The Senate at 4:58 o'clock p.m. stood adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
April 25, 1967
S. B. No. 148
S. B. No. 385
S. B. No. 438
S. C. R. No. 51
S. C. R. No. 52

FIFTY-SECOND DAY
(Wednesday, April 26, 1967)

The Senate met at 10:30 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
Brooks    Parkhouse
Christie  Patman
Cole      Ratliff
Connally  Reagan
Creighton Schwartz
Grover    Strong
Hall      Wade
Hardeman  Watson
Harrington Wilson
Hazlewood Word
Herring

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.

Resolutions Signed

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

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.

S. C. R. No. 53, Extending congratulations to Edward Stephen Hutcherson.

S. C. R. No. 55, Extending congratulations to Kenneth Don Gray on his outstanding achievement in professional football.

Reports of Standing Committees

Senator Hightower submitted the following reports:

Austin, Texas,
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 617, 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.

HIGHTOWER, Chairman.

Austin, Texas,
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 645, 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.

HIGHTOWER, Chairman.
consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HIGHTOWER, Chairman.

Austin, Texas.
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 730, 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.

HIGHTOWER, Chairman.

Senator Reagan submitted the following reports:

Austin, Texas.
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No. 758, 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.

REAGAN, Chairman.

Austin, Texas.
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 229, 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.

Senator Bates submitted the following report:

Austin, Texas.
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred S. B. No. 508, 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.

BATES, Chairman.

Senate Bill 575 on First Reading

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

By Senator Schwartz:

S. B. No. 575, A Bill to be entitled "An Act Creating a Conservation and Reclamation District under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "Dolphin Beach Municipal Utility District of Galveston County, Texas"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions that its bonds are legal and authorized investments; providing for selection of a depository; adopting the ad valorem basis of taxation; providing a procedure to change its name; requiring the District to establish an office; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.
Whereas, The San Augustine on El Camino Real 250th Anniversary Pageant to commemorate the founding of San Augustine, Texas, will be presented in that historic city on June 2, 3, and 9, 1967; and

Whereas, Nolan, an American adventurer, led an expedition into Texas for the capture of wild horses, and he and his partner, Antonio Leal, made San Augustine their headquarters; and

Whereas, Nolan was viewed with suspicion by the Spaniards because of alleged connection with the Aaron Burr conspiracy; in a battle with the Spaniards, who had followed him nearly to Waco, Nolan was killed and his small band of around 20 men defeated; and

Whereas, Quirk, a Virginian, arrived in San Augustine and acquired land there from Leal; and

Whereas, During the years when he was in exile in Louisiana, Burr, who was Vice-President of the United States in the administration of Thomas Jefferson, is said to have stayed in San Augustine; at one time or another, nearly all the leading characters of the Texas Revolution were in San Augustine, and Sam Houston had a law office there; and

Whereas, The Republic of Texas' ambassador to England and France and the first elected Governor of Texas, James Pinckney Henderson was a resident of San Augustine, and a large bronze, seated statue of Henderson adorns the present court house square; and

Whereas, Through the years, San Augustine has continued to produce leading political figures, diplomats and statesmen: Oran M. Roberts, 16th Governor of Texas, was from San Augustine, and it was during his administration that the present State Capitol was constructed; the present Ambassador to Australia, Edward Clark, calls San Augustine home; the man who served Texas longest as Lieutenant Governor and is now a member of the Texas Railroad Commission—Ben Ramsey—is from San Augustine; U.S. Senator John Tower claimed San Augustine as his hometown when he was inducted into military service during World War II; and

Whereas, Many of the proud, 18th century homes of San Augustine are still standing in excellent condition and have given this fine, old Texas city the name of "The Williamsburg of Texas," but, unlike Virginia's Williamsburg restored by Rockefeller funds, restoration and maintenance in San Augustine have been accomplished by individuals, some of whom are direct descendents of original owners; and

Whereas, The spirit which brought about the settlement and development of Texas, which established freedom as the credo of Texas pioneers, which recognized pride of heritage as fundamental to a great people is exemplified in this old town of San Augustine, often called "the cradle of Texas history"; and the Senate of the State of Texas, at this time, pauses to congratulate San Augustine on the celebration of this 250th anniversary of its founding; now, therefore, be it:

Senate Concurrent Resolution 57

Senator Wilson offered the following resolution:

S. C. R. No. 57, Extending congratulations to city of San Augustine on its 250th Anniversary.

Whereas, The San Augustine on El Camino Real 250th Anniversary Pageant to commemorate the founding of San Augustine, Texas, will be presented in that historic city on June 2, 3, and 9, 1967; and

Whereas, Nolan, an American adventurer, led an expedition into Texas for the capture of wild horses, and he and his partner, Antonio Leal, made San Augustine their headquarters; and

Whereas, Nolan was viewed with suspicion by the Spaniards because of alleged connection with the Aaron Burr conspiracy; in a battle with the Spaniards, who had followed him nearly to Waco, Nolan was killed and his small band of around 20 men defeated; and

Whereas, Quirk, a Virginian, arrived in San Augustine and acquired land there from Leal; and

Whereas, During the years when he was in exile in Louisiana, Burr, who was Vice-President of the United States in the administration of Thomas Jefferson, is said to have stayed in San Augustine; at one time or another, nearly all the leading characters of the Texas Revolution were in San Augustine, and Sam Houston had a law office there; and

Whereas, The Republic of Texas' ambassador to England and France and the first elected Governor of Texas, James Pinckney Henderson was a resident of San Augustine, and a large bronze, seated statue of Henderson adorns the present court house square; and

Whereas, Through the years, San Augustine has continued to produce leading political figures, diplomats and statesmen: Oran M. Roberts, 16th Governor of Texas, was from San Augustine, and it was during his administration that the present State Capitol was constructed; the present Ambassador to Australia, Edward Clark, calls San Augustine home; the man who served Texas longest as Lieutenant Governor and is now a member of the Texas Railroad Commission—Ben Ramsey—is from San Augustine; U.S. Senator John Tower claimed San Augustine as his hometown when he was inducted into military service during World War II; and

Whereas, Many of the proud, 18th century homes of San Augustine are still standing in excellent condition and have given this fine, old Texas city the name of "The Williamsburg of Texas," but, unlike Virginia's Williamsburg restored by Rockefeller funds, restoration and maintenance in San Augustine have been accomplished by individuals, some of whom are direct descendents of original owners; and

Whereas, The spirit which brought about the settlement and development of Texas, which established freedom as the credo of Texas pioneers, which recognized pride of heritage as fundamental to a great people is exemplified in this old town of San Augustine, often called "the cradle of Texas history"; and the Senate of the State of Texas, at this time, pauses to congratulate San Augustine on the celebration of this 250th anniversary of its founding; now, therefore, be it:
Resolved, That the Senate of the 60th Legislature of the State of Texas, the House of Representatives concurring, hereby pays respect to the city of San Augustine and all those courageous men and women whose ideals and principles have made an indelible imprint on Texas history, past and present; and, be it further
Resolved, That copies of this Resolution be prepared for The Honorable Charles Samford, Mayor of San Augustine, and for Dr. Curtis R. Haley, President of the San Augustine County Historical Society, in expression of the esteem and good wishes of the Senate of Texas on the celebration of the San Augustine on El Camino Real 250th Anniversary.

The resolution was read.

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

House Bill 730 Ordered Not Printed
On motion of Senator Ratliff and by unanimous consent H. B. No. 730 was ordered not printed.

House Bill 753 Re-referred
On motion of Senator Schwartz and by unanimous consent H. B. No. 753 was withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

House Bill 722 Re-referred
On motion of Senator Wilson and by unanimous consent H. B. No. 722 was withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

House Bill 1080 on Second Reading
On motion of Senator Watson 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 third reading:

H. B. No. 1080, A bill to be entitled "An Act amending Chapter 1 of the Insurance Code, as amended, by adding a new Article, numbered Article 1.14-1, on unauthorized insurance; amending Chapter 1 of the Insurance Code by adding a new Article, num-
On motion of Senator Watson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 1080 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1080 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31
Aikin Eaton Bernal Berry Blanchard Brooks Christie Cole Connally Creighton Grover Hall Hardeman Harrington Hazlewood Herring

The Presiding Officer 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—31
Aikin Eaton Bernal Berry Blanchard Brooks Christie Cole Connally Creighton Grover Hall Hardeman Harrington Hazlewood Herring

The Presiding Officer 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—31
Aikin Eaton Bernal Berry Blanchard Brooks Christie Cole Connally Creighton Grover Hall Hardeman Harrington Hazlewood Herring

House Bill 997 on Third Reading

On motion of Senator Reagan 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 third reading:

H. B. No. 997, A bill to be entitled "An Act separating the Court of Domestic Relations of Nueces County, Texas, from the County Court at Law No. II of Nueces County, Texas, and defining the authority and jurisdiction of each; etc., and declaring an emergency."

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

House Bill 997 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 997 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31
Aikin Eaton Bernal Berry Blanchard Brooks Christie Cole Connally Creighton Grover Hall Hardeman Harrington Hazlewood Herring

The Presiding Officer 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—31
Aikin Eaton Bernal Berry Blanchard Brooks Christie Cole Connally Creighton Grover Hall Hardeman Harrington Hazlewood Herring

House Bill 997 on Second Reading

On motion of Senator Reagan and
House Bill 494 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. B. No. 494 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 494 for consideration at this time.

The motion prevailed by the following vote:

Aikin   Bates   Bernal   Berry   Blanchard   Brooks   Christie   Cole   Creighton   Grover   Hazlewood   Hightower
Yeas--22
Aikin   Bates   Bernal   Berry   Blanchard   Brooks   Christie   Cole   Creighton   Grover   Hazlewood   Hightower
Nays--7
Connally   Hall   Hardeman   Harrington
Absent
Berry   Herring

(President in the Chair.)

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

H. B. No. 494, A bill to be entitled "An Act abolishing the occupation tax on nine- and tenpin alleys; repealing Subdivision 8, Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

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

Record of Votes

Senators Hardeman, Mauzy, Patman and Harrington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 494 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 494 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--26
Aikin   Bates   Bernal   Berry   Blanchard   Brooks   Christie   Cole   Connally   Creighton   Grover   Hazlewood   Herring
Aikin   Bates   Bernal   Berry   Blanchard   Brooks   Christie   Cole   Connally   Creighton   Grover   Hazlewood   Herring
Nays--5
Hall   Mauzy   Hardeman   Harrington

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.

Record of Votes

Senators Hardeman, Ratliff, Hall, Patman and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 685 on Second Reading

On motion of Senator Bernal 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 third reading:

H. B. No. 685, A bill to be entitled "An Act amending Section 9 of Chapter 106, Acts of the Fortieth Legislature, First Called Session, 1927 (which
appears as Section 9 of Article 1105b in Vernon’s Texas Civil Statutes) respecting notice required of hearing on special assessments for street or highway improvements; and providing that nothing in this Act shall be construed as invalidating any assessments for street improvements heretofore levied by any city pursuant to the provisions of Chapter 106, Acts of the Fortieth Legislature, First Called Session, 1927, as amended; and providing for a severability clause and declaring an emergency.”

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

House Bill 685 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 685 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31
Aikin  Bates  Bernal  Berry  Blanchard  Brooks  Christie  Cole  Connally  Creighton  Grover  Hall  Hardeman  Harrington  Hazlewood  Herring

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—31
Aikin  Bates  Bernal  Berry  Blanchard  Brooks  Christie  Cole  Connally  Creighton  Grover  Hall  Harrington  Hazlewood  Herring

House Bill 686 on Second Reading

On motion of Senator Bernal 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 third reading:

H. B. No. 686, A bill to be entitled “An Act validating and legalizing certain special assessments for street improvements levied by any city purporting to Act pursuant to the provisions of Chapter 106 of the Acts of the Fortieth Legislature, First Called Session, 1927, as amended, and validating and legalizing the assignable certificates of special assessment issued to evidence such assessments; and declaring an emergency.”

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

Record of Vote

Senator Hardeman asked to be recorded as voting “Nay” on the passage of the bill to third reading.

House Bill 686 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 686 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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

(Senator Blanchard in the Chair.)
House Bill 160 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 160 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yea—30
Aikin          Bernal          Berry          Blanchard          Brooks          Christie          Cole          Connally          Creighton          Grover          Hall          Harrington          Hazlewood          Herring

Nay—1
Hardeman

(Chairman in the Chair.)

House Bill 160 on Second Reading

On motion of Senator Word and by unanimous consent the President laid before the Senate on its second reading and passage to third reading H. B. No. 160 with an amendment by Senator Parkhouse pending (the bill having been read the second time on Wednesday, April 19, 1967).

Question—Shall the amendment by Senator Parkhouse to H. B. No. 160 be adopted?

The amendment failed of adoption.

Record of Votes

Senators Parkhouse, Wade, Strong, Ratliff and Hall asked to be recorded as voting “Yea” on the adoption of the above amendment.

The bill was then passed to third reading.

Record of Votes

Senators Hall, Ratliff, Wade and Parkhouse asked to be recorded as voting “Nay” on the passage of the bill to third reading.
Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 26, 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. B. No. 300, A bill to be entitled "An Act relating to the annual fee, and proration of the fee, for the registration of motorcycles, passenger cars, street or suburban buses, trailers, and semitrailers; amending Sections 4, 5 and 8, Chapter 85, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Articles 6675a-4, 6675a-5 and 6675a-8, Vernon's Texas Civil Statutes), and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act relating to the State Judicial Qualifications Commission, and declaring an emergency."

H. B. No. 723, A bill to be entitled "An Act to be known and cited as the Texas Tort Claims Act; defining certain terms; making liable for tort claims all units of government in Texas; abolishing immunity of the sovereign to suit, and granting permission for such suits; abolishing the distinction between governmental and proprietary function of government; and declaring all to be proprietary; granting original jurisdiction to the District Courts; determining venue; establishing a limitation period for actions hereunder and voiding other limitation periods; making this Act cumulative of other legal remedies; applying the Rules of Civil Procedure to actions hereunder; providing for attorneys' fees, costs and interest; providing for service of citation; providing for defense of actions hereunder by the Attorney General or attorney employed by the unit of government; permitting settlement of claims hereunder and establishing procedure therefor; providing for the collection of judgments and preserving the writs of the common law or the law of Texas; making judgments hereunder assignable and offsets to tax and other liability to the unit of government concerned; providing for liberal construction hereof; determining certain exceptions to this Act; repealing all laws or parts of laws in conflict herewith; providing that if any part hereof is unconstitutional or void, same shall not affect remaining portions hereof; and declaring an emergency."

H. B. No. 875, A bill to be entitled "An Act amending Section 2, Chapter 276, Acts of the 40th Legislature, Regular Session, 1927 (Article 1105a, Vernon's Texas Civil Statutes), to delete the 15,000 population limitation from a city's power to establish building lines on its streets; and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act amending Subsection 3 of Section 3, Chapter 470, Acts of the 45th Texas Legislature, Regular Session, 1937 as amended, relating to termination of membership in the Teacher Retirement System of Texas; providing that absence from service does not terminate membership under certain conditions; and declaring an emergency."

H. B. No. 725, A bill to be entitled "An Act conferring on the Parks and Wildlife Commission regulatory responsibility over the taking of wildlife resources in Jackson and Matagorda Counties and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act relating to the notice required for terminating certain tenancies; and declaring an emergency."

H. B. No. 581, A bill to be entitled "An Act relating to title insurance companies; amending and revising Chapter 9, Texas Insurance Code; and declaring an emergency."

H. J. R. No. 20, House Joint Resolution Proposing an Amendment to Section 114, Article VII of the Constitution of Texas providing for the investment of the Permanent University Fund by the Board of Regents of The University of Texas System in certain types of securities within the prudent man rule."

S. J. R. No. 3, Proposing an amendment to Subsection (a) of Section 62, Article XVI of the Constitution of Texas, relating to establishment of a retirement, disability and death compensation fund for officers and employees of the State, so as to create as an agency of the State of Texas the
Employees Retirement System of Texas, vesting the general administration and responsibility of the proper operation of said system in a state board of trustees to be known as the State Board of Trustees of the Employees Retirement System of Texas, authorizing said Board to invest assets of said system in various obligations and subjects of investment, subject to certain restrictions stated therein and such other restrictions as may hereafter be provided by law; providing that contributions of members and the State shall not exceed at any time six per centum (6%) of the compensation paid to each such person by the State; providing that such Amendment shall be self-enacting; providing for the necessary election, form of ballot, proclamation and publication.

S. B. No. 234, A bill to be entitled "An Act relating to detention of mental patients in protective custody in State mental hospitals; amending Section 67, chapter 243, Acts of the 55th Legislature, Regular Session, 1956, (codified as Article 5547-67, Vernon's Texas Civil Statutes); and declaring an emergency."

H. C. R. 103, Paying tribute to Lieutenant J. L. Traphagan.

H. C. R. 104, Commending Private E. M. Walther of the Dallas Fire Department for his exemplary service and the courage he displayed in the rescue of little Tammy Lynn Boutte.

H. C. R. 107, In memory of Jerome Sneed, Jr.


(With Amendment.)

S. B. No. 2, A bill to be entitled "An Act to be known as "The Medical Assistance Act of 1967" for the purpose of providing Medical Assistance on behalf of needy individuals in the State of Texas; expressing the Legislative intent; designating the State Department of Public Welfare as the State Department to administer such Act; etc., and declaring an emergency."

H. B. No. 1238, A bill to be entitled "An Act relating to increasing the fees for application and examination before the Board of Vocational Nurse Examiners to Fifteen Dollars ($15.00), by amending Chapter 47, Acts of the 55th Legislature, 1954, as amended (Article 4528c, Section 9, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 290, A bill to be entitled "An Act transferring control and management of West Texas State University from the Board of Regents, State Senior Colleges, to a new body to be called Board of Regents, West Texas State University; providing a repealing clause; etc., and declaring an emergency."

S. B. No. 475, A bill to be entitled "An Act providing that any non-profit educational corporation which is exempt from Federal income taxes, maintains a regular theater-school program and offers apprenticeship training for college students and others in theater management and operation and related skills shall be deemed an institution of purely public charity and all its property shall be exempt from ad valorem taxes, although such corporation offers plays to which an admission is charged, provided that a majority of such plays have significant literary merit of the character which contributes to the educational program of secondary schools, colleges or universities; and declaring an emergency."

(With Amendment.)

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, etc., and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 328 on Second Reading

On motion of Senator Hightower 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 third reading:

H. B. No. 328, A bill to be entitled "An Act to amend the Insurance Code of Texas, as amended, by adding a new article designated as Article 3.72;
to authorize the issuance of contracts of insurance on a variable annuity basis subject to rules and regulations of the State Board of Insurance; etc., and declaring an emergency."

The bill was read second time.

Senator Hightower offered the following Committee Amendment to the bill:

Amend H. B. No. 328 by deleting Section 8 of Article 3.72 and substituting in lieu thereof the following:

"Section 8. Investment of Separate Account Funds. Any domestic insurance company which has established one or more separate variable annuity accounts pursuant to this article may invest and reinvest all or any part of the assets allocated to any such account in and only in the securities and investments authorized by Article 3.39 of this Insurance Code for any of the funds of a domestic life insurance company, free and clear of any and all limitations and restrictions in such Article 3.39, and in addition thereto in common capital stocks or other equities which are listed on or admitted to trading in securities exchange located in the United States of America or Canada, or which are publicly held and traded in the 'over-the-counter market' as defined by the State Board of Insurance and as to which market quotations have been available. No such company shall invest in excess of the greater of (a) Twenty-Five Thousand Dollars ($25,000) or (b) five per cent (5%) of the assets of any such separate variable annuity account in any one corporation issuing such common capital stocks. The assets and investments of such separate variable annuity accounts shall not be taken into account in applying the quantitative investment limitations applicable to other investments of the company. In the purchase of common capital stock or other equities, the insurer shall designate to the broker, or to the seller if the purchase is not made through a broker; the specific variable annuity account for which the investment is made."

The Committee Amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 328 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 328 be placed on its third reading and final passage.

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
Connally Reagan
Creighton Schwartz
Grover   Strong
Hall     Wade
Hardeman Watson
Harrington Wilson
Hazlewood Word
Herring  

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—31
Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Hazlewood
Herring
Yeas—31
Strong
Wade
Watson
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:

House Bill 770 on Second Reading

On motion of Senator Aikin 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 third reading:

H. B. No. 770, A bill to be entitled "An Act to amend Chapter 290 of the 41st Legislature, codified as Article 2815h, Vernon's Texas Civil Statutes, as last amended by Chapter 80, Acts of the 59th Legislature, providing two alternate methods by which territory consisting of school districts or parts of school districts adjoining or lying adjacent to any Junior College District may be annexed to such Junior College District for Junior College purposes only; providing elections on question of levy and collection of taxes for support of Junior College District and for assumption of bonded indebtedness thereof shall not be necessary in such annexed territory; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following Committee Amendment to the bill:

Amend H. B. No. 770 by deleting
the last paragraph of Section 1 there-
of reading:

"Whenever any territory has been 
annexed to a Junior College District 
for Junior College purposes only in 
either manner provided by this Act, 
then the provisions of Section 3-b of 
Article VII of the Constitution of 
Texas shall be applicable and no 
election shall be necessary on the 
question of the levy and collection of 
taxes for the support and maintenance 
of the Junior College District as en-
larged or for the assumption of exist-
ing or outstanding bonded indebted-
ness."

The Committee Amendment was 
read and was adopted.

On motion of Senator Aikin and 
by unanimous consent the caption was 
amended to conform to the body of 
the bill as amended.

The bill as amended was passed to 
third reading.

House Bill 770 on Third Reading

Senator Aikin moved that the Con-
stitutional Rule and Senate Rule 32 
requiring bills to be read on three 
several days be suspended and that 
H. B. No. 770 be placed on its third 
reading and final passage.

The motion prevailed by the follow-
ing vote:

Yeas—31

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

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

House Bills on First Reading

The following bills received from 
the House were read the first time 
and referred to the Committees indi-
cated:

H. B. No. 105, to Committee on 
Counties, Cities and Towns.

H. B. No. 139, to Committee on 
Water and Conservation.

H. B. No. 276, to Committee on 
State Departments and Institutions.

H. B. No. 378, to Committee on 
Jurisprudence.

H. B. No. 430, to Committee on 
Counties, Cities and Towns.

H. B. No. 698, to Committee on 
Game and Fish.

H. B. No. 985, to Committee on 
State Affairs.

H. J. R. No. 19, to Committee on 
Constitutional Amendments.

H. B. No. 837, to Committee on 
Counties, Cities and Towns.

H. B. No. 1013, to Committee on 
Counties, Cities and Towns.

H. B. No. 1183, to Committee on 
State Departments and Institutions.

Bills Signed

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

H. B. No. 627, A bill to be entitled 
"An Act relating to an additional
H. B. No. 583. A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as last amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Red River County to the list of counties regulated; and declaring an emergency."

H. B. No. 620. A bill to be entitled "An Act amending Chapter 168, Acts of the 59th Legislature, Regular Session, 1965, compiled as Vernon's Civil Statutes, Article 2372a, by amending Section 3 so as to authorize the county to make further provision for the security and payment of bonds issued thereunder by the levy of a limited ad valorem tax; amending Section 6 of said Act with reference to operating expense and bond interest accruing before the parking station becomes sufficiently operative; and declaring an emergency."

H. B. No. 674. A bill to be entitled "An Act relating to a decoration to be awarded to any member of the military forces of the State who shall distinguish himself by exceptionally outstanding achievement or service to the State in the performance of a military duty of great responsibility; amending Sections 3, 4, 5 and 6, Article 5789, 'Awards, Decorations and Medals,' Revised Civil Statutes of Texas, 1925, as amended."

H. B. No. 700. A bill to be entitled "An Act relating to the abolition of the office of county superintendent in certain counties; and declaring an emergency."

H. B. No. 542. A bill to be entitled "An Act amending Section 18 of Acts 1965, 59th Legislature, Chapter 606 (codified as Article 8280-326, V.A.C.S.) to provide for the sale of bonds by West Road Improvement District and the exchange of bonds for property and the minimum price of bonds at such sale or exchange and their maximum rate of interest; etc., and declaring an emergency."

H. B. No. 543. A bill to be entitled "An Act amending Section 18 of Acts 1965, 59th Legislature, Chapter 619 (codified as Article 8280-331, V.A.C.S.) to provide for the sale of bonds by Briarwick Improvement District and the exchange of bonds for property and the minimum price of bonds at such sale or exchange and their maximum rate of interest; etc., and declaring an emergency."

H. B. No. 440. A bill to be entitled "An Act to amend Section 3, of Art. 6.16 of the Insurance Code, Acts of the 1951, 52nd Legislature, Regular Session, page 868, Chapter 491, to provide that credit for reserves for unearned premium liability and loss reserves shall be taken by ceding insurers provided that the assuming insurer qualifies by meeting certain standards; and declaring an emergency."

H. B. No. 433. A bill to be entitled "An Act providing for election by the place system of aldermen in cities and towns not divided into wards and operating under the general laws; and declaring an emergency."

H. B. No. 329. A bill to be entitled "An Act amending Acts 1961, 57th Legislature of the State of Texas, Regular Session, Chapter 349, by authorizing the District to issue its bonds in the denomination of $100.00 and any multiple thereof; and declaring an emergency."

H. B. No. 47. A bill to be entitled "An Act amending Chapter 304, Acts of the 59th Legislature of the Fiftieth Legislature, as amended, so as to provide for the authorization, issuance and sale of bonds pursuant to Article III, Section 52 of the Constitution of Texas to provide funds to call, redeem and pay off outstanding bonds so as to eliminate the tolls, pledges of revenues, and covenants pertaining to the outstanding bonds, and the bridge facilities and make such bridge facilities available for
free use by the public; and declaring an emergency."

House Concurrent Resolution 107
on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 107, Memorial resolution for Jerome Sneed, Jr.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Bill 749 on Second Reading

On motion of Senator Moore 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 third reading:

H. B. No. 749, A bill to be entitled "An Act relating to the selection and qualification of depositories of all agencies and political subdivisions of the State, and declaring an emergency."

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

Record of Votes

Senators Cole, Jordan, Brooks, Grover and Reagan asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 749 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 749 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24
Aikin Bates Bernal Berry Blanchard Christie Connally Creighton Hardeman Harrington Hazlewood Herring Hightower Harrington Hazlewood Herring Hightower Maupzy Moore Parkhouse Patman Schwartz Schwartz Wade Word

Nays—6
Brooks Cole Grover Reagan Watson Word

Present—Not Voting
Hall

Reports of Standing Committees

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
April 26, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 105, 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.
CHRISTIE
WORD
Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas, April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 801, 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.

Motion to Adjourn

Senator Hardeman moved that the Senate stand adjourned until 10:30 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

Aikin
Berry
Blanchard
Creighton
Hardeman
Hazlewood
Herring

Nays—17

Bates
Bernal
Brooks
Christie
Cole
Connally
Grover
Hall
Harrington

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

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

House Bill 446 on Third Reading

Senator Wilson asked unanimous consent to suspend the regular order of business and take up H. B. No. 446 for consideration at this time.

There was objection.

Senator Wilson then moved to suspend the regular order of business and take up H. B. No. 446 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

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

The President laid before the Sen-
ate on its third reading and final passage:

H. B. No. 446, A bill to be entitled "An Act relating to the authority of cities and counties to issue revenue bonds for the purpose of acquiring property for industrial development purposes, and to lease such property; providing that the property is taxable; and declaring an emergency."

The bill was read the third time.

Question—Shall H. B. No. 446 be finally passed?

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 26, 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. 109, Authorizing the Enrolling Clerk to make certain corrections on House Bill No. 398.

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

House Concurrent Resolution 74 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 74, Memorial resolution for Mrs. Cal Farley.

The resolution was read.

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

On motion of Senator Hardeman 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.

Memorial Resolutions

S. R. No. 482—By Senator Hazlewood: Memorial resolution for Dr. Amos Ewing Winsett.

S. R. No. 483—By Senator Hazlewood: Memorial resolution for Dr. Horace W. Morelock.

S. R. No. 484—By Senator Hazlewood: Memorial resolution for Mr. and Mrs. A. R. (Lon) Watson.

Welcome Resolutions


S. R. No. 486—By Senator Parkhouse: Extending welcome to the Insurance Department of Southern Methodist University.

S. R. No. 487—By Senator Word: Extending welcome to members of the Comal County Home Demonstration Club.

S. R. No. 488—By Senator Watson: Extending welcome to students of Chilton High School.

Recess

On motion of Senator Creighton the Senate at 12:11 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
April 26, 1967

S. C. R. No. 39
S. C. R. No. 53
S. C. R. No. 55
In Memory of

Shelby Masterson Kritser

Senator Hazlewood offered the following resolution:

(Senate Resolution 451)

Whereas, Citizens of Amarillo and the State of Texas were saddened on August 18, 1966, when the brilliant aviation and business career of some 30 years ended tragically with the death of Shelby Masterson Kritser, member of a prominent Panhandle ranching family, and chairman of the Texas Aeronautics Commission; and

Whereas, When he met his untimely death at the age of 52, he was participating in Aviation Day activities at Amarillo Air Terminal and was demonstrating some of the intricate maneuvers which had made him famous for his ability as an expert pilot, engineer and teacher; and

Whereas, He began his flying career at the age of 17, and first opened aviation operations in Amarillo in 1941 at the old Municipal Airport; at that time his facilities also included a maintenance shop and aircraft sales at English Field; and

Whereas, He was a native of Amarillo, the son of Mr. and Mrs. D. S. Kritser, pioneer Panhandle residents; he was graduated from Texas Military Institute in 1931, from The University of Texas with a degree in mechanical engineering in 1935, and from the Harvard Graduate School of Business Administration in 1937; and

Whereas, He was employed by Consolidated Aircraft Co. and the Humble Oil and Refining Company, prior to July 1937, when he joined Pan American Airways as an apprentice engineer in the Atlantic Division; he served on the Bermuda-United States route for about a year, and then, after further study and training, was assigned assistant engineering officer on the famed Yankee Clipper; and

Whereas, In October, 1939, he and Miss Jeannie Howe, daughter of Mrs. Gene Howe and the late Gene Howe, founder of the Amarillo Globe, were married in Amarillo; they made their first home in Baltimore; and

Whereas, Returning to Amarillo, he constructed the Tradewind Airport in 1946, and this airport remains one of the more modern private airports in the nation; In December 1949, it received the Kite Airports Award for being the top airport of its class; and

Whereas, In 1949, he joined the Globe-News and in 1952 was named general manager, after serving in the business, circulation, and advertising departments; and

Whereas, He operated the Kritser Ranch, which was established by his grandfather R. B. Masterson Sr., a King County rancher who came to Potter County in 1910 and purchased 122,000 acres of ranch land; and

Whereas, Though he was well known in newspaper and ranching circles, he was best known state-wide and nationally for his aviation interests; in 1951, he was recognized by the state when Governor Price Daniel named him to the Texas Aeronautics Board, now the Texas Aeronautics Commission, and in 1955, he was reappointed for a second six-year term by Governor John Connally; and

Whereas, He had also served his state as a member of the Texas Game and Fish Commission and was also on the 55-member board of the Texas Tourist Commission; and

Whereas, He was holder of the Federal Aviation Agency's Air Transport Rating, the most advanced license issued; he had flown aircraft ranging from 45-horsepower Piper Cubs to multi-engine, giant transports; and

Whereas, Despite all those activities, he and his wife were active in many of the city's civic projects; he had served on a number of boards involved in various programs of civic betterment; the week that he died, he was cited by the West Texas Chamber of Commerce in Pampa for his devotion to the cause of aviation and his long service on the Texas Aeronautics Commission; and

Whereas, It is appropriate that the Senate of Texas pay tribute to Shelby Masterson Kritser—aviation expert, state official, business and civic leader, newspaperman, rancher, and teacher—who contributed so much to his state and nation; now, therefore, be it

Resolved, That the Senate of the 60th Legislature hereby express appreciation for the life and service of Shelby Masterson Kritser, and extend deep sympathy to his widow, Mrs. D. S. Kritser, and his children, Sloan, and his daughter, Gail; and his mother, Mrs. D. S. Kritser; and

be it further

Resolved, That copies of this Resolution under the Seal of the Senate be prepared for the members of his family named, and that when the Senate of Texas adjourns this day that it do so in memory of Shelby Masterson Kritser.

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