, Field, Burgess, Birkner, Carrillo and Murphy.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable Ben Barnes, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The Speaker announced the purpose of the Joint Session and gave a resume of the Mr. Clark's life and history up to the present time and of his service to his native State of Texas.

The Speaker then presented The Honorable Edward Clark as a native son and a member of a distinguished family of Texas.

Ambassador Clark then addressed the Joint Session as follows:

Mr. President of the Senate, Mr. Speaker of the House, Members of
the Legislature, Ladies and Gentlemen:

"In the past eighteen months many exciting things have happened to me. I have literally walked with Kings and sat in the seats of power, but to a Texas boy can come no greater thrill than to be invited to stand on this podium and address the most august body in the world—the Joint Session of the Texas Legislature.

"In 1923, I came here accompanied by my Grandfather Edward Dennis Downs, member of the 38th Legislature. Ten years later, I sat in the gallery as an Assistant Attorney General, member of the staff of Attorney General, Governor and Judge, James V. Allred—God Rest His Soul.

"For the next six years as Assistant Attorney General, Assistant to the Governor, as the Texas Secretary of State, I watched our proceedings and sometimes attempted to influence your actions in what, I thought, was the public interest. I have never been a member. From 1939 to 1965, I practiced law here in Austin. The actions of this Body were part of my life, one of my main interests. I often sat in the galleries and listened to the great and near-great who were asked to address you. Never did I think I should deserve this honor, and I am humbled to think I am addressing the Body before whom appeared such patriots and statesmen as Houston, Hogg and Allred.

"Perhaps I don't deserve it now but here I stand, happy, proud, still a Texan—who feels like that great and distinguished compatriot, Governor William P. Hobby, who once told me, 'Had I the choice, I'd elect to be a life member of the Texas Senate—There I feel I could be the greatest influence for the good in the whole U. S. A.'

"Today I come to bring you a few thoughts I have collected since I left home a year and a half ago. There is a saying 'That he who travels never goes all the way home.' I find that completely true.

"Before I departed for Australia in 1965, President Johnson told me that he didn't want me to be United States Ambassador to Canberra. He wanted me to get out and 'get with' the Australian people. That I have done.

"In doing so, I have travelled 150,000 miles within Australia. I have visited every Australian State from the little island State of Tasmania in the extreme South to Queensland's tropical sugar cane and fruit growing country in the North. I have seen the beautiful harbour of Sydney, N.S.W. on the Western shores of the Pacific Ocean and Perth in Western Australia which looks out over the vast reaches of the Indian Ocean.

"I have been to all of the State capitals and most of the major centers of population. I have visited Alice Springs, the picturesque city which dominates the great central desert area of the Northern Territory and which was made famous by the Australian author Nevil Shute in his book "A Town Called Alice." I have been to Kalgoorlie in Western Australia, the great gold and silver and copper mining center where President Herbert Hoover as a young mining engineer spent some of his years as a young man. I have been to Darwin and the great Northern Territory, to the Territory of Papua and New Guinea where many of our American soldiers and the Australian Diggers fought during World War II; and I have been to Norfolk Island, an Australian territory some 1800 miles off Australia's east coast.

"Also, while I'm on the subject of travel, I have been to the Antarctic Continent and to the South Pole. I was interested in our scientific cooperation, not only with Australia on that vast continent, but also with our Russian, New Zealand, Argentinean, British, and French scientific colleagues.

"I shall certainly never be the same person after the experiences that I've had. When I was in Perth and stood on the edge of the Indian Ocean, I was as far away from Washington, D.C. as an Ambassador of the United States can possibly be, and I found myself thinking can this be me, Ed Clark of San Augustine, standing here. It was like Rupert Brooke, poet of World War I, saying—If I should die there'll be some corner of a foreign land that is Forever England—If they ever have to bury me abroad—God forbid—there'll be a corner 'Forever Texas.' I have often been accused of being not the Ambassador of the United States, but the Ambassador of Texas. Like the man who threw the rock at the cat and hit his mother-in-law—I say 'Not so bad after all.'

"When I speak of 'never going all
try—which was formerly French Indo-
medical, agricultural, technological.

utes in the hundreds, daisies bloom-
has troops, ships and airplanes there.

remind me of Texans—they are great
people—our kind.

in the garden, and the heretofore
dogwood flowered in October.

Christmas came with the tempera-
foreigner or had a drink of anything
went down. There were animals, trees
that Ben Ramsey and I couldn't
were speaking in a brand of English

30 years later, when I disem-
from those earnest, well-meaning

The atrocities com-
and deeply disturbing. It is all grim

Forty years later when I disem-
three days later when I

'What was it?' I asked myself, with

'Time passed quickly. By the time
Christmas came with the tempera-
tures in the hundreds, daisies bloo-
ing in the garden, and the heretofore
unknown Constellation, the Southern
Cross, blazing in the skies I was al-
most an Aussie. Already my wife and
I loved our new friends and our sec-
ond home. The Australians always
remind me of Texans—they are great
people—our kind.

Now I feel qualified to talk to you
a bit about the matter which is in
every heart and every mind—namely
Vietnam, that ill-starred little coun-
try—which was formerly French Indo-
China. In Australia, Vietnam and its
problems are very close. Australia
has troops, ships and airplanes there.
Australia also has Aid missions there:
medical, agricultural, technological.
Australia's fighting contingent may
be somewhat small compared to our
own, but the Diggers are top-notch
fighting men, the equal man-for-man
of any defense force in the world.
They, and the government of Aus-
tralia, have stood up and been
counted.

“Sure there is opposition, just as
there is here in the United States.
The opposers are in the minority, just
as here, but minorities have rights
under our form of government and
we honor their right to oppose, even
if, as in the present case, we don't
always respect the ways in which they
go about it.

"Of course war is sinful. Of course
people get hurt in war. Of course men
lose their lives. Of course errors oc-
cur in intelligence and reconnaissance,
and in aiming of shells and bombs,
with resulting casualties among civil-
ians. It is all terrible and frightening
and deeply disturbing. It is all grim
and ghastly. The atrocities com-
mitted by the Viet Cong on helpless
villagers, their deliberate mass
murdering of all South Vietnamese
men who show qualities of leadership
or who have skills in any field, their
planting of booby traps and bombs in
places of public gatherings, their
intimidation of the peasantry are all
loathsome forms of fratricide and
terrorism. No less awful (but most
certainly not deliberate) is the
destruction of property and life by
allied forces. God grant an early
ending to it all!

“But one cannot but long for some
constructive alternative suggestions
from those earnest, well-meaning
critics—and from the Vietnaks and
the professional protesters as well—
who constantly and bitterly denounce
our government for the stand it has
taken. Do they want us to condone
tyranny? Do they expect their gov-
ernment to take this challenge to our
every way of life lying down? How
long could we honorably have avoided
acknowledging that it existed? And,
having been loyal to our commit-
ments, how could we honorably aban-
don the fight and leave the South
Vietnamese to the mercy of those
tyrants who have vowed to take over
all neighboring nations?

"How could we honorably sign the
death warrant of Laos, Thailand,
Burma and India to which our re-
fusal to be involved would have
amounted? How could we possibly be
so foolish as to have supposed that a
hands-off policy on our part in Viet-

"They are all comrades forever with the Aussies. The issues are extremely complex, wars are never good, there are no easy ways. But once you've had an Asian friend who has fled the Communists and was hidden in an attic, as was my friend Ambassador Lee of Korea, or one who wept on your shoulder for his dead wife as did my friend, the gentle little Ambassador from Vietnam, or my friend beautiful Lillian Chen, American citizen and wife of the Chinese Ambassador, whose old Father was killed by the Red Guards last week, things take a different view.

"In 1942 some wanted to draw a line across the Australian continent. They called it the Brisbane Line, and would have evacuated everything to the North. Then came MacArthur saying—"No, the whole country shall be defended." The Battle of the Coral Sea followed and was the turning point of the war. Twenty-five years later, on the anniversary of that battle, bands play, soldiers march, fireworks flare and people dance till dawn to celebrate their escape. Our friendship was not lightly given in those days nor shall it be easily withdrawn.

"Australia—which Prime Minister Billy Hughes in 1918 called "a pleasant land in the backwater of the world where it is always afternoon and nearly always tea time"—has come of age. Beside the mobs of cattle and sheep, which have the finest, silkiest merino wool in the world, the sound of the drilling rig is now heard, and the hammer of the mining machines. Hydro-electric complexes are humming. It is the jewel of the Pacific, a plum ripe for the picking. Any power-hungry country would like to possess it. Britain no longer rules the waves, so we must protect our stake in the Pacific where Australia is eager to help us. In that connection, it would startle you if I could recite the extent to which our defense mechanisms are based on this stationary aircraft carrier.

"Those who so bitterly assail President Johnson's handling of the Vietnamese situation are mostly abysmally
ignorant of the background of the commitments he inherited. At the
time of our involvement in Vietnam, Moscow and Peking were working to­
tgether. Indonesia was in the Chinese orbit, war was on the horizon in
Malaysia. To enter Indo-China was dangerous, to stand aside meant risk­
ing the world power balance at in­
calculable peril. Today the Soviet
Union is at odds with China. Indonesia
is back in the United Nations, the
Malaysian crisis is liquidated. Also,
President Johnson’s decisive Domini­
can action seems to have reduced to
minor scale Communist intrigue in
the Caribbean. A new and favorable
balance is emerging, and the Vietnam
problem seems to be moving toward
manageable dimensions, offering a
possibility of peace and disengage­
ment without tossing Asia overboard.

"In 1964, Republicans bolted from
Goldwater to Johnson by millions. In
1966, they simply returned to the
fold, perhaps restoring the hairline
balance by which Kennedy defeated
Nixon. Many dissident Democrats now
wish to attack an embattled President.
Mr. Adolf Berle, lawyer, professor,
author, advisor and confidant of Presi­
dent Franklin D. Roosevelt, recently
said in an ‘Appraisal of LBJ by an
Old New Dealer’, and I quote, ‘He
is not a great politician; he is not a
romantic image. The brilliant court
and flashing pennons of Camelot are
not his. But neither is he an Andrew
Johnson, vulnerable to attack by mis­
guided idealists.’ And this is my own
personal appraisal—this is Ed Clark
speaking, neither is he swayed from
his humanitarian purpose by the
placards and shrill cries of the long­
haired, bearded ‘beatniks’ and ‘peace­
niks’ who protest for the sake of
protest and offer no alternative. He
is a tactician, dealing in realities
rather than in unassailable abstrac­
tions and is not playing any politics
in this war.

"Now you don’t need me to tell you
that the world is getting smaller every
day. In my boyhood and young man­
hood, Asia was a far-off place we
read about and dreamed about but
never really expected to see. Now it’s
a short hop in a jet airliner. And,
living in Australia, whose western
shores are washed by the Indian
Ocean, I have developed an ap­
preciation, an understanding for the
vastness, the importance, and the
potential of that part of the world
and for the aspirations of its peoples.

"Their aspirations and hopes and
dreams differ little from ours. They
want to be able to live in peace. They
want to raise their living standards.
They want their children to get a
good education and to be assured of
a brighter future than their parents
have had. They want to be able to see
a doctor when they need one. They
want freedom and justice and a voice
in the world’s councils.

"Asia’s resources are great. But
they need our help in developing
them. They need our co-operation in
order to defend themselves from ag­
gression. They need a neighbor, a
good neighbor, who will help them
bring order and progress and a better
life and a lasting peace to this area of
the world where half of the human
race lives.

"President Johnson in an address
recently said, ‘Asia is now the crucial
arena of man’s striving for in­
dependence and order—and for life it­
self.—If enduring peace can come to
Asia, all mankind will benefit. But if
peace fails there, nowhere else will
our achievements be secure. By peace
in Asia I do not mean simply the
absence of armed hostilities. For
where men hunger and hate, there can
be no peace. I do not mean the peace
of conquest. For humiliation can be
the seedbed of war. And I do not
mean simply the peace of the con­
ference table. For peace is not
written merely in the words of
 treaties, but in the day by day works
of builders. The peace we seek in
Asia is a peace of conciliation: be­
tween Communist States and their
non-communist neighbors; between
rich nations and poor; between small
nations and large; between men
whose skins are brown and black and
yellow and white.’

"Further along in that address the
President stated that the United
States was determined to meet its
obligations in Asia as a Pacific power.
He promised that the United States
would do its part to meet its obliga­
tions toward freedom and security in
Asia; that we would not be party to
a world which left Asia sitting out­
side the door of the twentieth century.
Unfortunately, on many of these
projects and in many of his policies,
the President has had to depend upon
his own dogged determination, using
the tools he has, denied the help of
some who should have been with him.
This rugged Texan—who didn't go to Harvard—has plotted the contours and trace lines of a domestic and foreign policy that is America's future.

"Be the outcome triumph or tragedy don't underestimate your President. Until those do-gooders, those armchair strategists, those hotel room generals can offer you a better plan, a safer haven for your wives and children, a stronger vault for your money and bonds—the Prime Minister of Australia and Ed Clark will still be 'all the way with LBJ.'"

The President of the Senate expressed appreciation to Ambassador Clark for his service to the State Government and to the Nation and stated we "are glad you came our way" today.

Recess

At the conclusion of the Joint Session, the President announced at 11:34 o'clock a.m. that the Senate would take recess until 2:00 o'clock p.m. today on motion previously adopted by the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

House Bill 45 on Second Reading

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

H. B. No. 45, A bill to be entitled "An Act authorizing the Board of Regents of the University of Houston to acquire by donation or deed or gift certain properties in Harris County, Texas, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 45 on Third Reading

Senator Brooks moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin  Bates

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

Absent

Wilson

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—30

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

Absent

Wilson

Resolution Signed

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

H. C. R. No. 66, Extending invitation to The Honorable Lyndon B. Johnson, President of the United States, to address a Joint Session of the 60th Legislature at his convenience.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 22, 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. 44, Providing for half-day holiday on Good Friday for state employees, etc.

S. B. No. 99, "An Act relating to the investment of surplus assets in, and the refund to members of contributions to Firemen's Relief and Retirement Funds, etc."

S. B. No. 7, "An Act authorizing all regional college districts which have been converted to fully state supported institutions of higher learning to transfer all assets of such districts, real, personal, tangible or intangible to the governing boards of such institutions provided that each such governing board shall continue the payment of all notes and bonds payable from revenues theretofore issued by such districts and each county in which any such regional college district is located continues to levy and collect taxes in support of all tax obligations theretofore authorized and issued by such district; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act amending Section 7, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-1, Vernon's Texas Civil Statutes), relating to death and survivor benefits for members and beneficiaries of the Teachers' Retirement System; and declaring an emergency."

(With Amendments.)

H. B. No. 94, A bill to be entitled "An Act relating to livestock, to be known as the Beef Cattle Feed Lot Licensing Act; defining terms used therein; stating the nature of the business and the purpose of the Act; providing for licensing to be required in some instances and made optional in others; setting standards of operation for licensed beef cattle feed lots; providing for license applications; setting fees for licenses and providing for the use thereof, providing for renewal; providing for terms, suspension, revocation, and reinstatement of licenses; authorizing judicial review; adding to the powers and duties of the Texas Animal Health Commission; specifying power and duties of the Director of the Texas Animal Health Commission; providing for payment of expenses of Commission members; authorizing investigations; setting penalties and authorizing suits for the enforcement thereof; repealing conflicting laws; providing severability; and declaring an emergency."

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

House Joint Resolution 17
on Second Reading

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

H. J. R. No. 17, Proposing an amendment to Section 49-b, Article III, of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Four Hundred Million Dollars ($400,000,000.00); providing for the issuance of said bonds or obligations and the conditions relating thereto and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor.

The resolution was read second time and was passed to third reading.

House Joint Resolution 17
on Third Reading

Senator Watson moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin
Bates
Bernal
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
Harrington
Herring
Hightower
Jordan
Kennard
Mauzy
Moore
Parkhouse
Patman
Ratliff
Reagan
Schwartz
Strong
Watson
Wilson
The resolution was read the third time.

Senator Watson offered the following amendment to the resolution:


The amendment was read and was adopted by the following vote:

Yeas—30

Aikin
Bates
Bernal
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Hazlewood
Herring

Absents

Berry

Yeas—27

Aikin
Bates
Bernal
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Hazlewood
Herring

Nays—3

Hardeman
Wade

Absent

Senate Resolution 306

Senator Harrington offered the following resolution:

Whereas, The Senate of Texas has learned of the recent illness of one of the most beloved ladies of the Senate, Dora Parkhouse, and wife of our esteemed colleague, George Parkhouse; and

Whereas, It is the desire of the Senate to express our concern for Mrs. Parkhouse and to wish her a continued speedy recovery; now, therefore, be it

Resolved, That the Senate does hereby extend Dora Parkhouse its good wishes for a continued speedy recovery that she may enjoy many more years of health and happiness.

HARRINGTON
HARDEMAN
The resolution was read.

On motion of Senator Bates and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

House Bill 207 on Third Reading

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

H. B. No. 207, A bill to be entitled “An Act authorizing incorporated cities, towns and villages, by majority vote of the qualified voters of any such city, town or village, voting at an election held for that purpose, to impose a local sales and use tax of one per cent (1%) on the sale or use of certain tangible personal property in such cities, towns and villages; providing for the abolition of the local sales and use tax authorized herein by majority vote of the qualified voters of any such city, town or village; etc., and declaring an emergency.”

The bill was read third time.

Senator Brooks offered the following amendment to the bill:

Amend sub-section “E” of Section 2 of House Bill 207 by striking all of the present sub-section “E” and inserting the following in lieu thereof:

“E. The ordinance calling such election shall provide for the submission of such question at a special or regular election to be held within one hundred eighty (180) days after the effective date of this Act. After one hundred eighty days have elapsed after the effective date of this Act, the question may be submitted to the voters at any regular city election held for the election of city officials.”

The amendment was read.

Pending discussion by Senator Brooks of his amendment, Senator Hardeman moved a Call of the Senate on the final disposition of H. B. No. 207 and the Sergeant-at-Arms be directed to bring in the absent Members to the Senate Chamber if in the city and not ill but if the absentees did not return voluntarily that they be arrested and brought back to the Senate Chamber and the motion was duly seconded.

Question—Shall a Call of the Senate now be ordered?

The motion for a Call of the Senate prevailed.

The President directed the Secretary of the Senate to call the roll for the purpose of ascertaining the Members of the Senate present.

The roll was called and the following Senators were present:

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

Question on the adoption of the amendment by Senator Brooks, the amendment failed of adoption by the following vote:

Yeas—10

Bernal   Mauzy
Brooks   Patman
Grover   Schwartz
Jordan   Strong
Kennard Wilson

Nays—17

Aikin    Herring
Bates    Hightower
Blanchard Moore
Christie Parkhouse
Cole    Ratliff
Creighton Reagan
Hall    Watson
Hardeman Word
Hazlewood

518 SENATE JOURNAL
Senator Schwartz offered the following amendment to the bill:

Amend H. B. 207 by striking Section 2.A. thereof and substituting the following:

"Sec. 2.A. Any city may, by a two-thirds majority vote of the qualified voters of said city voting at an election held for that purpose, adopt a local sales and use tax for the benefit of such city in accordance with the provisions of this Act."

The amendment was read.

Pending discussion by Senator Schwartz of his amendment, Senator Cole occupied the Chair.

Pending further discussion by Senator Schwartz of his amendment, Senator Blanchard raised the Point of Order that there were visitors on the floor in violation of Senate Rule 99.

The Presiding Officer (Senator Cole in the Chair) sustained the Point of Order and requested the Sergeant-at-Arms to remove any persons not entitled to the privileges of the floor under Senate Rule 99.

Pending further discussion by Senator Schwartz of his amendment, Senator Reagan occupied the Chair.

Question on the adoption of the amendment by Senator Schwartz, the amendment failed of adoption by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grover</td>
<td>Harrington</td>
</tr>
<tr>
<td>Harrington</td>
<td>Jordan</td>
</tr>
<tr>
<td>Jordan</td>
<td>Kennard</td>
</tr>
<tr>
<td>Kennard</td>
<td>Mauzy</td>
</tr>
<tr>
<td>Mauzy</td>
<td>Absent</td>
</tr>
</tbody>
</table>

Senator Strong offered the following amendment to the bill:

Amend H. B. 207 by adding thereto the following section:

"Section 1.B. (1) Nothing in this Act shall permit any city to impose or collect a sales tax on the Holy Bible."

The amendment was read.

(President in the Chair.)

The amendment by Senator Strong failed of adoption by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brooks</td>
<td>Patman</td>
</tr>
<tr>
<td>Harrington</td>
<td>Schwartz</td>
</tr>
<tr>
<td>Jordan</td>
<td>Strong</td>
</tr>
<tr>
<td>Kennard</td>
<td>Wilson</td>
</tr>
<tr>
<td>Mauzy</td>
<td>Absent</td>
</tr>
<tr>
<td>Absent</td>
<td>Absent</td>
</tr>
</tbody>
</table>

Senator Creighton offered the following amendment to the bill:

Amend H. B. 207 by striking the enacting clause.

The amendment was read.

Pending discussion by Senator Creighton of his amendment, Senator Herring moved the Previous Question on the pending amendment and final passage of H. B. No. 207 and the motion was duly seconded.

Question—Shall the Previous Question now be put?

The Previous Question was ordered by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aikin</td>
<td>Cole</td>
</tr>
<tr>
<td>Berry</td>
<td>Creighton</td>
</tr>
<tr>
<td>Christie</td>
<td>Hardeman</td>
</tr>
</tbody>
</table>
Question on the adoption of the amendment by Senator Creighton, the amendment failed of adoption by the following vote:

Yeas—12
Bates
Bernal
Blanchard
Brooks
Grover
Harrington
Jordan

Nays—19
Aikin
Berry
Blanchard
Christie
Connally
Creighton
Hall
Hardeman
Hazlewood

Reason for Vote

I voted against the City Sales Tax because it will not solve the revenue problems of our cities. It is the most regressive form of taxation which has been proposed in this session, and places an unequal and unfair tax burden upon those least able to pay. Those citizens of our state who are earning less than the poverty level of $3,000 a year should not be subjected to this inequitable form of taxation. I predict that the voters of the cities of Texas will reject the City Sales Tax in a vast majority of local elections which are called for that purpose, and that the cities will be back before the 61st Session of the Legislature in 1969 trying to get additional money to meet the needs of our growing urban population.

MAUZY

House Bill 213 on Third Reading

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

H. B. No. 213, A bill to be entitled "An Act repealing Section 4a, Chapter 15, Acts of the 57th Legislature, 1st Called Session, 1961 (Article 286a, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read third time.

Pending discussion by Senator Parkhouse of the bill, Senator Wilson moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion was lost.

Pending further discussion by Senator Parkhouse of the bill, Senator Schwartz moved that the Senate stand adjourned until 10:45 o'clock a.m. tomorrow.

The motion was lost.

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

The motion to adjourn until 10:45 o'clock a.m. tomorrow was lost by the following vote:

Yeas—13
Bates
Blanchard
Connally

Nays—11
Senator Schwartz offered the following amendment to the bill:

Amend H. B. 213 by substituting a comma for the period at the end of Section 1 of the bill and adding the following language:

"and substituting the following Section 4a in lieu thereof:

Section 4a. When a purchaser will certify in writing that a purchase of an item of personal property is made by him as a tourist, or for the benefit of his minor children, or that the day of said purchase is not observed by him as the Sabbath, then this act shall not apply; provided such certification signed by the purchaser is retained by the merchant for proper inspection for a period of one (1) year."

The amendment was read.

Senator Parkhouse raised the Point of Order that the amendment was not germane to the caption of the bill.

The President sustained the Point of Order, stating:

"When a bill proposes to repeal an entire statute or an entire provision thereof, an amendment which would only change some of the phraseology of the existing statutory provision is not germane."

Senator Schwartz offered the following amendment to the bill:

Amend H. B. 213 by striking the enacting clause therefrom.

The amendment was read.

Pending discussion by Senator Schwartz of his amendment, Senator Ratliff occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Schwartz of his amendment, Senator Hall moved that the Senate stand adjourned until 10:50 o'clock a.m. tomorrow.

Question on the motion to adjourn, the motion was lost.

Pending further discussion by Senator Schwartz of his amendment, Senator Hall moved that the Senate stand adjourned until 11:00 o'clock a.m. tomorrow.

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

The motion was lost by the following vote:

**Yeas—14**

Bates  
Bernal  
Blanchard  
Brooks  
Christie  
Cole  
Creighton  
Grover  
Hardeman  
Harrington  
Higley  
Hightower

**Nays—17**

Aikin  
Berry  
Brooks  
Christie  
Cole  
Creighton  
Grover  
Hardeman  
Harrington  
Higley  
Hightower  
Jordan  
Kennard  
Mauzy  
Schwartz  
Strong  
Wilson  
Word

Question—Shall the amendment by Senator Schwartz to H. B. No. 213 be adopted?

Communication from Senator and Mrs. Parkhouse

The following message received from Senator and Mrs. Parkhouse was read and ordered printed in the Senate Journal:

March 22, 1967.

Lt. Governor Preston Smith  
Senator Roy Harrington  
Senator Dorsey Hardeman  
Members of the Senate

Both Mrs. Parkhouse and I appreciate very much the resolution passed
by the Senate extending Mrs. Parkhouse your good wishes and desires for her speedy recovery.

We want to thank you for your kind expression from the bottom of our hearts.

Sincerely,

GEORGE AND DORA PARKHOUSE

Message From the House

Hall of the House of Representatives, Austin, Texas, March 22, 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. 71, In memory of Johnny Keane.

H. C. R. No. 72, In memory of Mr. and Mrs. J. Claude Wells.

H. B. No. 252, A bill to be entitled "An Act relating to the registration and use of apiary equipment brands; providing a penalty for tampering with brands and a prima facie rule; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 156 With House Amendments

Senator Moore called S. B. No. 156 from the President's Table for consideration of the House amendments to the bill.

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

Amendment 1

Amend S. B. 156 by striking out everything below the enacting clause and substituting therefor the following:

"Section 1. Section 7, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-1, Vernon's Texas Civil Statutes), is amended by adding a new Subsection 5 to read as follows:

5. (a) Any unremarried widow or widower, as designated beneficiary of a member of the Teacher Retirement System of Texas with twenty-five (25) or more years of creditable service who died prior to April 8, 1957, shall be entitled to receive survivor benefits provided in this Act for beneficiaries of members with a creditable year of service after the effective date of this Act, except that the $500 lump sum amount shall not be payable, and provided that such beneficiary did not receive or is not receiving a death benefit other than the return of the member's deposits plus accumulated interest.

(b) Any unremarried widow or widower, as designated beneficiary of a retired member who did not have a creditable year of service after November 23, 1956, and who died prior to August 23, 1963, while receiving a retirement annuity from the Teacher Retirement System of Texas, shall be entitled to receive survivor benefits provided elsewhere in this Act for beneficiaries of retired members who had a creditable year of service after the effective date of this Act, except that the lump sum amount shall not be payable.

(c) Benefits provided in this subsection shall become effective on the last day of the month in which the qualified beneficiary applies to the Retirement System in such form as may be prescribed by the Board of Trustees and payments shall be due from and after that date only. The same age requirements specified elsewhere in this Act shall apply to the provisions of this subsection.'

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create 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."

Amendment 2

Amend S. B. 156 by striking out everything above the enacting clause and substituting therefor the following:

"A BILL To Be Entitled AN ACT amending Section 7, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-1, Vernon's Texas Civil Statutes), relating to
survivor benefits for certain beneficiaries of members and retired members of the Teacher Retirement System, and declaring an emergency."

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30
Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Crecilton
Grover
Hall
Harrington
Hazlewood
Herring
Hightower
Kennard
Mauzy
Moore
Parkhouse
Patman
Ratliff
Reagan
Schwartz
Strong
Wade
Watson
Word

Nays—1
Hardeman

Memorial Resolution

S. R. No. 297—By Senator Watson: Memorial resolution for Mrs. J. J. (Kate) Loving.

Welcome Resolutions

S. R. No. 293—By Senator Kennard: Extending welcome to Mrs. Nadine Schnabel.

S. R. No. 300—By Senator Bernal: Extending welcome to Seventh Grade Students of Sam Rayburn Junior High School of San Antonio.

S. R. No. 303—By Senator Blanchard: Extending welcome and privileges of the floor for the day to the Honorable Joe Fisher, United States District Judge of Beaumont.

S. R. No. 304—By Senator Watson: Extending welcome to pupils of the W.A.D. Department of the AFL-CIO of McLennan County.

S. R. No. 305—By Senator Kennard: Extending welcome and privileges of the floor for the day to Lawrence Curtis of Fort Worth.

Recess

Senator Kennard moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Moore moved that the Senate take recess until 10:00 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, the motion was lost.

Question recurring on the motion to take recess until 10:00 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 4:30 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

---

APPENDIX

Sent to Governor

March 22, 1967

S. C. R. No. 43
S. B. No. 73
S. B. No. 44
S. B. No. 127
S. B. No. 79
S. B. No. 19
In Memory of

Mrs. Walter Johnson (Ollie) Higgs

Senator Aikin offered the following resolution:

(Senate Resolution 298)

Whereas, When Mrs. Walter Johnson (Ollie) Higgs was taken in death on December 15, 1966, at the age of 84 years, the community of Bryan suffered the loss of one of its dearest and loveliest ladies; and

Whereas, Mrs. Higgs was born in Brazos County on January 29, 1882, and she was a lifelong resident of the area; she was a faithful member of the First Presbyterian Church of Bryan, and in her Christian life she observed in her daily living the highest objectives of Christianity; she was a real daughter of the United Daughters of the Confederacy; and, until recent years, had been very active in religious, civic and educational affairs; and

Whereas, Mrs. Higgs loved her home and was a devoted mother and wife; she was the essence of unselfishness, kindness and thoughtfulness, and was a friend to young and old, rich and poor; and

Whereas, She served as campaign manager for her daughter, Mrs. Neveille H. Colson, when she sought election to the House of Representatives in 1948, and she served continuously in this capacity through her election to the Senate until 1966 when an injury caused her hospitalization; and

Whereas, The Senate wishes to recognize this woman for her worthwhile contributions to her State and her fellowman; now, therefore, be it

Resolved, by the Senate of the 60th Legislature of the State of Texas, that we extend our heartfelt sympathy to the family of this beloved lady; her daughter, former Senator Neveille H. Colson of Navasota; her son, Walter Chester Higgs of Bryan; her granddaughter, Mrs. Joe Shoaf, and five great-grandsons of Irving; her nieces, Mrs. W. J. Gressett and Mrs. C. S. Westmoreland of Waco; and, be it further

Resolved, That we express appreciation for her invaluable contributions by directing that a page in the Journal be set aside in her memory; that official copies of this Resolution be sent to the members of her family; and that when the Senate adjourns today it do in tribute to Mrs. Walter Johnson (Ollie) Higgs whose acts and deeds will dwell in the minds of those whose lives were enriched by the touch of her influence and the inspiration of her fruitful life.

AIKIN
HIGHTOWER
MOORE


The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.
In Memory of

Walter Johnson Higgs

Senator Aikin offered the following resolution:

(Senate Resolution 299)

Whereas, In the passing of Walter Johnson Higgs of Bryan, Texas, on February 18, 1967, the community suffered the loss of one of its most highly-respected citizens; and

Whereas, Mr. Higgs was born on July 9, 1878, and was a lifelong resident of Brazos County; he attended Austin College; was a member of the First Presbyterian Church of Bryan; and was a member of the Woodmen of the World; and

Whereas, Mr. Higgs was happily married to Ollie Jowers Higgs for almost 68 years, but she preceded him in death on December 15, 1966; and

Whereas, This retired businessman was a devoted husband and father; he had a sympathetic understanding of the problems of the unfortunate; his lifetime was marked by a sense of unselfishness and generosity; and because of these traits, he is grieved by a host of friends who miss his kind words and charitable deeds; and

Whereas, It is the desire of the Senate to recognize this distinguished citizen and his life of service to others; and to extend heartfelt sympathy to his family: his daughter, former Senator Neveille H. Colson of Navasota; his son, Walter Chester Higgs of Bryan; his granddaughter, Mrs. Joe Shoaf; and five great-grandsons of Irving; his brother, W. S. Higgs; and two sisters, Mrs. M. E. Wallace and Mrs. W. O. Hearn of Bryan; now, therefore, be it

Resolved, That the Senate of the 60th Legislature of the State of Texas does hereby pay tribute to this noble man by directing that copies of this Resolution be sent to the members of the family by the Secretary of the Senate under the seal of the Senate; that a page in the Journal be set aside as a memorial to Mr. Walter Johnson Higgs; and that when the Senate adjourns today it do so in honor of this man whose life and deeds will live long in the hearts of his family and multitude of friends.

AIKIN
HIGHTOWER
MOORE


The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

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