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 Friday, May 5, 1967 was dispensed with and the Journal was approved.

Senate Resolution 556

Senator Hardeman offered the following resolution:

Whereas, Today marks the 83rd anniversary of the birth of former President Harry S. Truman; now, therefore, be it

Resolved, by the Senate of Texas, That it extend its cordial good wishes and congratulations to this distinguished American and express its gratitude for his contributions to the people of the United States and of the Free World; and be it further

Resolved, That copies of this Resolution be sent to the Honorable Harry S. Truman by the Secretary of the Senate under the Seal of the Senate of Texas, and that when the Senate adjourns today it do so in honor of President Truman.

The resolution was read and was adopted.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 634, to Committee on Counties, Cities and Towns.

Senate Bill 597 on First Reading

Senator Patman 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—29
Aikin  Jordan
Bates  Kennard
Bernal  Mauzy
Berry  Moore
Blanchard  Parkhouse
Brooks  Patman
Christie  Strong
Creighton  Wade
Grover  Watson
Hall  Wilson
Harrington  Word
Herring

Nays—1
Connally  Absent
Wilson

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

By Senator Patman:

S. B. No. 597, A bill to be entitled "An Act to authorize the Parks and Wildlife Department to rehabilitate the Copano Bay Causeway as a public fishing pier and recreation area; providing for financing; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 598 on First Reading

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

The motion prevailed by the fol­
lowing vote:

Yeas—29

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

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

Nays—1

Hazlewood

Absent

Wilson

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

By Senator Berry:

S. B. No. 598, A bill to be entitled 
"An Act providing for an expression 
of public opinion on the question of 
legalized pari-mutuel wagering on 
horse races in Texas; and declaring 
an emergency."

To the Committee on Counties, 
Cities and Towns.

Senate Bill 124 Laid On Table

On motion of Senator Hightower 
and by unanimous consent S. B. No. 
124 was Laid on the Table.

Senate Bill 551 Laid On Table

On motion of Senator Hightower 
and by unanimous consent S. B. No. 
551 was Laid on the Table.

Senate Bill 250 Laid On Table

On motion of Senator Hightower 
and by unanimous consent S. B. No. 
250 was Laid on the Table.

Reports of Standing Committees

Senator Hall submitted the follow­
ing report:

Austin, Texas, 

Hon. Preston Smith, President of the 
Senate.

Sir: We, your Committee on Coun­
ties, Cities and Towns, to which was 
referred H. B. No. 634, 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

WADE

Senator Kennard submitted the fol­
lowing reports:

Austin, Texas, 

Hon. Preston Smith, President of the 
Senate.

Sir: We, your Committee on Public 
Health, to which was referred S. B. 
No. 17, have had the same under 
consideration, and I am 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.

KENNARD, Chairman.

C. S. S. B. No. 17 was read the 
first time.

Austin, Texas, 

Hon. Preston Smith, President of the 
Senate.

Sir: We, your Committee on Public 
Health, to which was referred S. B. 
No. 423, have had the same under 
consideration, and I am 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.

KENNARD, Chairman.

C. S. S. B. No. 423 was read the 
first time.

Senator Creighton submitted the 
following report:
Austin, Texas,  
Hon. Preston Smith, President of the  
Senate.  

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 593, 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.  

CREIGHTON, Chairman  
WADE  
HAZLEWOOD  
BLANCHARD  
CONNALLY  
REAGAN  
MOORE  
JORDAN  
HARDEMAN  
WORD  
RATLIFF  

Senator Berry submitted the following report:  

Austin, Texas,  
Hon. Preston Smith, President of the  
Senate.  

Sir: We, your Committee on Military and Veterans Affairs, to which was referred H. B. No. 955, 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.  

BERRY, Chairman  
MAUZY  
SCHWARTZ  
MOORE  

Austin, Texas,  
Hon. Preston Smith, President of the  
Senate.  

Sir: We, your Committee on Education, to which was referred H. B. No. 669, 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  

Message From the House  

Hall of the House of Representatives  
Austin, Texas,  
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:  

The House has concurred in Senate amendments to House Bill No. 288 by non-record vote.  

The House has concurred in Senate amendments to House Bill No. 383 by non-record vote.  

S. C. R. No. 62, Commending the Byer-Rolnick Corporation.  

S. B. No. 166, A bill to be entitled "An Act relating to the cost of artificial appliances furnished to employees by the Texas Employer's Insurance Association; amending Section 7-e, Article 8306, Revised Civil Statutes of Texas, 1925, as added; and declaring an emergency."

S. B. No. 187, A bill to be entitled "An Act relating to counties eligible to use jury wheels in selecting jurors; adding Subsection (k) to Article 2094, Revised Civil Statutes of Texas, 1925; as amended; and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a Hospital District in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Knox County Hospital District, etc., and declaring an emergency."

(With Amendment.)

S. B. No. 232, A bill to be entitled "An Act relating to the annual salaries of assistants to the county
school superintendent in certain counties; and declaring an emergency.”

(With Amendments.)

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

S. B. No. 353, A bill to be entitled “An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 40th Judicial District; prescribing the method of fixing and paying such salary; providing for additional duties by said reporter in the County Court of Ellis County, Texas; and declaring an emergency.”

(With Amendments.)

S. B. No. 395, A bill to be entitled “An Act authorizing the Texas Employment Commission to sell and convey certain land located in the City of Corpus Christi, Nueces County, Texas; prescribing the procedure, terms and conditions of sale, disposition of the proceeds; and declaring an emergency.”

S. B. No. 451, A bill to be entitled “An Act amending Section 1 of Chapter XIII, Page 525, Acts of the 12th Legislature, perfecting title to certain property of the City of Austin; and declaring an emergency.”

(With Amendment.)

S. B. No. 463, A bill to be entitled “An Act to amend the Harris County Road Laws, etc., and declaring an emergency.”

(With Amendments.)

H. B. No. 113, A bill to be entitled “An Act creating the office of district attorney in the 85th Judicial District composed of Brazos County; prescribing the duties of district attorney; providing for his compensation; providing for an election of district attorney for the 85th Judicial District at the next general election after the effective date of this Act and at every second general election thereafter; and declaring an emergency.”

H. B. No. 143, A bill to be entitled “An Act concerning the refund of overpayments of certain taxes levied in Chapter 1, Acts 56th Legislature, Third Called Session, 1959 (Title 122A “Taxation-General,” Revised Civil Statutes of Texas), as amended, providing that overpayment by any person of certain taxes through mistake of law or fact may be refunded by the Comptroller by warrant on the State Treasury from any funds appropriated for such purpose; providing severability; providing an effective date; and declaring an emergency.”

H. B. No. 144, A bill to be entitled “An Act concerning collection of taxes and refunds for overpayment, amending Chapter 1, Acts 56th Legislature, Third Called Session, 1959, (compiled as Title 122A “Taxation-General” Revised Civil Statutes of Texas), as amended, by adding a new Article to Chapter 1 of said Title to be numbered “Article 1.045;” providing the Comptroller shall assess any tax imposed by said Title within seven (7) years from the date such tax is due and payable; providing for exceptions to such period; providing for extension of time by agreement or for action by regulatory bodies; providing for suspension of said time during litigation or redetermination; providing for a limitation of time in which the Comptroller may refund any overpayment of tax or issue a credit for overpayment; providing for severability; providing an effective date; and declaring an emergency.”

H. B. No. 147, A bill to be entitled “An Act concerning examination of records by the Comptroller for tax purposes, amending Chapter 1, Acts 56th Legislature, Third Called Session, 1959, (Title 122A “Taxation-General,” Revised Civil Statutes of Texas) as amended, by adding a new Article to Chapter 1 of said Title to be numbered “Article 1.051;” providing that the Comptroller or his agents may examine books and records to determine whether or not the provisions of said Title are being followed; providing that no charge shall be made for such examination; providing a saving clause; providing for severability; repealing certain Acts; providing an effective date; and declaring an emergency.”

H. B. No. 419, A bill to be entitled “An Act amending Chapter 135, Acts
of the 58th Legislature, 1963, by adding a section empowering the Sweeny Hospital District to furnish out-patient care and to purchase or otherwise acquire land and improvements to house nursing home facilities for persons residing in said hospital district; and declaring an emergency.

H. B. No. 456, A bill to be entitled "An Act relating to raising the bond payable by the justice of the peace to the county judge, amending Article 2373, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act relating to fixing minimum and maximum salaries of the official shorthand reporters for the 47th and the 108th Judicial Districts of Texas; with saving clause; and declaring an emergency."

H. B. No. 599, A bill to be entitled "An Act relating to taxation of cigarettes; amending Article 7.10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act relating to the compensation of members of certain juvenile boards; amending Section 2, Chapter 163, Acts of the 57th Legislature, Regular Session, 1961 (Article 513911, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act relating to the compensation of assistant purchasing agents in certain counties; amending Subsection (g), Section 1, Chapter 9, Special Laws, Acts of the 46th Legislature, 1939, as amended; and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act authorizing the creation of the Permian Basin Airport Authority in Midland and Ector Counties, Texas; defining terms; providing for petition and election on the question of the creation of the authority and authorizing a tax not to exceed 75 cents on the $1.00 assessed valuation; constituting the authority a body politic and corporate, governmental and public in nature; providing for the organization and meetings of the board of directors and the selection and qualifications of the members thereof; conferring powers and imposing duties on the authority and its board of directors, including the power of eminent domain, the power to adopt rules and regulations and to provide penalties for violations thereof, and other powers; providing for the assessment, levy and collection of taxes; creating a lien for taxes levied; authorizing the issuance of bonds of various types, and prescribing the conditions, terms, and provisions under and pursuant to which the same may be issued, and related matters; declaring such bonds to be free from taxation and to be subject to certain provisions of the Uniform Commercial Code; empowering the authority to purchase or otherwise acquire airport facilities and authorizing cities to sell or lease the same; providing for the assumption, refunding or payment of the obligations of any city selling an airport facility to the authority; declaring the bonds to be legally authorized investments for certain institutions; providing for bank depositories; providing for investment or reinvestment of unencumbered funds of the authority; exempting the property of the authority from taxation; prohibiting certain conduct of authority personnel and directors and providing for a penalty therefor; prohibiting the seizure of any of the property of the authority by execution, garnishment or attachment; providing for the adoption of zoning regulations; providing for the adding of additional counties to the authority; authorizing municipalities to cooperate and aid in the development of airport facilities in various respects when such projects will benefit such municipalities; enacting other provisions related to the aforementioned subjects; providing for the primary airport area; providing a severability clause; and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Nugent's Cove Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and relates that none of the benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on Dis-
trict the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their bonds and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 734, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Crescent Shores Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors
naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro temp and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "self expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act relating to reciprocal hunting and fishing privileges between Texas residents and residents of other states; repealing Chapter 481, Acts of the 59th Legislature, Regular Session, 1965 (Article 978f-7, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "River Oaks Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing
of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or clerk; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefore and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency.

H. B. No. 736, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Indian Hill Estates Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing
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for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing for the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Indian Hill No. 2 Municipal Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a
closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of
intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services, and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be taxable in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 805, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Willowisp Municipal Utility District"; defining District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions, except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for governing body of District; providing for qualifications and bonds of directors naming first board of directors; providing for directors to fill vacancies; providing for terms and election of directors and notice of directors' elections, and related matters; providing for organization of board of directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing for a vice-president, a secretary and a secretary pro tem and outlining their duties; providing for employment of engineers, attorneys, auditors and other employees; providing for a seal for the District; providing for approval of District's plans and specifications by the Texas Water Rights Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and providing for negotiability, legality, validity, obligation and incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing that the Municipal Annexation Act shall have no application to the creation of this District; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District and related matters; providing for meetings and business transactions within or without the District but within the State of Texas; providing additional powers of District within and without boundaries of District; providing for the voting and issuing of bonds to serve areas within or without the boundaries of District; providing for the sale of bonds of the District in denominations of $1,000 or multiples thereof, for the exchange of bonds for property and services,
and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing of election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

H. B. No. 859, A bill to be entitled "An Act relating to the tax assessment rate in rural fire prevention districts; amending Section 12, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2351a-6, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act relating to the creation of Lubbock County Hospital District of Lubbock County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 931, A bill to be entitled "An Act authorizing the commissioners court in all counties in this state having a population according to the last preceding federal census of more than 24,000 persons and less than 25,000 and an assessed property valuation according to the approved tax rolls of not less than $50 million to fix the compensation of all deputies, assistants, clerks and stenographers of the county officials in such county, except the deputies of the sheriff of said county, providing a maximum compensation for each such deputy, assistant, clerk or stenographer; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 885, A bill to be entitled "An Act relating to additional compensation for certain constables; amending Section 9(1), Chapter 110, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 3912l, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 939, A bill to be entitled "An Act directing the Texas Department of Parks and Wildlife to transfer control and custody of the Washington-on-the-Brazos Museum Building and its contents; repealing laws in conflict; providing a severability clause; and declaring an emergency."

(With Amendments.)

H. B. No. 990, A bill to be entitled "An Act amending Article 1.10, Section 17, Texas Insurance Code, as amended, by adding a new Subsection (c) to allow withdrawal of duplicate deposits made under Article 1.10 or Article 4739, Revised Civil Statutes of Texas (1925), as amended and now repealed, where two or more companies merge, consolidate or enter a total reinsurance contract; by adding a new Subsection (d) to Article 1.10 to permit withdrawal of a deposit or deposits made under said articles where they are no longer required by the state, country or province to which a permit to do business was sought or gained on the strength of a certificate of deposit from the State Board of Insurance or its predecessor; by adding a new Subsection (e) to provide a method of release of such deposits by the Treasurer of the State of Texas; amending Article 3.15, Texas Insurance Code, as amended, by designating the existing statute Subsection (a) and by adding a new Subsection (b) to allow withdrawal of multiple deposits made under said article where two or more companies merge or consolidate or enter a total reinsurance contract; and declaring an emergency."

H. B. No. 1062, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Old Snake River Municipal Utility District"; declaring district a governmental
agency, body politic and corporate; etc.; and declaring an emergency.

H. B. No. 1165, A bill to be entitled
"An Act authorizing governing boards
of institutions which have heretofore
issued or which hereafter issue bonds
or notes pursuant to Article 7, Section
17, as amended, of the Texas Constitu-
tion to refinance or refund such bonds
or notes, providing other matters
relative thereto; and declaring an
emergency."

H. B. No. 1188, A bill to be entitled
"An Act relating to the abolishing of
office of county superintendent in all
counties of this state having a popula-
tion of not less than 86,472 nor more
than 86,500 according to the last pre-
ceding federal census and consisting
of only independent school districts;
relating to hiring of certain personnel;
relating to the hiring and salaries of
school bus drivers; and declaring an
emergency."

H. B. No. 1215, A bill to be entitled
"An Act relating to depositories for
funds of certain water control and
improvement districts under the con-
trol of city water boards; amending
Section 2b, Chapter 128, Acts of the
60th Legislature, 1947, as added by
Section 1, Chapter 77, Acts of the
67th Legislature, Regular Session,
1961 (Article 1182c-1, Vernon's Texas
Civil Statutes); and declaring an
emergency."

H. B. No. 1276, A bill to be entitled
"An Act relating to the sale of surplus
and salvage state property; giving
the organization known as the Texas
Partners of the Alliance the op-
munity to purchase surplus and
salvage equipment or material before
such equipment or material is offered
for sale to the public; amending
Article 666, Revised Civil Statutes of
Texas, 1925, as amended; and declar-
ing an emergency."

H. B. No. 1228, A bill to be entitled
"An Act relating to the creation,
administration, powers, duties, and
financing of the Martin County
Hospital District comprising all of
Martin County, Texas; and declaring
an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 593 Ordered Not Printed
On motion of Senator Mauzy and
by unanimous consent S. B. No. 593
was ordered not printed.

House Bill 634 Ordered Not Printed
On motion of Senator Ratliff and
by unanimous consent H. B. No. 634
was ordered not printed.

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

S. B. No. 517, A bill to be entitled
"An Act amending ‘Lower Colorado
River Authority Act’ authorizing to
issue additional bonds, and declaring
an emergency."

S. B. No. 510, A bill to be entitled
"An Act creating the County Court at
Law of Bell County; providing for its
jurisdiction, terms, personnel, and
practice; and declaring an emer-
gency."

S. C. R. No. 36, Authorizing the
State Building Commission to exe-
cute agreements to vacate certain
city streets and alleys and relocate
traffic arteries in the Capitol Com-
plex.

House Bills and Resolution
on First Reading
The following bills and resolution
received from the House, were read
the first time and referred to the
Committees indicated:

H. B. No. 914, to Committee on
Counties, Cities and Towns.

H. C. R. No. 97, to Committee on
State Affairs.

H. B. No. 293, to Committee on
Jurisprudence.

H. B. No. 490, to Committee on
Counties, Cities and Towns.

H. B. No. 491, to Committee on
Counties, Cities and Towns.

H. B. No. 532, to Committee on
Water and Conservation.

H. B. No. 534, to Committee on
Water and Conservation.
MONDAY, MAY 8, 1967

H. B. No. 539, to Committee on Water and Conservation.
H. B. No. 538, to Committee on Water and Conservation.
H. B. No. 571, to Committee on Water and Conservation.
H. B. No. 572, to Committee on Water and Conservation.
H. B. No. 573, to Committee on Water and Conservation.
H. B. No. 574, to Committee on Water and Conservation.
H. B. No. 861, to Committee on Water and Conservation.
H. B. No. 1163, to Committee on Counties, Cities and Towns.
H. B. No. 1167, to Committee on Counties, Cities and Towns.
H. B. No. 1256, to Committee on Water and Conservation.
H. B. No. 1270, to Committee on Game and Fish.
H. B. No. 1269, to Committee on Game and Fish.
H. B. No. 143, to Committee on Oil and Gas.
H. B. No. 144, to Committee on Oil and Gas.
H. B. No. 147, to Committee on Oil and Gas.
H. B. No. 990, to Committee on Insurance.

Message From the House

Hall of the House of Representatives
Austin, Texas,

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. 65, Congratulating Dallas Board of Realtors on its 50th Anniversary.

S. C. R. No. 66, Designating that space now used by ladies' lounge on third floor of Capitol Building be assigned to Senate for its use.

H. B. No. 387, A bill to be entitled "An Act making it unlawful and a felony for any person who shall enter upon any premises or public utility right-of-way with intent to steal or carry away without consent of the owner or assist in stealing or so carrying away any copper wire or copper cable; providing that any person illegally transporting more than a certain amount of copper wire or copper cable shall be guilty of a felony; providing penalties for violations of the terms of the Act; defining what would be prima facie evidence of a violation; providing certain defenses; providing that the Act shall be cumulative; providing a severability clause; and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act changing the penalty for violation of the proclamations, orders, rules, or regulations of the Parks and Wildlife Commission concerning hunting with artificial light in Newton, Jasper, Tyler, and Hardin Counties; amending Subsection (a), Section 125, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, and Subsection (a), Section 13, Chapter 19, Acts of the 55th Legislature, 2nd Called Session, 1957; and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas comprising all the territory and property of Long Island, situated in Laguna Madre, immediately adjacent to the city of Port Isabel, Texas, to be known as Long Island Utility District; constituting the same a governmental agency and body politic and corporate and a political subdivision of the state; etc.; and declaring an emergency."

H. B. No. 1122, A bill to be entitled "An Act amending Section 41 of Acts 1932, 42nd Legislature, 3rd Called Session, Chapter 27 (Article 8263e of Vernon's Texas Civil Statutes), so as to authorize navigation districts coming within the scope of said Act to acquire, construct, and own lands and all improvements incident to or necessary in the proper operation and development of said districts, ports or waterways; to make the same available for purposes consistent with such operation and development, charging reasonable tolls, fees or other charges therefor; to use the proceeds thereof in the maintenance and operation of the business of such..."
district as well as for the purpose of making themselves self-supporting and financially solvent and returning the acquisition and construction costs of such improvements within a reasonable period; and to pledge such revenues to pay principal and interest; to borrow money and in evidence thereof to issue said district's bonds, notes, warrants, certificates of indebtedness or other forms of obligation payable solely out of the revenues to be derived from said land and improvements; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Committee Substitute
Senate Bill 15 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 engrossment:

C. S. S. B. No. 15, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the two-year period beginning September 1, 1967, and ending August 31, 1969; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend C. S. S. B. No. 15 by striking all below the enacting clause and substituting in lieu thereof the following:

(Same being C. S. S. B. No. 570 all below the enacting clause which is to be ordered not printed.)

On motion of Senator Aikin and by unanimous consent he explained the amendment.

Question—Shall the pending amendment to C. S. S. B. No. 15 be adopted?

Senator Aikin offered the follow-ing amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, Article III, page 48 by striking out the figure 15,500 in Item 6 and insert in lieu thereof the figures 17,000, and striking out the figures 31,000 and insert in lieu thereof the figure 34,000.

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, Article III, page 48 by striking out the figures 15,500 in Item 7 and insert in lieu thereof the figures 16,500.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-30 by changing the amounts in Item 6 d "grounds maintenance" from $39,987" to $89,987", and by changing the total to conform.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-31, by adding under item 9 a new item to read as follows: "School of Social Work $100,000", and by changing the appropriate totals to conform.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-54 by adding a new sub-section under item 8 to be known as "e" and to read as follows: "School of Social Work $100,000" and by changing the appropriate totals to conform.
The amendment was read and was adopted.

Senator Parkhouse offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-33, by changing the amounts for items 2 (All Other General Administration) and 4a (Instructional Salaries) to $421,805 and $3,206,097, respectively.

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-33, by changing the amounts for items 2 (All Other General Administration) and 4a (Instructional Salaries) to $421,868 and $3,206,097, respectively.

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, page III-142, by striking out all of the second paragraph on said page, beginning with the word "Provided" and ending with the word "services."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 by striking out the figure "1,315,012" in item 12 C, page III-94 and inserting in lieu thereof the figure "1,335,012"; and then by adding to item 12 C on page III-95, a new subdivision to be known as "(8)" to provide as follows:

"(8) Sandhills State Park—for restroom facilities" and by changing the totals to conform.

The amendment was read and was adopted.

Senator Word offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-41 by changing the amount for item 4, Specific Activities, to $2,491,440.

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 in the following respects:

a. At page IV-62, change the amount for item 9 (Repairs and Rehabilitation of Facilities) to $261,843.

b. At page IV-63, immediately following the first paragraph on that page, and immediately preceding the appropriations to Angelo State College, delete the present language and insert in lieu thereof the following:

"a. Renovate and repair heating plant, to loop supply
b. Renovate Old Gymnasium
c. Improve water drainage to new highway
d. Convert warehouse to classroom space
e. Landscaping

Total, Repairs and Rehabilitation of Facilities $261,843"

The amendment was read and was adopted.

Senator Reagan offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute for S. B. No. 15, at page IV-50, by adding, immediately preceding the appropriations to Texas Woman's University, the following paragraph:

"Any unexpended balance as of August 31, 1967, and income during the fiscal year beginning September 1, 1967, in the Texas College of Arts and Industries Special Mineral Fund No. 154 are hereby appropriated to Texas College of Arts and Industries for campus building renovation and improvements."

The amendment was read and was adopted.
Senator Wilson offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, page III-137, Item 25 (Old Age Assistance) by raising the allocated amount of $47,500,000 by $500,000; and Item 27 (Aid to Families with Dependent Children Payments), page III-137, by raising the allocated amount of $6,150,000 by $200,000. Make all totals and grand totals to conform.

The amendment was read and was adopted.

Senator Wilson offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 by striking out in subsection 39 of Section 1, of Article IV, the amount of $379,012,670 and substituting therefor the amount of $394,012,670, and make the same figure on page IV-8 conform and the Grand Total, Texas Central Education Agency, Estimated at on page IV-8 to conform.

WILSON
HARRINGTON
JORDAN
BROOKS

The amendment was read.

Senator Aikin moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—23
Aikin
Bates
Bernal
Berry
Blanchard
Christie
Cole
Creighton
Grover
Hall
Hardeman
Hazlewood

Nays—8
Brooks
Connally

Kennard
Schwartz
Mauzy
Wilson

Question—Shall the pending amendment by Senator Aikin to C. S. S. B. No. 15 as amended, be adopted?

Recess

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. took recess until 2:00 o'clock p.m. today.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to recess.

After Recess

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

Message From the House


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. 1048, A bill to be entitled "An Act amending Article 3.05, Texas Insurance Code to allow legal reserve life insurance companies to purchase issued and outstanding shares of capital stock in their own companies for purposes of cancellation and reduction of capital stock; and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act directing the Board of Regents of the University of Texas to establish and maintain an Institute for Urban Studies in the Fort Worth-Dallas metropolitan area and the Board of Regents of the University of Houston to establish and maintain an Institute for Urban Studies in the Houston metropolitan area; providing for the duties of said Institutes; providing for organization and administration of said Institutes; authorizing the acceptance and use of funds, property and services by said Institutes; and declaring an emergency."

S. B. No. 48, A bill to be entitled "An Act amending Chapter 426 of the Acts of the 58th Legislature,
Instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 539, 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.

PARKHOUSE, Chairman.

House Bills on First Reading

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

H. B. No. 1276, To Committee on State Departments and Institutions.

H. B. No. 1215, to Committee on Water and Conservation.

Senate Bill 292 With House Amendments

Senator Harrington called S. B. No. 292 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. No. 292 (Official House Printing, First Printing), by adding, following subsection (b) of Section 8, the following:

(c) by the faculty member an amount equal to six per cent of that portion of his salary for that year which exceeds the amount of annual salary which is subject to computation of contributions to the Retirement System that year to the extent that such contribution is not prohibited by other applicable laws of this State now or hereafter in force and effect; and

(d) by the State an amount equal to that required to be contributed by the faculty member under subsection (c).

Amendment 2

Amend S. B. No. 292 (Official
Amendment 3

Amend S. B. No. 292 (Official House Printing, First Printing) by placing a period in lieu of the semicolon following the word “Service” on line 56 of page 1, and deleting the words “including also any private nonprofit educational institution of higher learning” on lines 56 and 57 of said page 1.

The House amendments were read.

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

The motion prevailed.

Senate Bill 218 With House Amendment

Senator Hightower called S. B. No. 218 from the President's table for consideration of the House amendment to the bill.

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

Committee Amendment 1

Amend S. B. No. 218 in the following respects:

a. Strike from Sections 2, 5 and 6 the words and figures “seventy-five cents (75¢)” and substitute the words and figures “thirty-five cents (35¢).”

b. Delete the word and figures “fifty (50)” appearing on line 48 of page 1 of the printed bill, and substitute therefor the words and figures “one hundred (100).”

c. Delete lines 29 through 34 of Sec. 2 of page 2 of the printed bill and substitute therefor the following: “If the proposition to create the Knox County Hospital District fails to carry at the election, no other election for the same purpose may be held within one year after the result of the election is announced officially.”

d. Add to the first paragraph of Sec. 5, after the word “condemnation,” on line 19 of page 4 of the printed bill the following:

“After the creation of the district, subsequent elections may be ordered for the purpose of increasing such tax to an amount not to exceed seventy-five cents (75¢) on the One Hundred Dollar ($100) valuation. No increase may be made in the tax above thirty-five cents (35¢) on the One Hundred Dollar ($100) valuation until authorized by a majority of the qualified property taxpaying electors voting at an election called and held for such purpose. Such election may be called by the board of directors on its own motion, and the order calling said election shall specify the date of the election, the place or places where the election shall be held, the presiding officers thereof, and the purpose of the election. Notice of election shall be given by publishing a substantial copy of the order calling the election in a newspaper of general circulation in Knox County once a week for two (2) consecutive weeks prior to the date of election, the date of the first publication being at least fourteen (14) full days prior to the date set for the election. The cost of the election shall be paid by the hospital district.”

e. Add, after the word “condemnation” and before the semicolon appearing on line 3 of page 7 of the printed bill the following “by counties.”

f. Delete the word “guardians” appearing on line 4 of page 8 of the printed bill.

The House amendment was read.

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

The motion prevailed by the following vote:

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Senate Bill 451 With House Amendment

Senator Herring called S. B. No. 451 from the President's Table for consideration of the House amendment to the bill.

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

Committee Amendment 1

Amend Section 1 of S. B. No. 451 to read as follows:

Section 1. Section 1, Chapter XIII, Page 23, Special Laws, Acts of the 12th Legislature, Called Session, 1870, is amended to read as follows:

"Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby authorizes and empowers the corporation of the city of Austin, to take possession, and have and exercise absolute control over the following property and real estate, to-wit: Lots numbers nine, ten, eleven and twelve, in block ninety-eight, as the same is laid out on the original plot of the city of Austin, at present known and described as the old capitol property, with appurtenances; to have and to hold the same free of charge for the full term and period of three years from the date of the passage of this act, and at the expiration of the said period of time, the Commissioner of the General Land Office is hereby authorized to relinquish and patent unto the said corporation all her rights, title and interest of, in and to the same; provided, the said corporation within said time shall erect thereon a good and sufficient city hall, for the use of the said city."

The House amendment was read.

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

The motion prevailed.

Senate Bill 48 With House Amendments

Senator Hardeman called S. B. No. 48 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:

Committee Amendment 1

Amend S. B. No. 48 by striking the word illegally on line three in "Section 3" of the first page of said bill.

Committee Amendment 2

Amend S. B. No. 48 adding the following after the word mercury on the 4th line of "Section 3" page one of said bill, as follows: "and is unable to produce such evidence without unnecessary delay."

Committee Amendment 3

Amend S. B. No. 48 by adding a quoted Section 3(a) at the bottom of page 1 of said bill as follows:

"Section 3(a). It shall be prima facie evidence that a person is illegally in possession of mercury in excess of one (1) pound if at such time he does not have in his possession a bill of sale or other written evidence of title to such mercury and is unable to produce such evidence without unnecessary delay."

Unanimous consent granted to amend caption of S. B. No. 48 to conform to the body of bill.

The House amendments were read.

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

The motion prevailed by the following vote:

Yeas—30

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

Senate Bill 463 With House Amendments

Senator Brooks called S. B. No. 463 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:

Committee Amendment 1

Amend S. B. No. 463 by striking out all of line 11 on page 2 of the bill and substituting in lieu thereof the following:

"owner of the fee of such property. Whenever any real property or interest therein owned by Harris County and sold or exchanged and conveyed hereunder is being used by a public utility or common carrier having the right of eminent domain for right-of-way and easement purposes, the sale, exchange, conveyance and surrender of possession herein provided for shall be and remain in all things subject to the right and continued use of such public utility or common carrier."

Committee Amendment 2

Amend S. B. No. 463 by striking out all of line 38 on page 1 of the caption of the bill and substituting in lieu thereof the following:

"making the sale, exchange and conveyance of such real property subject to the rights of public utilities and common carriers using such property; providing a saving clause; and declaring an emergency."

The House amendments were read.

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

The motion prevailed by the following vote:

Yeas—31

Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall

Leaves of Absence

Senator Hall was granted leave of absence for the remainder of today on account of illness in the family on motion of Senator Word.

Committee Substitute Senate Bill 15 on Second Reading

The Senate resumed consideration of the pending business (same being C. S. S. B. No. 15 on its second reading and passage to engrossment).

Question—Shall the pending amendment by Senator Aikin to C. S. S. B. No. 15, as amended, be adopted?

Senator Patman offered the following amendment to the pending amendment:

Amend the pending amendment to the committee substitute to S. B. No. 15, by adding at page III-27, following item 18 a new item to be numbered 19 and to read as follows:

"19. For contribution by the State for the construction of a building to be located at Texas A & M University for the Texas Veterinary Medical Diagnostic Laboratory, out of the State Building Fund $380,386."

and by changing the appropriate totals to conform.

The amendment was read and was adopted.

Record of Votes

Senators Hardeman and Blanchard asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Herring offered the following amendment to the pending amendment:
Amend the pending amendment to C. S. S. B. 15, at page III, 29, by changing the appropriations to the Board of Chiropractic Examiners to read as follows:

"BOARD OF CHIROPRACTIC EXAMINERS

For the year ending August 31, 1968

Out of the Chiropractic Examiners Fund:

Personal Services—
1. Board Members' Per Diem $ 2,750
2. Executive Secretary, part-time 4,500
3. 0136 Secretary III 4,764
4. Seasonal Help 4,100

Total, Personal Services $16,114

Other Expenses—
5. Travel 4,100
6. Consumable supplies and materials, current and recurring operating expense (excluding Board and staff travel), contingent expenses, rental of office space, expenses, for enforcement purposes and court costs (including travel expense for witnesses, publication of notices, purchase of evidence, and legal fees), and capital outlay 4,500

Grand Total, Board of Chiropractic Examiners $24,714

The amendment was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Schwartz offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 by adding the following words to Item 16 concerning the Richmond State School on page II-15 "(457 beds)."

The amendment was read and was adopted.

(Senator Reagan in the Chair.)

Senator Schwartz offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute to S. B. No. 15 by striking the figures $7,000,000" on page II-15 thereof and substituting in lieu thereof the figures "$9,000,000.""

The amendment was read.

Pending discussion by Senator Schwartz of the pending amendment, Senator Herring occupied the Chair.

(President in the Chair.)

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yea—16
Aikin  Herring
Bates  Hightower
Bernal  Parkhouse
Berry  Patman
Blanchard  Ratliff
Christie  Reagan
Creighton  Watson
Hardeman  Word

Nay—13
Brooks  Mauzy
Cole  Moore
Connally  Schwartz
Grover  Strong
Harrington  Wade
Jordan  Wilson
Kennard
Senator Blanchard offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute for S. B. No. 15, by adding at page II-16 after the second full paragraph the following language:

“Any unobligated balances as of August 31, 1967 in appropriations made by H. B. No. 12, Acts of the 59th Legislature, Regular Session, 1965, for the “STATE HOSPITALS AND SPECIAL SCHOOLS BUILDING PROGRAM” are hereby reappropriated for the identical purposes during the fiscal year beginning September 1, 1967.”

The amendment was read and was adopted.

Senator Moore offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 in the following respects:

1. At page IV-58, change the amount for item 8. c., Custodial Services to read $165,476.
2. At page IV-58, change the amount for item 9. a., The Institute of Contemporary Corrections and the Behavioral Sciences, to read $150,000.
3. At page IV-58, change the amount for item 10, Repairs and Rehabilitation of Facilities to $205,000.
4. At page IV-58, change the last two (2) lines on said page to read as follows:

   “a. Renovate Austin College Building for classrooms and office space $ 71,000
   b. Renovate Industrial Arts Building 134,000

   Total, Repairs and Rehabilitation of Facilities $205,000”

The amendment was read.

Senator Aikin moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—20
Aikin    Hazlewood
Bates    Herring
Bernal    Hightower
Berry    Jordan
Blanchard    Parkhouse
Brooks    Patman
Christie    Ratliff
Creighton    Reagan
Grover    Watson
Hardeman    Word

Nays—10
Cole    Moore
Connally    Schwartz
Harrington    Strong
Kennard    Wade
Mauzy    Wilson

Senator Moore offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute to S. B. No. 15 page III-116 by inserting a new Item 3.

“3. Chief of Staff Services $15,000”

and renumbering the succeeding items and totals to conform.

On page III-117 delete the following words under the Schedule of Classified Positions, Secretary of State:

“Group 21
1554 Chief of Staff Services.”

On page III-117 add under Group 19 the following:

“1550 Staff Services Assistant”

and delete the punctuation and number “2” where it appears following “1550 Staff Services Assistant” under Group 16.

On page III-116, delete the figure “17,500” under item 2 of the Secretary of State and insert in lieu thereof “19,000” and make correct the totals to conform.
The amendment was read and was adopted.

Senator Grover offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute to S. B. No. 15, page V-46, by adding a new paragraph to Sec. 43 to be designated paragraph "g."

"g. Under no circumstances shall any architectural contracts awarded by any agency of the State of Texas be subject to approval by the Governor of Texas with or without the advice and consent of the Legislative Budget Board."

The amendment was read.

Senator Aikin moved to table the amendment.

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

(President Creighton in the Chair.)

The motion to table prevailed by the following vote:

Yeas—22
Aikin  Herring
Bates  Hightower
Bernal  Moore
Berry  Parkhouse
Blanchard  Patman
Christie  Ratliff
Cole  Reagan
Connally  Strong
Creighton  Wade
Hardeman  Watson
Hazlewood  Word

Nays—8
Brooks  Kennard
Grover  Mauzy
Harrington  Schwartz
Jordan  Wilson

Absent—Excused
Hall

(President in the Chair.)

Senator Mauzy offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, adding as new section, lettered "H" to item 12 at page III-95 to read as follows:

"H" For study of acquisition and development of Mountain Creek Lake State Park "$500,000."

And add to the "Grand Total, Parks and Wildlife Department" the sum of $500,000.

The amendment was read.

Senator Aikin moved to table the amendment.

Senator Hardeman raised the Point of Order that the amendment seeks to add an appropriation for State funds for designated park which park is not provided by pre-existing statutes.

The President sustained the Point of Order on the ground that the amendment to which the Point of Order was directed sought to make an appropriation for State funds for a designated park which park is not provided for by pre-existing law.

Senator Schwartz raised the further Point of Order that Item 39 IV-4 was out of order, based on the previous ruling that no appropriation could be considered for which there was no existing Statutory authority on the grounds that the last paragraph in Item 39 admits the lack of existing Statutory authority for the pay raises included in Item 39 IV-4 was anticipatory.

The President over-ruled the Point of Order.

(Senator Parkhouse in the Chair.)

Senator Kennard offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute for S. B. No. 15, at page II-28, by deleting the appropriation for Item 11 "For Classified Salaries and Wages" and inserting in lieu thereof the figures $444,415, and at page II-29, change the number of Parole Officer I positions under Group 13 from 27 to 47.

The amendment was read.

Senator Aikin moved to table the amendment.

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

(President in the Chair.)
The motion to table prevailed by the following vote:

Yeas—15

Mr. President    Herring
Aikin            Hightower
Bates            Parkhouse
Christie         Patman
Cole             Ratliff
Creighton        Reagan
Grover           Watson
Hardeman

Nays—14

Bernal           Mauzy
Brooks           Moore
Connally         Schwartz
Harrington       Strong
Hazelwood        Wade
Jordan           Wilson
Kennard          Word

Absent

Berry            Blanchard

Absent—Excused

Hall

The President announced he would vote "Yea" on the motion to table.

Question—Shall C. S. S. B. No. 15 as amended be passed to engrossment?

Leave of Absence

Senator Grover was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

Committee Substitute Senate Bill 15 on Second Reading

The Senate resumed the consideration of the pending business (same being C. S. S. B. No. 15 on its second reading).

Question—Shall C. S. S. B. No. 15 as amended be passed to engrossment?

Senator Schwartz offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 by adding to page II-15 the following:

Lubbock State School
18. Phase I
Corpus Christi State School
19. Phase I

It is hereby declared to be legislative intent and it is hereby provided that the Department of Mental Health and Mental Retardation may expend all or any part of the sum reappropriated in this bill and not heretofore expended for the Lubbock State School Phase I and Corpus Christi State School Phase I on any of the 19 Items listed immediately above if those facilities do not require said funds during the fiscal year appropriated for herein.

The amendment was read.

Senator Reagan moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—18

Aikin            Hazlewood
Bates            Herring
Berry            Hightower
Blanchard        Parkhouse
Brooks           Ratliff
Christie         Reagan
Cole             Wade
Creighton        Watson
Hardeman         Word

Nays—11

Bernal           Moore
Connally         Patman
Harrington       Schwartz
Jordan           Strong
Kennard          Wilson
Mauzy

Absent—Excused

Grover           Hall

Senator Bernal offered the following amendment to the pending amendment:

Amend the pending amendment to Committee Substitute for S. B. No. 15, by striking out the figure $1,841,519 in Item 4 under the caption: The University of Texas Medical School at San Antonio on page IV-34 and substitute in lieu thereof $1,385,050 and striking out the figure of $221,116 under item 5 under the same caption and substituting in lieu thereof $400,000 and also striking out the figure $222,415 under Item 8 under the same caption and also on page IV-34 and substituting in lieu thereof $400,000.
The amendment was read and was adopted.

Senator Kennard offered the following amendment to the pending amendment:

Amend the pending amendment to the Committee Substitute for S. B. No. 15, at Page II-28, by deleting the appropriation for Item 11 “For Classified salaries and Wages” and inserting in lieu thereof the figures $368,815, and at Page II-29, change the number of Parole Officer I positions under Group 13 from 27 to 37.

The amendment was read.

Senator Aikin moved to table the amendment.

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

The motion to table was lost by the following vote:

Yeas—13
Aikin
Bates
Blanchard
Christie
Creighton
Hardeman
Herring

Nays—14
Bernal
Cole
Connally
Harrington
Hazelwood
Hightower
Jordan

Absent
Berry
Grover

Absent—Excused

The amendment was read.

Senator Aikin moved to table the amendment.

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

The motion to table was lost by the following vote:

Yeas—19
Aikin
Bates
Bernal
Berry
Blanchard
Christie
Cole

The amendment was read.

Senator Hardeman offered the following amendment to the pending amendment:

Amend Senate Bill 15 by adding a new section to be lettered Section “II” to Item 12 on page III-95 to read as follows:

“II. For study of acquisition and development of Mountain Creek Lake State Park $500,000
Add $500,000 to “Grand Total, Parks and Wildlife Department.”

To be expended only upon the passage of enabling legislation.

The amendment was read.

Senator Hardeman raised the Point of Order that the amendment seeks to amend a bill because of anticipatory legislation not incorporated in the present statutes.

The Point of Order to the amendment proposed by Senator Mauzy was sustained because appropriation contingent upon the later enactment of a proposed Statute would be in violation of the spirit of Article III Section 44, of the Constitution and the making of such contingent appropriations would make it impossible for the Comptroller to certify appropriation bills as required by Article III, Section 49a.

Senator Word offered for Senator Hall the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page II-18 by striking out the amount of $1,317,571.00 appropriated in Item 11, and substituting in lieu thereof $1,417,571.00 and to correct subtotals, totals, the Article II Grand Total and the recapitulation tables accordingly.

The amendment was read.

Senator Hardeman moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—19
Aikin
Bates
Bernal
Berry
Blanchard
Christie
Cole

Record of Vote

Senator Parkhouse asked to be recorded as voting “Nay” on the adoption of the above amendment.

Senator Mauzy offered the following amendment to the pending amendment:
Senator Strong offered for Senator Hall the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-50 by striking out the amount appropriated to Texas Woman’s University in item 8(c) and substitute in lieu thereof $146,678, and to correct Subtotals, Totals, the Article IV Grand Total and the recapitulation tables accordingly.

The amendment was read.

Senator Aikin moved to table the amendment.

The motion to table prevailed.

Senator Aikin offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page IV-48 by striking out the dollar amount appropriated to North Texas University in item 5 and substitute in lieu thereof $250,000, and by striking out the amount appropriated to the same agency in item 9 and substituting in lieu thereof $912,000, and to correct Subtotals, Totals, the Article II grand total and the recapitulation tables accordingly.

The amendment was read.

Senator Aikin moved to table the amendment.

The motion to table prevailed.

Senator Strong offered for Senator Hall the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15 at page II-23 by striking out the amount appropriated to the Denton State School in item 5 and substitute in lieu thereof $250,000, and by striking out the amount appropriated to the same agency in item 9 and substituting in lieu thereof $912,000, and to correct Subtotals, Totals, the Article II grand total and the recapitulation tables accordingly.

The amendment was read.

Senator Aikin moved to table the amendment.

The motion to table prevailed.

Senator Aikin offered the following amendment to the pending amendment:

Amend the pending amendment to C. S. S. B. No. 15, Pages III-18 and III-19, by striking out all below the caption “Attorney General’s Office” and substituting in lieu thereof the following, and changing the totals to conform:

Out of General Revenue Fund:
Personal Services:

For the Year Ending Aug. 31, 1968

1. Attorney General ................ $ 27,500
2. First Assistant .................. 20,000
3. Executive Assistant ............... 18,000
4. Administrative Assistant Chairman ............... 17,500
5. Opinion Committee ................ 17,000
6. Assistant Attorney General VI, (7) NTE $17,000 ................ 119,000
7. Assistant Attorney General V, (7) NTE $16,700 ................ 116,900
8. Salaries of Assistant Attorneys General, NTE $16,700 ................ 728,592
9. Salaries of Classified Positions ............... 297,238
10. Professional Fees and Services ................ 50,000

Total—
Personal Services ........... $1,411,730
11. Travel ......................... 70,000
12. Consumable supplies and materials current and recurring operating expenses (excluding travel expense) and capital outlay ............... 82,492
13. Court Costs (including costs of depositions and court reporters’ fees) ... 80,000

14. Expenses to investigate and prosecute frauds in any election involving two (2) or more counties as directed in Section 130, Texas Election Code, which may include payment of necessary salaries ... 2,000

Total, Out of General Revenue $1,646,222

Out of the Attorney General’s Operating Fund:
The Comptroller is hereby authorized and directed to transfer the funds hereinafter appropriated to the Attorney General’s Office into a special funds in the State Treasury to be known as the Attorney General’s Operating Fund, and all transfers, deposits and balances in the Attorney General’s Operating Fund are hereby appropriated for the necessary salaries, wages, traveling and operating expenses, including professional services involved in performing the legal responsibilities of the Attorney General’s Office.

In addition to positions authorized in the Schedule of Classified Positions, the Attorney General may, in accordance with the provisions of Article V, Section 1, and with the prior approval of the Classification Officer, employ such personnel within the limits of appropriated funds, as are necessary to carry out his legal responsibilities.

15. Out of:
State Highway Fund, No. 6 ............... $ 10,000
Game and Fish Fund, No. 9 ............... 16,000
Board of Barber Examiners Fund, No. 40 .... 10,000
Veterans Land Board Fund, No. 52 .... 22,600
Medical Registration Fund, No. 55 .... 20,000
State Building Fund ... 15,000
Professional Engineers Fund, No. 56 .... 15,000
Insurance Agents License Fund, No. 85 .... 40,000
Dental Registration Fund, No. 86 .... 5,000
Board of Hairdressers and Cosmetologists Fund, No. 88 .... 10,000
Liquor Act Enforcement Fund, No. 97 .... 30,000
Real Estate License Fund, No. 114 .... 15,000
Board of Corrections Mineral Fund, No. 272. 20,000

Total, Out of Special Funds $228,600
Grand Total, Attorney General’s Office $1,874,822

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the pending amendment:
Amend the pending amendment to C. S. Senate Bill No. 15, on Page III-68, by striking out the fifth full paragraph beginning “The State Highway Commission is authorized—” and substituting in lieu thereof the following:
“The State Highway Commission is authorized to direct the State Comptroller to transfer funds as it may consider necessary from the State Highway to the Attorney General’s Operating Fund as reimbursement of the Attorney General’s Operating Fund for salaries and expenses of the staff of the Attorney General in the handling of the legal work of the State Highway Department for the purpose of acquiring State Highway right-of-way.”

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the pending amendment:
Amend the pending amendment to the Committee Substitute for S. B. No. 15 by correcting all sub-totals, totals, recapitulations and summaries, as necessary.
The amendment was read and was adopted.

Question on adoption of the pending amendment by Senator Aikin to C. S. S. B. No. 15, as amended, Senator Hardeman was recognized and made the following statement regarding the amendment, as amended, to C. S. S. B. No. 15:

Mr. President and Members of the Senate:

It is with a consciousness of having discharged my constitutional duty in the preparation of a General Appropriation Bill for the ensuing biennium, that I address these remarks to my colleagues, to the people of Texas and of my District. I am ready and willing to continue my contributions to the fulfillment of that responsibility by supporting Senate Bill 15, pending on the Calendar of this Senate, reported favorably by the Finance Committee on April 3rd. The same is true as to any other biennial appropriation bill whose total comes within the estimated, available revenue.

Also, there is pending in the Finance Committee, the bill, drafted and submitted by the Governor's budget staff covering the ensuing biennium, which I introduced as Senate Bill 4. (It was introduced in the House by Representative Healy and I believe, is H. B. 116.) True, its total exceeds anticipated, available revenue by some $135 million. Even so it seems deficient in some areas, but the point is that it is a biennial appropriation bill. With amendments it easily could have been made available for Floor action.

I do not intend to vote for a one-year appropriation bill while there is the possibility of being permitted to vote for a Constitutional biennial appropriation bill. I refer to S. B. 15.

I did not participate in the subcommittee consideration of S. B. 570—contrary to erroneous news reports. This my colleagues on the subcommittee, the Lt. Governor, the Committee secretary, the Budget Board Staff and the record will verify. Senator Aikin confirmed this earlier. And for all of whom I have the greatest respect. Each has labored long and hard to prepare S. B. 570.

Failure to have taken earlier action may have precipitated the recent proposal that an appropriation bill covering only the first year of the biennium be enacted. That what I have to say may fall on deaf ears, and doubtless will, matters little. The fact of my minority position doesn't affect the soundness thereof. Right is invincible, truth is immortal. To the people of my State, my District and to my conscience, I am committed.

I am primarily concerned with the constitutional issue involved. I have no references to personalities. This may have been overlooked, or treated too lightly, in the "rush" to serve either economic or political expediency. By reason of my deep-seated conviction, arising from my study of the Constitution, of statutory precedents and historical reference, I am constrained to believe that the Legislature is being called upon to embark on a course violative of their spirit and intent—totally destructive of its constitutional role—in proposing that a regular biennial session enact only an annual, rather than a biennial, appropriation bill. I do not intend this as a discussion of the provisions of the bill. Senator Aikin has ably covered some of these features.

It seems clear to me that failing or refusing to undertake the enactment of a constitutional, constitutionally valid, biennial General Appropriation Bill, with the historic and legislative precedents available, without exception, simply means that the present Legislature is fulfilling only one-half of its constitutional responsibility. This is particularly true in view of the Attorney General's opinion released last Friday holding that a one-year bill may only appropriate money within the income available during the period covered by the bill. Thus, it seems utterly unrealistic to me not to proceed, as has the Senate, and report a biennial bill within the estimated revenue available for the ensuing biennium. The enactment of S. B. 15 would meet the constitutional requirements of a biennial appropriation bill, as well as the so-called "pay-as-you-go" provision.

This proposed innovation involves the provisions of Article II, relating to the separate powers of the departments of government: Legislative, Executive and Judicial. Fortunately, this Article neither prohibits nor precludes cooperation between any two, or among the members, of our tripartite system of government. Each is coordinate; none is subordinate. And I do not stand here today in any sense of not desiring to co-
operate with any department. Capitulation, in violation of principle, is not cooperation; neither is it constitutional nor respectable. The abdication of legislative responsibility and the abandonment of the time-approved constitutional process is too high a price for patriots to pay for unilateral cooperation.

Pursuing the Constitutional intent, it is noted that Article VIII, Sec. 6, and Article III, Sec. 49a, contain the only references to a General Appropriation Bill. These permit the inclusion therein of multiple subjects, prescribe a limitation on its duration and the Comptroller’s estimated revenue for “the succeeding biennium.” Nowhere is it provided that he shall estimate for less than “the succeeding biennium” except as to the “last fiscal period” and an estimate for the “then current fiscal year.” This is to show the Regular Session the financial status for the past and current fiscal years of the present biennium and whether emergency appropriations may be necessary for the “then current fiscal year.” Following this the Comptroller then makes his estimate for “the succeeding biennium” — not for the first or second year — but for both. Thereupon the Legislature is charged with the duty of enacting a biennial appropriation bill within the estimate provided by the Comptroller. The limitation therein, however, coupled with (1) the mandate that the Legislature shall meet each two years (Article III, Sec. 5), (2) the maxim “Expressio unius est exclusio alterius,” as an accepted rule of interpretation, (3) the estimate of revenue for “the succeeding biennium,” and (4) the further fact that, on more than one occasion, the people have refused to approve annual sessions of the Legislature, are sufficient reasons for me to conclude that the enactment of less than a biennial General Appropriation Bill in a regular session, is an unconstitutional action and the disregard of all precedent, as well as of our 91-year, constitutional and legislative history.

This may be of no immediate concern to those holding different views. And mark this well: if constitutional requirements and limitations are stricken down to serve expediency, or for any other purpose, they may not be available when the shoe is on the other foot, so to speak.

What I have said thus far, relates to legislative responsibility. Let us consider another aspect of Constitutional authority — namely, Executive prerogatives.

Following enactment of a biennial General Appropriation Bill, it is sent to the Comptroller of Public Accounts — a member of the Executive Branch — for his examination to determine whether the total sum appropriated comes within the amount estimated to be available in the affected fund. Upon certification the bill is thereupon transmitted to the Governor for such disposition thereof as he may desire to make.

Art. IV, Sec. 14, empowers the Governor to approve or disapprove the bill, either in whole or in part. The Governor’s power, unlike that of a President, extends to individual or particular items, subject only to the limitation that he may not reduce or enlarge an item; neither is he legally empowered to veto language qualifying an appropriation not directing the method of expenditure — commonly called “riders” (Fulmore v. Lane, 104 Tex. (Sup.) 499; Atty. Gen. Op.).

Certification by the Comptroller was not required prior to 1942, resulting in some deficit-financing — the real thief of inflation. (This provision of our Constitution (Art. III, Sec. 49a) should be retained in any wholesale re-writing thereof. Would that a similar provision could be included in the Federal Constitution.)

It has been submitted to me, as a precedent for the present proposal, that H. B. 321, Acts, Reg. Session, 51st Leg., 1949, contained an appropriation for only the first year of the biennium. This was the appropriation for the State’s eleemosynary institutions at that time carried in a separate bill. It is simply not true that H. B. 321 ever covered only one year of the biennium. It was a biennial appropriation bill, ab initio, enacted pursuant to all prior legislative practice and precedent.

Following its adoption, on June 28, 1949, it was sent to the Comptroller and certified by him on July 2, 1949, and I quote: “that the amount appropriated in the herein H. B. 321 of the 51st Legislature is within the amount estimated to be available in the affected fund.” The bill, thus certified, was thereupon transmitted to the Governor — His Excellency, the late Honorable Beauford H. Jester — in accordance with the normal constitutional process. On July 5, 1949, Gov-
Governor Jester signed and filed with the Secretary of State H. B. 321 to which he attached a statement reading as follows, and I quote:

"A Statement by the Governor of Texas:

"In reference to House Bill No. 321, 51st Legislature.

"I have today approved House Bill No. 321, Acts of the 51st Legislature, with the exception of those items appropriated therein for the year ending August 31, 1951, and these I have vetoed.

"The total amount of the items vetoed is $17,561,821.

"BEAUFORD H. JESTER, Governor of Texas."

(This statement also appears in the Senate Journal.)

Governor Jester thereupon assigned reasons for his action, stating, inter alia, that, and I quote: "The General Revenue Fund, as estimated by the Comptroller, is over-spent by approximately the amount which I have cut out of House Bill No. 321." (This was in direct conflict with the Comptroller's certification.) He then stated that he would call a special session, "or upon approval of the annual session amendment" to provide the necessary revenue to "balance the budget" which had been theretofore constitutionally certified by the Comptroller as being available.

Following the death of Governor Jester, within a very few days of his veto, the reins of State government fell into the capable and experienced hands of Honorable Allan Shivers. Governor Shivers, as was his responsibility, convened the 51st Legislature in extraordinary session on January 23, 1950, for the purpose of providing funds for the operation of the State Hospitals and Special Schools for the second year of the biennium—September 1, 1950, to August 31, 1951, which was promptly accomplished.

But, always, it should be borne in mind that H. B. 321 was originally enacted for the biennium—not for the first or one-year, only. Thus, the Legislature discharged its duty and no precedent for the current proposal exists.

A special session is always available for the consideration of emergency situations—it should not be burdened with those matters which properly, traditionally and constitutionally have been determined in biennial sessions. Veto of the second year of a biennial bill, such as Senate Bill 15, would properly necessitate a special session. That is the constitutional procedure.

Art. IV, Sec. 8, authorizing special sessions, prescribes "extraordinary occasions"—not normal or ordinary events—limited to consideration of those subjects specified in the proclamation. Such power is indispensable to the proper operation of the government. The matter of providing adequate funds for the economical operation of the government should be accomplished in Regular Biennial Sessions, unless and until changed by proper amendment to the Constitution. Proposals to do this have been rejected on more than one occasion by rather substantial majorities.

With the record thus fully set out, surely conjecture and speculation will diminish and their attempted use as a precedent for making only an annual appropriation should be abandoned.

Perhaps I should here interject that I am not so naive as to think that the enactment and approval of an invalid, one-year bill in this Regular Biennial Session will be either challenged by the proper authorities or, if so challenged in quo warranto proceedings, or otherwise, will be stricken. So, in declining to accept this legislative departure, I must find comfort in the fact that I have fulfilled my constitutional duty to my State and to my District in my continuing willingness to support a proper biennial appropriation bill such as Senate Bill 15.

With the foregoing remarks, relating to the over-all constitutional question and history, posed by the validity of a biennial General Appropriation Bill, as differentiated from the invalidity of an annual General Appropriation Bill, the question of economic or political expediency arises.

Unfortunately, there is the tendency to disregard constitutional intent and assume the validity of the pending proposal on the basis of "business reasons," to say nothing of political undertones. I repeat an earlier statement to the effect that if the law is disregarded, with impunity, in one instance, it may not be available when its provisions and protections are required as the actors are, or may be, cast in different roles.
Following, literally and figuratively, hours and hours of hard work, tedious and conscientious work (calculated by someone to exceed 400), Senate Bill 15 was written with the express approval of the distinguished Lieutenant Governor, who has consistently maintained, both publicly and privately, before and since the Session convened, that sufficient funds, through current levies and accumulated surpluses, were, and would be, available to provide for the economic operation of the State for the ensuing two-year period and that no new or additional taxes, or would be, necessary. This view of the Lieutenant Governor I have been pleased to endorse.

Senate Bill 15 incorporated this policy and to now disregard the tremendous efforts by my able colleagues—Senators Aikin, Harring, Reagor, and Ward—and by the members of the Legislative Budget Board staff, the committee secretary—which have gone into it and to renounce a position of sound economy, for temporary expediency, likely will launch a spending spree that will not only consume the present, or estimated, surplus in a single year but, admittedly will require new or additional taxes, perhaps, in lesser amounts, as indicated, but increased regardless, to finance the second year of the biennium, currently covered in Senate Bill 15. That doesn't seem to me to be either good sense, good business, good economy or good politics.

It is said, mostly without factual support, that private business does not operate on the basis of two-year forecasts. I am told by those whom I consider qualified, that some of the largest corporate enterprises, with comparable budgets, contemplate financial needs and expenditures well beyond two years. Expansions are considered; re-tooling planned; new models designed; exploration undertaken—all with expenditures and allocations to cover greatly extended periods. Were this not so, the business thereof would stagnate.

While considered insignificant at this stage, perhaps, nevertheless, special sessions are expensive—not, of course, to the total extent of the regular biennial sessions, due to the restricted period. But the legislative machinery must be set in motion, even though the vast majority of the members, the officers and employees ordinarily have little or nothing to do for the greater part of the time, pending committee action. Then, there is no absolute assurance that the purpose or purposes for which the session was convened will be fulfilled. In such case, it is always hoped that such will be done. Also, there is the unrest created in the business and industrial climates.

It is rumored that certain interests look with favor on the plan for a single-year appropriation on the premise that no new or increased taxes will be levied during the regular session. While this may be true, I would suggest that there is no assurance a much larger tax bill will not be forthcoming in the future. To me it appears to be postponing the evil day thereof and is being very shortsighted. Don't forget this one fact: S. B. 15, proposing a biennial appropriation, does not require new or additional taxes, during the ensuing biennium, still, in my opinion, it will provide, adequately, for all the legitimate services and needs of the State for two years. Failing to do so, the special session alternative is readily available. The vast majority of the States of the Union have biennial appropriation bills. Some of those practicing annual appropriations are in dire financial straits.

Why, I make bold to inquire, have all the public pronouncements for economy and no additional taxes gone for naught? Have we yielded to the siren song of unrestrained spending? Shall we abandon constitutional history and legislative precedents? Certainly, I do not subscribe to the idea that the State should seek to accumulate a great surplus over and above legitimate needs, but to expend an available surplus, in excess of need, is to indulge in extravagance and waste. I was taught thrift by my parents. I am trying to teach it to my boys. They seem to think I am old-fashioned in this world of unlimited spending. The idea of preparing for a "rainy day" has been destroyed through promises of social security and governmental largesse which will
bring a reckoning for the prodigality and profligacy of the continued flouting of the law of supply and demand and sound economic practices. When surpluses accumulate, in excess of anticipated needs, some functions of a "luxury-type" may then be indulged, but better, consideration should be given to reducing present levies, such as the percent of sales taxes imposed, for example.

With large surpluses available, the temptation to include new and additional services constantly exists. Once added, they must and will be maintained. Then, with the surplus depleted or exhausted, to any extent, new or additional services will definitely entail the need for the levy of new or increased imposts on otherwise overburdened taxpayers. I have no objection to supporting a revenue measure when such is necessary to the economical operation of the State government.

The adoption of the proposed procedure sounds the death knell for biennial appropriation bills, as well as for biennially-enacted revenue measures. Annual appropriation bills will be much costlier—necessitating annually higher taxes.

I have thus tried to express my personal views without rancor or bitterness or criticism of anyone. To me it is a matter of principle for which sufficient reasons have not been assigned to cause me to abandon. In the immortal words of Colonel Crockett, "I had rather be politically damned for a principle than to be hypocritically immortalized for fleeting popularity."

Some 40 days remained following the proposal for the annual bills idea—10 days longer than will be available at any special session. Of course, only 21 days are left for action in this Regular Session, but dedicated effort could provide the enactment of a valid biennial bill.

The pending amendment to C. S. S. B. No. 15 was adopted by the following vote:

<table>
<thead>
<tr>
<th>Yeas—21</th>
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<tbody>
<tr>
<td>Aikin</td>
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<tr>
<td>Bernal</td>
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<td>Brooks</td>
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<td>Christie</td>
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<td>Cole</td>
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<td>Connally</td>
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<th>Nays—8</th>
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<tr>
<td>Bates</td>
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<td>Berry</td>
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<td>Blanchard</td>
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<tr>
<td>Hardeman</td>
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Absent—Excused

Grover
Hall

Senator Aikin offered the following amendment to the bill:

Amend C. S. S. B. No. 15 by striking all the enacting clause and inserting in lieu thereof the following:

"An Act appropriating money for the support of the Judicial, Executive, and Legislative branches of the State Government, for the construction of State buildings, and for state aid to public junior colleges, for the year beginning September 1, 1967, and ending August 31, 1968; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

The 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 engrossment.

Record of Votes

Senators Blanchard, Schwartz, Hardeman, Kennard, Berry, Bates, Ratliff and Parkhouse asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Committee Substitute
Senator Bill 15 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote:
MONDAY, MAY 8, 1967

Yeas—24
Aikin
Bernal
Brooks
Christie
Cole
Connally
Creighton
Harrington
Hazlewood
Herring
Hightower
Jordan
Kennard
Moore
Parkhouse
Patman
Ratliff
Reagan
Schwartz
Strong
Wade
Watson
Wilson
Word

Nays—5
Bates
Berry
Blanchard
Hardeman
Mauzy

Absent—Excused
Grover
Hall

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—22
Aikin
Bernal
Berry
Brooks
Christie
Cole
Connally
Creighton
Harrington
Hazlewood
Herring
Hightower
Jordan
Kerr
Mauzy
Moore
Patman
Ratliff
Reagan
Schwartz
Strong
Wade
Watson
Wilson
Word

Nays—7
Bates
Blanchard
Hardeman
Kennard
Mauzy
Parkhouse
Schwartz

Absent—Excused
Grover
Hall

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

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
Hon. Preston Smith, President of the Senate.
Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1215, 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 Herring by unanimous consent submitted the following reports:

Austin, Texas,
Hon. Preston Smith, President of the Senate.
Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 760, 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.

HERRING, Chairman.

Austin, Texas,
Hon. Preston Smith, President of the Senate.
Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 374, 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.

HERRING, Chairman.

Austin, Texas,
Hon. Preston Smith, President of the Senate.
Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 378, 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.

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

HERRING, Chairman.

Austin, Texas,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 693, 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.

HERRING, Chairman.

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 589, 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.

HIGHTOWER, Chairman.

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred S. B. No. 598, 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.

CHRISTIE, Vice-Chairman.

BERRY
BROOKS
RATLIFF
WORD
CONNALLY
BATES
WADE

House Bill 1221 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 1221 was ordered not printed.

House Bill 1194 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 1194 was ordered not printed.

House Bill 539 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 539 was ordered not printed.

House Bill 1215 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 1215 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,

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. 166, A bill to be entitled "An Act defining certain words and terms as used herein; requiring that school districts of this State, as herein defined, employ teachers by probationary contract or by continuing contract as herein defined, under the circumstances and procedures and with the terms, provisions, and consequences herein prescribed; prescribing the causes for which and procedures by which holders of such contracts may be discharged during the school year, and the reasons for which and procedures by which persons holding such contracts may be dismissed or their contractual status changed at the end of a school year; providing for review of orders discharging, dismissing, or changing the contract status of persons holding such contracts, stating the conditions under which persons holding such contracts may resign, and the penalties for failure of such persons to resign or be released from and failure to perform such contracts; and declaring an emergency."

H. B. No. 292, A bill to be entitled "An Act adopting a Code Construction Act; defining general terms and providing general rules for the construction of codes (and amendments to them) enacted pursuant to the State's continuing statutory re-
vision program; and declaring an
emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 69

Senator Herring offered the following
resolution:

S. C. R. No. 69, Commending Mayor
Lester Palmer for twelve outstanding
years of service to City of Austin and
State of Texas.

Whereas, The accomplishments and
distinguished service of Austin's May-
or Lester Palmer during his 12 years
as a member of the City Council
parallel the transition of the Capital
City from small town to metropolis;
and

Whereas, When he was first elected
to the City Council in 1955, he planned
to serve just four years, and in pledging
himself to this civic responsibility
he says he recalled seeing his father,
an immigrant cabinet-maker from
Sweden, sitting and looking at his
citizenship papers that cost him years
of indenture; and

Whereas, Mayor Palmer is truly a
product of the city he loves and has
served so well; he went to Winn Ele-
mentary School and the old Austin
High School, where he graduated in
1925; for a brief period he worked in
a clothing store, spent some months
in San Antonio with an insurance
company, came back to Austin to
serve for a while with the telephone
company, and then joined Calcasieu
Lumber Company in 1929; he is now
vice president and general manager
of the Company; and

Whereas, In the lumber business,
he is recognized throughout the state
and has served as an officer in a num-
ber of industry associations; he was
the man who told the industry that
suppliers and builders couldn't do any
good until they found adequate financ-
ing for home buyers; he traveled the
state setting up an association which
grew to be Lumbermen's Investment
Company, one of Texas' leading
mortgage houses; and

Whereas, In addition to his out-
standing business success, however, as
Mayor of Austin he always gave full
measure in serving his city; to him,
service was a 24-hour job—a fulltime,
costly position, without pay—with his
days, and nights, occupied by Council
sessions, board meetings, city hall
homework, ceremonial functions, and
social gatherings, not to mention
trouble calls from taxpayers; and

Whereas, In explaining what guid-
ed his actions during his service,
Mayor Palmer said: "I always tried
to look at everything with an in-
formed conscience and vote on it. I'm
not enough of a politician to care if
it won any brownie points"; and

Whereas, Politician or not, in his
six races he has had only token op-
oposition in two, and perhaps this can
be attributed to the promise he made
to himself—and kept—12 years ago:
"... no matter how wrong I feel a
citizen or a Council member is, they
have a right to their opinion."
and

Whereas, Among his accomplish-
ments for the city are included the
20-year gas contract that saved the
city $18 million; talking the Texas
Highway Department into helping
with the Missouri-Pacific Boulevard;
the creation of Town Lake and the
anticipation of Decker Lake; the au-
ditorium, the new airport, Morris Wil-
liams Golf Course and a number of
swimming pools throughout the city;
and

Whereas, Although he felt strongly
about supplying the needs of the peo-
ple, he said he always asked first if
the city could afford it; he tried des-
perately to determine the difference
between need and desire, and the de-
velopment of city services during
his tenure shows the wisdom of his
decisions; and

Whereas, Looking to the future,
Mayor Palmer expects a complete
modernization of the city's zoning
code, one of the few goals he set for
himself which wasn't attained during
his tenure; he believes that the gen-
eral good should be put ahead of the
profusion of interests—big and small
—that parade before the City Council
table and, over all, that financial re-
ponsibility is the key to good city
government; and

Whereas, His guidance of municipal
affairs always adhered to this prin-
ciple, and the City of Austin won its
"AA" bond rating—the second best
rating given—shortly after he took
over the mayor's chair; and

Whereas, Mayor Palmer's personal
sacrifice to civic responsibility has
been shared by his wife, Ethel, who
remarked: "Our lives have been so
consumed with the job that being away from it is going to be a complete change—a real adjustment for us to make; and

Whereas, The city will honor Mayor Palmer on Thursday, May 11, and the Texas Legislature wishes to share in this tribute to an outstanding Texan, to Mayor Lester Palmer, who has guided Austin to a position of prominence among the great cities of Texas and who has always shown impartiality in his decisions, dedication in his service to the needs of the city; now, therefore, be it

Resolved by the Senate of the 60th Legislature, the House of Representatives concurring, That the Texas Legislature hereby commends Mayor Lester Palmer on his 12 years of outstanding service to the City of Austin, and expresses appreciation to him, as well, for his unfailing courtesy and cooperation given to members of the Texas Legislature and the entire State family of governmental departments and agencies; and, be it further

Resolved, That along with all the people of Austin, the Texas Legislature will miss his familiar red and white pickup parked among the limousines of the dignitaries, but, hopefully, will expect to see his friendly face at public functions and will count on his continued interest in civic affairs from the standpoint of the private citizen; and, be it further

Resolved, That a copy of this Resolution be sent to Mayor and Mrs. Lester Palmer in appreciation for their service and personal sacrifice and as a token of the esteem and affection of the Members of the Texas Legislature.

The resolution was read.

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

Message From the House
Hall of the House of Representatives
Austin, Texas, May 8, 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. 362, A bill to be entitled

"An Act amending Article 4.01 of the Insurance Code of Texas, 1951, as amended by Section 3 of Chapter 344, Acts of the 55th Legislature, Regular Session, 1957; providing the formula for ad valorem taxation of domestic insurance companies; providing for severability; repealing laws in conflict; and fixing an effective date."

S. B. No. 94, A bill to be entitled "An Act to prohibit governmental bodies from holding meetings which are closed to the public; defining the term 'governmental body'; making certain exceptions; etc., and declaring an emergency."

(With amendments.)

The House has adopted the Conference Committee Report on H. B. No. 328 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 637 by vote of 130 ayes, 3 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills on First Reading

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

H. B. No. 741, to Committee on Game and Fish.

H. B. No. 830, to Committee on Counties, Cities and Towns.

H. B. No. 1165, to Committee on Education.

H. B. No. 619, to Committee on Counties, Cities and Towns.

H. B. No. 387, to Committee on Counties, Cities and Towns.

Conference Committee on Senate Bill 63

The President announced the appointment of the following as a Conference Committee on the part of the
Senate on Senate Bill No. 63: Senators Parkhouse, Herring, Moore, Ratliff and Reagan.

Senate Joint Resolution 38
Re-committed

On motion of Senator Moore and by unanimous consent S. J. R. No. 38 was re-committed to the Committee on Constitutional Amendments.

Report of Standing Committee

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,
Hon. Preston Smith, President of the Senate.
Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 619, 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.

CHRISTIE, Vice-Chairman

Senate Bill 94 With House Amendments

Senator Brooks called S. B. No. 94 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. No. 94 by striking paragraph (4) of Section 2(a).

Amendment 2
Amend S. B. 94, Section 2 by adding a new paragraph to be numbered 2(b)(e):

The provisions of this Act shall not apply to periodic conferences held among staff members of the governmental body.

Amendment 3
Amend S. B. 94, page 1 by substituting in lieu of Section 2(a)(1) the following:

"Deliberation during a meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee unless such officer or employee request a public hearing."

Amendment 4
Amend S. B. 94 by adding a new paragraph 4 to Sec. 2A to read as follows:

"(4) Any investigating committee of the legislature."

Amendment 5
Amend S. B. 94 by placing a period after the word "attorney" on line 55 on Page 1, and by deleting the remainder of line 55 and all of lines 56 and 57.

Amendment 6
Amend S. B. 94, Section 2, by adding to paragraph 2(b)(e):

Such staff meetings will be only for the purpose of internal administration and no matters of public business or agency policies that affect public business will be acted upon.

The House amendments were read.

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

The motion prevailed by the following vote:

Yeas—28

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

Yeas—28

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

Absent

Berry
Watson

Absent—Excused

Hall

Senator Hardeman's Remarks on Senate Bill 15 Ordered Printed in Journal

On motion of Senator Bates and
by unanimous consent the remarks of Senator Hardeman on the adoption of C. S. S. B. No. 15 were ordered printed in the Senate Journal.

Amendment to Committee Substitute Senate Bill 15 Ordered Not Printed in Journal

On motion of Senator Aikin and by unanimous consent the context of the amendment to C. S. S. B. No. 15 (same as C. S. S. B. No. 570) was ordered not printed in the Senate Journal.

Senate Bill 16 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up S. B. No. 16 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up S. B. No. 16 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25
Aikin  Bates  Bernal  Berry  Brooks  Christie  Cole  Creighton  Hardeman  Harrington  Herring  Hightower  Jordan
Kennard  Mauzy  Moore  Parkhouse  Patman  Ratliff  Reagan  Schwartz  Wade  Watson  Wilson

Nays—3
Blanchard  Connally  Hall
Strong

Absent—Excused
Grover  Hazlewood

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

S. B. No. 16, A bill to be entitled "An Act to amend Section 1 of Article IV, and Sections 2 and 4 of Article VI, Senate Bill No. 116, Chap-
ter 334, 51st Legislature, Regular Session, 1949, as last amended by Senate Bill No. 4, Chapter 438, Acts 59th Legislature, 1965, so as to improve the minimum teacher salary schedule in the Foundation Program Act; providing for the local fund assignment for the school year 1967-68 on a specific basis, thereafter to be determined on a prescribed formula; providing a savings and severability clause; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 16 by striking out in Section 1, subsection (1), subsection a, lines 62 and 63, the words and figures Five Hundred Fifty-Six ($556) and insert in lieu thereof the following:

"Five Hundred Forty-One ($541)"

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—19
Aikin  Bates  Bernal  Berry  Blanchard  Brooks  Cole  Creighton  Hardeman  Harrington  Herring  Hightower
Bates  Jordan  Moore  Parkhouse  Patman  Ratliff  Reagan  Strong  Watson  Word

Nays—9
Blanchard  Christie  Connally  Harrington  Kennard
Mauzy  Schwartz  Wade  Wilson  Hazlewood

Absent—Excused
Grover  Hazlewood  Hall

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 16 by striking out in Section 1, subsection (1) subsection c, line 7, the words and figures
Five Hundred Ninety ($590) and insert in lieu thereof the following:

"Five Hundred Seventy-Five ($575)"

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

**Yeas—19**

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

**Nays—9**

Bates  Mauzy  
Christie  Schwartz  
Connally  Wade  
Harrington  Wilson  
Kennard  

Absent—Excused

Grover  Hazlewood  
Hall  

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 16 by striking out in Section 2, lines 44 and 45, the words and figures One Hundred Fifty-Nine Million, Three Hundred Thousand ($159,300,000) and insert in lieu thereof the following:

"One Hundred Fifty-Six Million Eight Hundred Thousand ($156,800,000)"

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

**Yeas—19**

Aikin  Brooks  Aikin  Jordan  
Bernal  Cole  Bates  Kennard  
Berry  Creighton  Bernal  Mauzy  
Blanchard  Hardeman  Berry  Moore  

**Nays—2**

Connally  Strong  

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 engrossment.

Record of Votes

Senators Strong and Connally asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 16 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

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

**Nays—2**

Connally  Strong  
Absent—Excused
Grover Hazlewood
Hall

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 Connally and Strong asked to be recorded as voting “Nay” on the final passage of S. B. No. 16.

Memorial Resolutions
S. R. No. 557—By Senator Watson: Memorial resolution for Mrs. James Hays Quarles.

S. R. No. 558—By Senator Watson: Memorial resolution for Roy C. Potts, Sr.

S. R. No. 559—By Senator Watson: Memorial resolution for Mrs. Thomas J. Watts.

Welcome Resolutions
S. R. No. 560—By Senators Brooks and Cole: Extending welcome to teachers and students of Charles H. Milby Senior High School of Houston.

S. R. No. 561—By Senator Harrington: Extending welcome to teacher and students of Fourth Grade of Cunningham School of Austin.

S. R. No. 562—By Senator Harrington: Extending welcome to teacher and students of North Side Elementary School of Taylor.


S. R. No. 564—By Senator Schwartz: Extending welcome to Albert Perry, III, et al.

S. R. No. 565—By Senator Grover: Extending welcome to Miss Ingrid Olsen and Miss Pamela Grover and granting privileges of the floor for the day.

S. R. No. 566—By Senator Watson: Extending welcome to Dr. Abner McCall.

S. R. No. 567—By Senator Watson: Extending welcome to Eugene Jud.

S. R. No. 568—By Senator Harrington: Extending welcome and privileges of the floor for the day to Miss Donna Hoffpauer.


Adjournment
On motion of Senator Hardeman the Senate at 6:27 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee
Senator Hardeman submitted the following report:

Austin, Texas,

Hon. Preston Smith, President of the Senate:
Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 517, An Act amending Section 10 of the “Lower Colorado River Authority Act,” Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, and by Acts 1962, 57th Legislature, Third Called Session, page 27, Chapter 11, Section 1, and by Acts 1965, 58th Legislature, page 287, Chapter 124, Section 1, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corporation created or designated by the United States of America; to acquire, install, construct, and enlarge, make additions to, and to operate one or more steam plants, located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; increasing the aggregate principal amount of bonds which the District may issue, and
providing rights and powers of bondholders in event of default; re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 510, An Act creating the County Court at Law of Bell County; providing for its jurisdiction, terms, personnel, and practice; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 8, 1967
S. B. No. 510
S. B. No. 517
S. C. R. No. 36

FIFTY-SEVENTH DAY

(Tuesday, May 9, 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
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hardeman
Harrington
Haxlewood
Herring
Hall

Absent—Excused

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.

Leaves of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Blanchard.

Senator Hall was granted leave of absence for today on account of illness on motion of Senator Word.

Motion to Dispense With Morning Call

Senator Blanchard asked unanimous consent to dispense with the Morning Call.

There was objection.

Senator Blanchard then moved to dispense with the Morning Call.

The motion was lost by the following vote:

Yees—9
Aikin
Bates
Berry
Blanchard
Cole

Nays—15
Bernal
Brooks
Christie
Grover
Harrington
Herring
Mauzy
Moore
Connally
Haxlewood
Jordan

Absent—Excused
Hall

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 9, 1967.

Hon. Preston Smith, President of the Senate.