(Thursday, May 11, 1967)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

Leave of Absence

Senator Wade was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senate Resolution 615

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Hon. Bill Wood, former Member of the Senate, also former Member of the House; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and extended the privileges of the floor for the day.

The resolution was read and was adopted.

Former Senator Wood was given a standing ovation by the Members of the Senate.

Message From the House

Hail of the House of Representatives
Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 143, 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.

RATLIFF, Chairman.

Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 144, 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.

RATLIFF, Chairman.

Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 147, 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.

RATLIFF, Chairman.
Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 512, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 1156, 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.

RATLIFF, Chairman.

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 798, 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
REAGAN
BLANCHARD

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 844, 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,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 441, 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,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 780, 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,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 553, 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,
May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 771, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 292, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 162, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 681, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 360, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 784, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 788, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 714, 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, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 434, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas, May 11, 1967.
Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 293, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas, May 11, 1967.
Whereas, The Honorable Hal A. Beckwith is a distinguished member of the Texas Society of Professional Engineers, the National Society of Professional Engineers, the American Society of Civil Engineers and the Association of Western State Engineers; and

Whereas, The Honorable Hal A. Beckwith, a graduate of The University of Texas College of Engineering, Class of 1911, was honored by The University of Texas in 1965 as a recipient of the Distinguished Graduate Award for his outstanding professional record; and

Whereas, Many dams, reservoirs and irrigation works, and their contributions toward the flourishing economy, health, and well-being enjoyed by many grateful citizens bear silent witness to the perseverance, dedication, leadership, ability, and foresight of this great citizen; and

Whereas, For so long as the Rio Grande shall continue to flow, the memory and contributions of the Honorable Hal A. Beckwith shall continue to serve and benefit generations of Texan, Mexican, and American citizens; now, therefore, be it

Resolved, by the Senate of the 60th Legislature of the State of Texas, the House of Representatives concurring, That in recognition of the outstanding qualities of Hal A. Beckwith as a gentleman of the highest order, and in further recognition of the outstanding service he has rendered to the citizens of this state and nation, and particularly for his labors and chronological knowledge of the water resource development of the Rio Grande Valley, that the large, three-prong arm of the International Falcon Reservoir situated in the southern portion of the Zapata County; generally northwest of the town of Lopeno; draining Arroyo Tianañas, Arroyo del Tigre Chiquita, and Arroyo del Tigre Grande; located generally north of latitude 26° 38’ 45”, south of latitude 26° 45’ 00”, west of longitude 99° 07’ 30”, and east of longitude 99° 11’ 15”; and situated entirely within the boundaries of the State of Texas be, and is hereby designated and named “Beckwith Arm.”

CONNALLY
HERRING
The resolution was read.

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

On motion of Senator Herring and by unanimous consent Mr. Beckwith was granted privileges of the floor for the day.

Senator Connally then introduced the distinguished guest to the Members of the Senate.

House Bill 798 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 798 was ordered not printed.

Senate Concurrent Resolution 72

Senator Blanchard by unanimous consent offered the following resolution:

S. C. R. No. 72, Commending Shrine of Texas for their hospital facilities made available to children of Texas.

Whereas, In recognition of the outstanding service by the Shrine of Texas to the children and youth of this State through the excellent hospital facilities they have made available; and

Whereas, The youth of this State has benefited greatly by the Shriners Hospital for Crippled Children in Houston, and the Burns Hospital at John Sealy in Galveston; and

Whereas, These hospitals offer help and treatment for all children without regard to race, color or creed, and without charge for those unable to pay; now, therefore, be it

Resolved, That the Senate of the State of Texas commend and congratulate Major Wattinger for his courageous and valiant service to our Country; and, be it further

Resolved, That his presence be recognized by the Senate of Texas and that he be granted the privileges of the floor for the day.

HERRING


The resolution was read.

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

The resolution was then adopted.

Senator Herring then introduced the distinguished guest and Major Wattinger was given a standing ovation by the Members of the Senate.

Senate Bill 605 on First Reading

By unanimous consent, the follow-
ing local bill was introduced, read first time and referred to the Committee indicated:

By Senator Connally:

S. B. No. 605, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Karnes and Wilson Counties to the list of counties regulated; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 606 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—28

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

Absent

Hazlewood
Absent—Excused
Kennard  Wade

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

By Senator Patman:

S. B. No. 607, A bill to be entitled "An Act relating to the compensation of the official shorthand reporters for the 135th and 24th Judicial Districts; amending Section 1, Chapter 237, Acts of the 58th Legislature, 1963 (Article 2326j-26, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 607 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—28

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

Absent

Hazlewood
Absent—Excused
Kennard  Wade

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

By Senator Patman:

S. B. No. 608, A bill to be entitled "An Act changing the closed season for oystering on public reefs in Calhoun County; amending Section 1, Chapter 102, Acts of the 48th Legislature, 1943, as amended; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 608 on First Reading

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

**Yeas—29**

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

**Absent—Excused**

- Kennard
- Wade

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

*By Senator Moore:*

*S. B. No. 608, A bill to be entitled “An Act providing that no guardian ad litem need be appointed in a civil case in this state when it appears of record that such minor is represented by an attorney; and declaring an emergency.”*

To the Committee on Jurisprudence.

**House Bill 300 on Second Reading**

The Senate resumed consideration of the pending business, same being H. B. No. 300 on its second reading and passage to third reading.

**Question—Shall H. B. No. 300 be passed to third reading?**

Senator Watson offered the following amendment to the bill:

Amend H. B. No. 300, Section 1 of the bill, Section 5 of Article 6675a-4 and Article 6675a-5 V.T.C.S. as amended, line 55 and 56 of the printed bill on page 1 of the printed bill by striking out the figures under Fee the "$20.00 and $28.00" and substitute the figures "$22.00 and $30.00" respectively.

The amendment was read and was adopted.

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

The bill as amended was passed to third reading.

**Record of Votes**

Senators Mauzy, Brooks, Hall, Herring and Jordan asked to be recorded as voting “Nay” on the passage of the bill to third reading.

**House Bill 300 on Third Reading**

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 300 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23**

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

**Nays—5**

- Herring
- Mauzy
- Parkhouse
- Patman
- Reagan
- Schwartz
- Strong
- Watson
- Wilson
- Word

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 Blanchard, Mauzy, Hall, Herring, Brooks and Jordan asked to be recorded as voting “Nay” on the final passage of the bill.

**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. 774, to the Committee on Agriculture and Livestock.

Bills and Resolutions Signed

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

H. B. No. 29, A bill to be entitled "An Act amending Section 2, Chapter 216, Acts of the 49th Legislature, 1945, as amended (Article 4419c, Vernon's Texas Civil Statutes); further defining the term "crippled child" so as to extend the restoration service to children with ear bone defects; and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act requiring state colleges and universities offering a fully accredited program for teachers of the deaf to offer a three-hour elective course in dactylogy; and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act relating to the filing of divorce information with the State Bureau of Vital Statistics; amending Chapter 41, Acts of the 40th Legislature, First Called Session, 1927, as amended, by adding a new Section 17B; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act relating to the issuance of refunding bonds for the purpose of refunding outstanding bonds and warrants secured by revenues from toll bridges acquired by cities; amending Chapter 258, Acts of the 49th Legislature, 1945, as amended (Article 1015g, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act providing that trespass by parking a vehicle on private property without permission of the owner or person entitled to possession is a misdemeanor; providing that the trespasser is liable in damages to the property owner or person entitled to possession and that such person may hold the vehicle until the damages are paid; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act relating to issuance of teacher certificates to persons from other states; amending Subsection b, Section 13, Chapter 149, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 2981b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act authorizing teachers to use certain methods of instruction in teaching deaf and deaf-mute students; and declaring an emergency."

H. B. No. 289, A bill to be entitled "An Act relating to the open season and bag limit on wild quail in Bowie County; prescribing a penalty; amending Section 15, Chapter 125, Acts of the 52nd Legislature, 1951, as amended; and declaring an emergency."

H. B. No. 400, A bill to be entitled "An Act relating to the abolition of the office of county superintendent in certain counties; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act transferring the authority to license private mental hospitals from the Texas State Department of Mental Health and Mental Retardation; amending Section 4, Chapter 243, Acts 55th Legislature, Regular Session, 1957 (codified as Articles 6547-4, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act relating to the compensation of the reporter for the 29th Judicial District; amending Chapter 97, Acts of the 58th Legislature, 1963 (Article 2326j-19, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 641, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey by special warranty deed to the Corps of Engineers, U.S. Army, all right, title and interests in all or any part of the lands at Camp Maxey and to accept from the Corps of Engineers conveyance of other lands to be received in exchange, and further authorizing the Texas National Guard Armory Board to buy, sell, convey and exchange any or all such lands, including mineral interests, for the purpose of joining the various tracts within a common perimeter to reduce
or eliminate privately owned tracts that would require right of ingress and egress at Camp Maxey; and declaring an emergency.”

H. B. No. 642, A bill to be entitled “An Act amending Section (9), Article 7.08, Title 122A, Taxation-General Revised Civil Statutes of Texas, 1925, to require a surety bond to secure the payment by distributors for cigarette stamps or meter settings; and declaring an emergency.”

H. B. No. 652, A bill to be entitled “An Act relating to the admission of mentally retarded persons to State schools; amending Section 9, Chapter 119, Acts of the 54th Legislature, Regular Session, 1955, (codified as Article 3871b, Vernon’s Texas Civil Statutes); and declaring an emergency.”

H. B. No. 654, A bill to be entitled “An Act amending Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421b, Vernon’s Texas Civil Statutes), relating to the Commission for Indian Affairs; and declaring an emergency.”

H. B. No. 722, A bill to be entitled “An Act authorizing the Texas Youth Council to convey a permanent easement in a certain described tract of land in Navarro County to the City of Corsicana; and declaring an emergency.”

H. B. No. 727, A bill to be entitled “An Act amending Section E of Article 1037 of the Penal Code of Texas, 1925, as amended by Chapter 624, Acts of the 47th Legislature, Regular Session, 1941, relating to weights and measures, by amending said Section E to provide for sale of fresh-cooked poultry by the piece or by the head; repealing conflicting laws; and declaring an emergency.”

H. B. No. 730, A bill to be entitled “An Act relating to sale of fish taken from Hubbard Creek Lake in Shackelford and Stephens Counties; prescribing a penalty; and declaring an emergency.”

H. B. No. 747, A bill to be entitled “An Act relating to hunting deer and squirrel in Morris County; amending Section 1, Chapter 49, Acts of the 57th Legislature, Regular Session, 1961; amending Section 2 and 4(b), Chapter 230, Acts of the 59th Legis-

ture, Regular Session, 1965; closing the Lone Star Steel Company Lake in Morris County to hunting; and prescribing a penalty; and declaring an emergency.”

H. B. No. 752, A bill to be entitled “An Act relating to the manufacture and sale of bedding; amending Section 1, Section 3, Section 5, Section 6 and Section 7 of Senate Bill No. 200, General Laws of the 46th Legislature, Regular Session, page 376, as amended which pertain to definitions; use of discarded materials; enforcement provisions; permits for manufacturing and selling bedding; registration for selling bedding; providing a savings clause; and declaring an emergency.”

H. B. No. 753, A bill to be entitled “An Act relating to the return of committed mentally retarded persons to the states of their residence; amending Section 2.20, Chapter 67, Acts of the 59th Legislature, Regular Session, 1965 (codified as Section 2.20, Article 5547-202, Vernon’s Texas Civil Statutes); and declaring an emergency.”

H. B. No. 766, A bill to be entitled “An Act relating to the creation, financing, administration, and operation of the Collingsworth County Hospital District; and declaring an emergency.”

H. B. No. 827, A bill to be entitled “An Act providing the opening date of deer season in Washington County; suspending Article 879g, Vernon’s Texas Penal Code; and declaring an emergency.”

H. B. No. 888, A bill to be entitled “An Act permitting the governor to accept trust responsibility for the Tigua Indian Tribe, etc., and declaring an emergency.”

H. B. No. 922, A bill to be entitled “An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 124th Judicial District; prescribing the method of fixing and paying such salary; and declaring an emergency.”

H. B. No. 962, A bill to be entitled “An Act conferring on the Parks and Wildlife Commission the responsibility of regulating the harvest of wildlife resources in Austin County; defining such resources; prescribing duties of
the Commission; prescribing the manner of adoption and publication of regulations; providing a penalty for violation; repealing conflicting Acts; and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to convey a 6" water main and a 6" sanitary sewer main to the City of Kerrville; providing for consideration for such conveyance; and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act authorizing Boards of Trustees of independent school districts, rural high school districts and common school districts, and their administrative personnel, to consult with teachers with respect to matters of educational policy and conditions of employment, and to adopt and make reasonable rules, regulations and agreements to provide for such consultation, and declaring an emergency."

H. B. No. 559, A bill to be entitled "An Act making findings and declaring policies relating to occupational safety; defining terms of this Act; providing duties of employers as to occupational safety; creating within the Bureau of Labor Statistics an Occupational Safety Board; etc., and declaring an emergency."

H. C. R. No. 122, Authorizing the House Enrolling and Engrossing Clerk to amend caption of H. B. No. 559.

H. C. R. No. 123, Requesting Senate to return H. C. R. No. 94 to the House of Representatives for consideration and engrossment.

House Bill 219 on Third Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. B. No. 219 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up H. B. No. 219 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24
Aikin  Harrington
Bates  Herring
Bernal  Hightower
Berry  Jordan
Blanchard  Moore
Brooks  Parkhouse
Christie  Ratliff
Cole  Reagan
Connally  Strong
Creighton  Watson
Hall  Wilson
Hardeman  Word

Nays—3
Mauzy  Schwartz
Patman

Present—Not Voting
Grover
Hazlewood
Absent—Excused
Kennard  Wade

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

H. B. No. 219, A bill to be entitled "An Act amending the Penal Code of Texas, 1925, by adding a new Article 1553a, relating to obtaining occupancy of a rent house, duplex, or apartment by trick, deception, or fraud; also relating to failing or refusing to pay for that occupancy; providing penalties for violations, and declaring an emergency."

The bill was read third time and was passed.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 293 Ordered Not Printed

On motion of Senator Word and by unanimous consent H. B. No. 293 was ordered not printed.

Senate Resolution 624

Senator Mauzy offered the following resolution:

Whereas, The Members of the Senate of Texas share the distress of Senator Don Kennard in the serious
illness of his mother, Mrs. Don Kennard, Sr., of Fort Worth; now, therefore, be it
Resolved, That the Senate of the 60th Legislature wishes to express to Senator Kennard our deep concern for his mother and extend sincere wishes for her early recovery.

MAUZY.


The resolution was read.

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

The resolution was then adopted.

Motion to Re-refer House Bill 208

Senator Reagan asked unanimous consent to re-refer H. B. No. 208 from the Committee on State Affairs to the Committee on State Departments and Institutions.

There was objection.

House Bill 1048 on Second Reading

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

H. B. No. 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." 

The bill was read second time.

Senator Blanchard offered the following Committee Amendment to the bill:

Amend H. B. No. 1048 by deleting everything below the enacting clause and substituting in lieu thereof the following:

Section 1, Article 3.05, Chapter 3, Texas Insurance Code, Revised Civil Statutes of Texas, is amended to read as follows:

"Article 3.05. Amendment of Charter

(a) At any regular or called meeting of the stockholders, they may, by resolution, provide for any lawful amendment to the charter or articles of incorporation; and such amendment, accompanied by a copy of such resolution duly certified by the president and secretary of the company, shall be filed and recorded in the same manner as the original charter, and shall thereupon become effective. Stockholders representing a majority of the capital stock of any such company may in such manner also increase or reduce the amount of its capital stock. The capital stock shall in no case be reduced to less than the minimum amount of fully paid up capital stock required by applicable provisions of law. A statement of any such increase or reduction shall be signed and acknowledged by two officers of the company and filed and recorded along with the certified copy of the resolution of the stockholders provided therefor in the same manner as the charter or amendment there-to. For any such increase or reduction, the company may require the return of the original certificates as other evidence of stock in exchange for new certificates issued in lieu thereof. The shares of stock of such company shall be transferable on its books, in accordance with law and the by-laws of the company, by the owner in person or his authorized agent. Every person becoming a stockholder by such transfer shall succeed to all rights of the former holder of the stock transferred, by reason of such ownership.

(b) Any legal reserve life insurance company may purchase in the name of such company, issued and outstanding shares of the capital stock of such company in accordance with the provisions of the Texas Business Corporation Act. Purchases of stock under this paragraph shall not be deemed an investment nor shall such purchases be held in violation of the provisions of the Texas Insurance Code governing eligible investments for such company. Any such company, immediately or within ten days after such purchase, shall file a statement with the Commis-
tioner of Insurance, which statement shall set forth the name of the shareholder or shareholders from whom such shares have been purchased and the sum of money paid for such shares.

Section 2. Article 2.07, Chapter 2, Texas Insurance Code, Revised Civil Statutes of Texas, is amended by adding a new Section 7 to read as follows:

"Section 7. Any such company may purchase, in the name of such company, issued and outstanding shares of the capital stock of such company in accordance with the provisions of the Texas Business Corporation Act. Purchases of stock under this paragraph shall not be deemed an investment nor shall such purchases be held in violation of the provisions of the Texas Insurance Code governing eligible investments for such company. Any such company, immediately or within ten days after such purchase, shall file a statement with the Commissioner of Insurance, which statement shall set forth the name of the shareholder or shareholders from whom such shares have been purchased and the sum of money paid for such shares."

Section 3. The importance of this legislation and crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Watson offered the following amendment to the pending amendment:

Amend Committee Amendment No. 1 H. B. No. 1048 by striking all of quoted Section 7 as contained in Section 2 of H. B. No. 1048 and inserting in lieu thereof the following:

"Sec. 7. Any such company may purchase in the name of such company, issued and outstanding shares of the capital stock of such company in accordance with the provisions of the Texas Business Corporation Act, provided prior approval is first obtained from the State Board of Insurance. Application for approval shall specify the number of shares offered, their description, the price offered by the company, the book value of said shares, their market value if a market exists, and any other pertinent information regarding the value of said shares and show that said shares will be purchased out of uncommitted earned surplus. A copy of said application shall be given to the seller prior to the filing of said application with the State Board of Insurance. Said application shall be promptly approved by the State Board of Insurance if the application appears to involve a reasonably fair price and complies with this Article and the Texas Business Corporation Act."

The amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

Senator Blanchard offered the following Committee Amendment to the bill:

Amend the caption on H. B. No. 1048 by deleting everything above the enacting clause and substituting in lieu thereof the following:

"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; declaring that such purchases are not investments and that such purchases are not in violation of the Insurance Code governing eligible investments; requiring that a statement concerning such purchases be filed with the Commissioner of Insurance; amending Article 2.07, Chapter 2, Texas Insurance Code, by adding a new Section 7 relating to purchase of shares of stock; declaring that such purchases are not investments and that such purchases are not in violation of the Insurance Code governing eligible investments; requiring that a statement concerning such purchases be filed with the Commissioner of Insurance; and declaring an emergency."

The Committee Amendment was read and was adopted.

The bill as amended was passed to third reading.
House Bill 1048 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1048 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

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**Absent**

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**Absent—Excused**

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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.

**Conference Committee on House Bill 42**

Senator Word called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 42 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 42:

Senators Word, Bates, Christie, Blanchard and Hall.

**Conference Committee Report on House Bill 484**

Senator Aikin by unanimous con-...
collegiate rank, supported in whole
or in part by public funds appro­
priated from the State Treasury, are
hereby authorized to exempt annu­
ally from the payment of tuition fees
“(1) two hundred (200) native­
born students from the other nations
of the American hemisphere, and
“(2) thirty-five (35) native-born
students from a Latin American
country designated by the State
Department of the United States.
“(b) Ten (10) students from each
nation, as authorized, in (a) (1) of
this Article, shall be exempt as pro­
vided herein. In the event any nation
fails to have ten (10) students avail­
able and qualified for exemption, ad­
ditional students from such other na­
tions may be exempt, subject to the
approval of the State Board of Edu­
cation and allocation thereof; pro­
vided, however, that no more than
two hundred thirty-five (235) stu­
dents from all such nations shall be
exempt each year. Provided further
in the event the nation designated in
subsection 2 of Section (a), fails to
have thirty-five (35) students avail­
able and qualified for exemption,
within a reasonable time, additional
students from such other nations may
be exempt, subject to the approval of
the State Board of Education.
“(c) Every applicant desiring to
receive the benefit authorized herein
shall furnish satisfactory evidence,
certified by the proper authority of
his native country, that he is a bona
fide native-born citizen and resident
of the country which certifies his ap­
plication, and that he is scholastically
qualified for admission.
“(d) The State Board of Educa­
tion, after consultation with repre­
sentatives of the governing board of
the state institutions of higher learn­
ing, shall formulate and prescribe a
plan governing the admission and dis­
tribution of all applicants desiring to
qualify under the provisions of this
Article.
“(e) No student shall be allowed to
take advantage of this Article who is
not a native-born citizen of the
country certifying his qualifications
for receiving the privileges author­
ized hereby and who has not lived
in one of the nations of this hemi­
sphere for a period of at least five
(5) years. No member of the Commu­
nist Party and no student from Cuba
shall be eligible for benefits under
this Article.”

Sec. 2. The importance of this leg­
islation and the crowded condition of
the calendars in both houses create
an emergency and an imperative
public necessity that the Constitu­
tional Rule requiring bills to be read
on three several days in each house
be suspended, and this Rule is hereby
suspended and that this Act shall
take effect and be in force from and
after its passage and it is so enacted.

The Conference Committee Report
was read and was adopted by the fol­
lowing vote:

Yea—28
Aikin Herring
Bates Hightower
Bernal Jordan
Berry Mauzy
Blanchard Moore
Brooks Parkhouse
Christie Patman
Cole Ratliff
Connally Reagan
Creighton Schwartz
Grover Strong
Hall Watson
Hardeman Wilson
Harrington Word

Absent
Hazlewood

Absent—Excused
Kennard Wade

Reports of Standing Committees
Senator Hightower by unanimous
consent submitted the following re­
port:

Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the
Senate.
Sir: We, your Committee on Game
and Fish, to which was referred S. B.
No. 607, 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 con­
sent submitted the following reports:

Austin, Texas,
May 11, 1967.
Hon. Preston Smith, President of the
Senate.
Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 490, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

CHRISTIE, Vice-Chairman.

HALL

Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 574, 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.

HALL

Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 668, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Senator Hall by unanimous consent submitted the following reports:

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 387, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 589, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.
ties, Cities and Towns, to which was referred H. B. No. 931, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 166, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 875, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 397, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 395, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 790, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 692, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
May 10, 1967.

Hon. Preston Smith, President of the Senate.

House Bill 692 on Second Reading

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

H. B. No. 692, A bill to be entitled "An Act relating to the creation and operation of the Western Information Network Association, a state governmental agency comprised of certain institutions of higher education in the West Texas area, whose function is the acquisition and operation of a cooperative system for communication, information retrieval and transfer, and instructional television interchange between the institutions and by contract between the institutions and private educational institutions, school districts, industry, and the general public; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Strong offered the following amendment to the bill:

Amend H. B. No. 692 by striking all below the enacting clause and substituting the following:

Subchapter A. General Provisions

Section 1. Purpose. The purpose of this Act is to promote the educational programs of state-supported institutions of higher education in Texas by authorizing the establishment and operation of a cooperative system for communication and information retrieval and transfer between the institutions and between the institutions and private educational institutions, school districts, industry, and the public. The system, employing two-way, closed-circuit television and other electronic communication facilities, is to provide a means of effecting the interchange of ideas, talents, faculties, libraries, and data processing equipment and a means of carrying out an approved program of instructional television.

Section 2. Definitions. In this Act
Section 3. Association Created. (a) The Western Information Network Association is created. It is an agency of the state composed of the following state-supported member institutions of higher education: Amarillo College, Angelo State College, Clarendon Junior College, Frank Phillips College, Howard County Junior College, Midwestern University, Odessa College, South Plains College, Sul Ross State College, Texas Technological College, Texas Western College, and West Texas State University.

(b) The board by a majority vote may admit other state-supported institutions of higher education to membership in the association upon approval by the Coordinating Board, Texas College and University System.

(c) The board by unanimous vote may admit private institutions of higher education to membership in the association upon approval by the Coordinating Board, Texas College and University System.

(d) The board by unanimous vote may admit other organizations to associate membership in the association.

Section 4. Board of Directors. The association is governed by a board of directors. The chief administrative officer or such person designated by the chief administrative officer of each institution of higher education holding membership in the association shall serve as a director of the board. Such service on the board is an additional duty of employment of the chief administrative officers or such persons designated by the chief administrative officers of state-supported institutions and not an additional position of honor, trust, or profit. The Legislature finds that this service is necessary in accomplishing the purpose of this Act; is compatible with their employment; and will benefit the educational program of the institution and of the state.

Section 5. Director's Expenses. A director is entitled to receive reimbursement for actual expenses incurred in attending meetings of the board and in attending to the business of the association which is authorized by a resolution of the board.

Section 6. Meetings of the Board. (a) The board shall hold a meeting at least once each quarter and may hold meetings at other times at the call of the chairman of the board or at the request of a majority of the other directors.

(b) A majority of the membership of the board constitutes a quorum at a meeting of the board.

(c) Action may be taken by the board by the affirmative vote of the majority of the directors present at a meeting at which a quorum is present.

Section 7. Chairman and Vice Chairman of the Board. The board shall select a director to serve as chairman and a director to serve as vice chairman of the board. The chairman shall preside at meetings of the board. If the chairman is not present, or is unable to act, the vice chairman shall preside at the meeting.

Section 8. Employees. The board may employ a general manager who shall serve as the chief executive officer of the association. The board may employ other employees it considers necessary in carrying on the association's duties and functions.

Section 9. Delegation of Authority. The board may delegate any of the powers, duties, or functions of the association to the general manager or to any other employee.

Section 10. Bond of an Officer, Agent, or Employee. (a) The general manager, and every other agent or employee of the association charged with the collection, custody, or payment of any money of the association shall execute a bond conditioned on the faithful performance of his duties.

(b) The board shall approve the form, amount, and surety of the bond.

(c) The surety may be a surety
company authorized to do business in this state.

(d) The association shall pay the premium on the bond.

Section 11. Powers and Duties. (a) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, a multichannel, two-way communications system, including closed circuit television, linking classrooms, libraries, computer facilities, and information retrieval systems at the member-institutions.

(b) The association may acquire, operate, and maintain, or obtain by contracting with any communications common carrier in accordance with its tariffs, any facility, in addition to that described in Subsection (a) of this section, which the board considers necessary or desirable in carrying out the purposes of this Act.

(c) The association may interchange educational information with private educational institutions, school districts, the United States Government and other parties engaged in education or participating in educational projects, and use the facilities of the association only in the exchange, retrieval and transfer of information and the interchange of approved course offering and instruction between member-institutions and other parties engaged in education or participating in educational projects.

Section 12. Gifts and Grants. The association may accept gifts, grants, or donations of real or personal property from any individual, group, association or corporation. It may accept grants from the United States Government subject to the limitations or conditions provided by law.

Section 13. Fund Created. The Information Network Association Fund is created as a special fund in the state treasury. All money deposited in the treasury by the Western Information Network Association or any other regional network association created by the Coordinating Board, Texas College and University System, shall be credited to the special fund and disbursed as provided by legislative appropriation.

Section 14. Rules and Regulations. The association shall adopt and publish rules to govern the conduct of its business.

Section 15. Principal Office. The board for the Western Information Network Association shall maintain its principal office in Lubbock, Texas, at Texas Technological College. The boards for other regional information network associations created by the Coordinating Board, Texas College and University System, shall maintain their principal offices at locations designated by the Coordinating Board, Texas College and University System.

Section 16. Facilities. Each member-institution shall furnish suitable space to the association for a classroom-studio, a lecture-studio, and a control room. It may also furnish any additional physical plant facility needed by the association in carrying on its functions at the institution.

Subchapter C. Other Information Network Associations

Section 17. Designation of Regions. (a) In addition to the Western Information Network Association, the Coordinating Board, Texas College and University System, shall at such times as such board shall determine, divide the state into information network association regions consisting of state-supported institutions of higher education located within geographical boundaries prescribed by the coordinating board.

(b) The coordinating board shall give due consideration to the geographical proximity and number of institutions of higher education to be included within a proposed region.

Section 18. Creation. (a) The Coordinating Board, Texas College and University System, shall create and name an information network association within an information network region if:

(1) a majority of the institutions of higher education within a region apply to create an association; and
(2) the institutions applying show good cause for creating an association.

(b) The Coordinating Board, Texas College and University System, may not create more than one information network association in an information network region.

(c) Each information network association created is an agency of the state.

Section 19. Applicability. Except for Subsection (a), Section 3, of Subchapter B, the provisions of Subchapters A and B of this Act shall apply to any additional information
network association created by the Coordinating Board, Texas College and University System.

Subchapter D. Temporary Provisions

Section 20. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 21. Emergency. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The amendment was read and was adopted.

Senator Strong offered the following amendment to the bill:

Amend H. B. No. 692 by striking all above the enacting clause and substituting the following:

A BILL
To Be Entitled
An Act relating to the creation and operation of the Western Information Network Association and the creation and operation of additional regional information network associations by the Coordinating Board, Texas College and University System, all of which associations are state agencies comprised of certain institutions of higher education in the State of Texas whose function is the acquisition and operation of a cooperative system for communication, information retrieval and transfer, and instructional television interchange between the institutions and by contract between the institutions and private educational institutions, school districts, industry, and the general public; providing for severability; and declaring an emergency.

STRONG
BLANCHARD
HALL
JORDAN

The amendment was read and was adopted.

The bill as amended was passed to third reading.

House Bill 692 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 692 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29
Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Grover
Hall
Hardeman
Harrington
Hazlewood

Absent—Excused
Kennard
Wade

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.

House Bill 935 on Second Reading

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

H. B. No. 935, A bill to be entitled "An Act concerning the required Government or Political Science and American History courses in state-supported and state-aided colleges and universities; amending Sections 2 and 4, Chapter 83, Acts 41st Legislature, Second Called Session, 1929, as amended, and Section 1, Chapter
440, Acts 54th Legislature, 1955; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Section 1 of H. B. No. 935 by adding the following sentence at the conclusion of said section:

"Credit for the advanced standing examination referred to above shall never exceed three semester hours."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 3 of H. B. No. 935 by adding the following sentence at the conclusion of said section:

"Credit for the advanced standing examination referred to above shall never exceed three semester hours."

The amendment was read and was adopted.

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

The bill as amended was passed to third reading.

House Bill 935 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 935 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Watson
Wilson
Absent—Excused
Kennard
Wade

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.

House Concurrent Resolution 30 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 30, Concerning the commissioning of a portrait of General William C. Westmoreland.

The resolution was read.

On motion of Senator Connally 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 11, 1967.

Hon. Preston Smith, President of the Senate.

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

S. C. R. No. 6, Granting E. S. Dalton and wife, Lois E. Dalton, their successors and assigns permission to sue the State of Texas.


S. C. R. No. 70, To correct S. B. No. 204.

S. B. No. 193, A bill to be entitled "An Act relating to adoption by a married person who is not legally an adult; amending Section 1, Chapter 177, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 217, A bill to be entitled “An Act to amend Chapter 465, Acts of the 59th Legislature, Regular Session, 1965, by adding a new section to authorize the issuance of revenue or special obligation bonds by the Motley County Hospital District; etc.; and declaring an emergency.”

S. B. No. 214, A bill to be entitled “An Act amending Chapter 512, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 548b, Vernon’s Texas Civil Statutes), relating to the sale of prearranged or prepaid funeral services; etc.; and declaring an emergency.”

(S. B. No. 281, A bill to be entitled “An Act adding district attorneys to the classes of persons who may become members of the State Employees Retirement System; etc.; and declaring an emergency.”

S. B. No. 500, A bill to be entitled “An Act amending Article 952-L-12, Penal Code of Texas, 1925, to add Twin Lakes, Cedar Lake, Swan Lake, Panther Point Lake, Cottonwood Bayou, and Shell Reef Bayou to protected waters in Calhoun County; and declaring an emergency.”

(S. B. No. 507, A bill to be entitled “An Act relating to prohibiting the importation, possession, sale, or re-lease of certain fish or fish eggs; providing a penalty; and declaring an emergency.”

S. B. No. 530, A bill to be entitled “An Act amending the Texas Probate Code by adding thereto a new Section 320A which provides that when executors, independent executors and administrators pay claims for funeral expenses and for items incident thereto, they shall charge the whole of such claims to the decedent’s estate and shall charge no part thereof to the community share of a surviving spouse; and declaring an emergency.”

S. B. No. 541, A bill to be entitled “An Act relating to increasing the maximum tax rate of the West Coke County Hospital District; amending Chapter 315, Acts of the 58th Legislature, 1963, to add a new Section 9A; and declaring an emergency.”

S. B. No. 548, A bill to be entitled “An Act relating to the salary of the Criminal District Attorney of Jefferson County; amending Section 4, Chapter 53, Acts of the 51st Legislature, Regular Session, 1949, as Amended (Article 1926-63, Vernon’s Texas Civil Statutes); providing for severability; repealing all laws in conflict; and declaring an emergency.”

S. B. No. 553, A bill to be entitled “An Act authorizing all hospital districts created pursuant to Article IX, Section 9, of the Constitution to issue refund revenue bonds for hospital purposes in accordance with the procedures prescribed for the issuance of bonds by County Hospital Authorities under the County Hospital authority Act; etc.; and declaring an emergency.”

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 374 on Second Reading

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

H. B. No. 374, A bill to be entitled “An Act amending Sections 1, 2, 3 and 4 of Chapter 204, Acts of the 57th Legislature, Regular Session, 1961, page 408, known as the Texas Uniform Facsimile Signature of Public Officials Act; and compiled as Sections 1, 2, 3 and 4 of Article 717j-1, Vernon’s Texas Civil Statutes, to permit facsimile signatures and facsimile seals to be used on certificates of special assessments; providing a penalty; and declaring an emergency.”

The bill was read second time and passed to third reading.
House Bill 374 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 374 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Absent—Excused

Kennard  Wade

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:

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Absent—Excused

Kennard  Wade

House Bill 1167 on Third Reading

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

H. B. No. 1167, A bill to be entitled “An Act to diminish the civil jurisdiction of the County Court of Franklin County, Texas, and to conform the jurisdiction of the district court or district courts of such county to such change; repealing Chapter 385, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-331a, Vernon’s Texas Civil Statutes); etc.; and declaring an emergency.”

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

House Bill 1167 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 H. B. No. 1167 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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Absent—Excused

Kennard  Wade

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:

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Absent—Excused

Kennard  Wade
Absent—Excused

Kennard Wade

Recess

On motion of Senator Grover the Senate at 11:57 o'clock a.m. took recess until 2:30 o'clock p.m. today.

After Recess

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

Leaves of Absence

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

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

Vote on Final Passage of House Bill 935 Reconsidered

On motion of Senator Herring and by unanimous consent the vote by which H. B. No. 935 was finally passed today was reconsidered (he having voted on the prevailing side).

Question—Shall H. B. No. 935 be finally passed?

Senator Herring offered the following amendment to the bill:

Amend Section 1 of H. B. No. 935 in the quoted "Section 4" wherein the words "State Commission of Education" appear by substituting for the word "Commission" the word Commissioner."

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

Yeas—26
Aikin
Bates
Bernal
Berry
Creighton
Grover
Hall
Hardeman
Harrington
Hazlewood
Herring
Hightower
Herring
Hightower
Mauzy

Absent
Cole
Jordan

Absent—Excused
Kennard Wade

The bill, as amended, was again passed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

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

H. C. R. No. 94, Inviting Eugene M. Locke to address a Joint Session of the 60th Legislature.

H. B. No. 999, A bill to be entitled "An Act providing for the operation of ten-month school year program(s) in Texas public free school districts, conditioned upon the approval thereof by the Central Education Agency as meeting policy and regulations established by the State Board of Education; providing for the financing of such program(s) annually approved, and the method for the determination of the cost to be shared by the State and for payment thereof from the Minimum Foundation School Fund; providing an effective date for this Act; and declaring an emergency."

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. 357, to the Committee on Jurisprudence.
H. B. No. 884, to the Committee on Education.

Senate Resolution 628

Senator Watson offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Brent and Blake Ratcliff of Corpus Christi; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and they be named Honorary Senators.

The resolution was read and was adopted.

Senator Watson by unanimous consent presented young Brent and Blake Ratcliff and their parents, Mr. and Mrs. Ratcliff. Mrs. Ratcliff is the daughter of Senator Reagan.

Senate Resolution 629

Senator Watson offered the following resolution:

Whereas, The Senate of Texas is honored by the presence of Mr. and Mrs. H. M. Ratcliff of Corpus Christi; and

Whereas, We wish to express our appreciation of their interest in the functions of our State government; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that they be granted privileges of the floor.

The resolution was read and was adopted.

Senate Resolution 630

By unanimous consent Senator Herring offered the following resolution:

Whereas, Tonight, citizens of Austin are paying tribute to retiring members of the City Council who have contributed so much to the growth and development of the Capital City during the years of their service, and one of those leaving the official service is our own Ben White, affectionately known as "Uncle Ben"; and

Whereas, Now completing his eighth term, Uncle Ben has gained the reputation as an independent thinker, but a man who has always formed his decisions on the basis of his belief in what would be "best for Austin"; and

Whereas, This distinguished civic leader has lived in Austin since 1906, and during the 16 years he has helped guide the city's destiny, he has seen it grow from a village of dirt streets and horse-drawn vehicles to a metropolis of around a quarter of a million inhabitants; and

Whereas, As a monument to his service, Ben White Boulevard has been named in his honor, and it is appropriate that the Senate of the State of Texas also recognize the outstanding service and public dedication of Councilman Ben White; now, therefore, be it

Resolved, That the Senate of the 60th Legislature by this Resolution express appreciation to "Uncle Ben" White for the years of service he has
given to the City of Austin and for his never-failing courtesy and consideration in matters of cooperation between the City and State governments; and, be it further

Resolved, That the Senate extend good wishes to him in his retirement from the City Council, and that a copy of this Resolution be presented to him as a token of the esteem with which he is held by the Senate of Texas.

The resolution was read and was adopted.

Senate Resolution 631

By unanimous consent Senator Herring offered the following resolution:

Whereas, Now completing his third term as a member of the Austin City Council, Louis Shanks is being honored tonight by fellow citizens and public officials as he retires from the service of the City he loves so well; and

Whereas, This prominent Austin businessman has time and time again shown his real dedication to civic endeavor, and much of the rapid growth and development of Austin has come about during his tenure on the Council; and

Whereas, During his second term, he served as Mayor Pro Tem; and

Whereas, Friends know Louis for his great sense of humor, but he has shown in many instances that he is a tenacious adversary, a man who makes quick decisions and sticks by them; and

Whereas, Councilman Shanks moved to Austin in 1945 and is recognized as one of the most progressive business leaders in the city; he has always been a great booster of industry for the Capital City and is a real team worker; and

Whereas, The Senate of the State of Texas desires to recognize the distinguished service of Councilman Louis Shanks; now, therefore, be it

Resolved, That the Senate of the 60th Legislature by this Resolution express appreciation for the outstanding service and dedication of Councilman Louis Shanks and extend good wishes to him on his return to private life; and, be it further

Resolved, That a copy of this Resolution be presented to him as an expression of appreciation from the Senate of Texas and in token of the high regard with which he is held by fellow citizens, members of the Texas Legislature, and other public officials.

The resolution was read and was adopted.

House Bill 939 Ordered Not Printed

On motion of Senator Patman and by unanimous consent H. B. No. 939 was ordered not printed.

House Bill 490 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 490 was ordered not printed.

House Bill 491 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 491 was ordered not printed.

House Bill 574 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 574 was ordered not printed.

House Bill 876 on Second Reading

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

H. B. No. 876, A bill to be entitled "An Act providing for the completion of the State Finance Building; providing funds for such purposes; and declaring an emergency."

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

House Bill 876 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 876 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin  Bates  Bernal  Berry  Blanchard  Brooks

Christie  Cole  Connally  Creighton  Grover  Hall
The bill was read third time and was passed by the following vote:

Yea—27

Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Herring
Hightower
Mauzy
Moore
Parkhouse

Yea—16

Bates
Bernal
Berry
Blanchard
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Herring
Hightower
Mauzy
Moore
Parkhouse

Nay—6

Absent—Excused

Hazlewood
Kennard

Absent—Excused

Hazlewood
Kennard
Schwartz
Wade

Message From the House

Hall of the House of Representatives
Austm, Texas,
May 11, 1967.

Hon. Preston Smith, President of the Senate.

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

S. B. No. 579, A bill to be entitled "An Act amending Chapter 518, Acts 1955, 54th Legislature, Regular Session, page 1314, codified as Article 8280-188, Revised Civil Statutes of the State of Texas, as said statute has heretofore been amended, by reenacting certain provisions therein but eliminating therefrom restrictions which limit the exercise of certain powers by the Trinity River Authori-

ty to the Chambers-Liberty Counties Navigation District, specifically authorizing promotion of navigation; increasing the rate of tax; providing certain exemptions as to certain property; finding that notice of intent was properly published; and declaring an emergency."

(With amendments.)

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

House Joint Resolution 24
on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 24 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. J. R. No. 24 for consideration at this time.

The motion prevailed by the following vote:

Yea—16

Bates
Bernal
Berry
Blanchard
Christie
Cole
Connally
Creighton
Grover
Hall
Hardeman
Harrington
Herring
Hightower
Mauzy
Moore
Parkhouse

Nay—6

Absent—Excused

Hazlewood
Kennard
Schwartz
Wade

Absent—Excused

Hazlewood
Kennard
Schwartz
Wade

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

H. J. R. No. 24, Proposing an amendment to the Constitution of the State of Texas to provide that Members of the Legislature shall receive
as compensation an amount to be fixed by law.

The resolution was read second time.

Senator Word offered the following amendment to the resolution:

Amend H. J. R. No. 24, Section 2, line 41 by deleting the figure “1967” and substituting in lieu thereof the figure “1968.”

The amendment was read.

Pending discussion by Senator Grover of the amendment, Senator Aikin occupied the Chair.

(President in Chair.)

Pending further discussion by Senator Grover of the pending amendment, Senator Hardeman moved that the Senate stand adjourned until 9:30 o'clock a.m. tomorrow.

Senator Hightower moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, May 15, 1967.

Question first on the motion to stand adjourned until 10:30 o'clock a.m. on Monday, May 15, 1967, the motion was lost.

Question recurring on the motion to adjourn until 9:30 o'clock a.m. tomorrow, the motion was lost.

Question—Shall the amendment by Senator Word to H. J. R. No. 24 be adopted?

Senate Resolution 633

Senator Brooks offered the following resolution:

Whereas, Today, May 11, 1967, marks the anniversary of the birth of one of our highly esteemed colleagues, Senator Criss Cole of Harris County; and

Whereas, The Senate wishes to express its congratulations to Senator Cole on this day and extend to him our best wishes and felicitations; now, therefore, be it

Resolved, By the Senate of the 60th Legislature that it does hereby wish Senator Cole a “Happy Birthday” and extend its desire that he have many more such happy occasions.


The resolution was read.

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

The resolution was then adopted.

Senator Brooks by unanimous consent presented the distinguished colleague to the Senate.

The Members of the Senate gave Senator Cole a standing ovation.

Memorial Resolution

S. R. No. 632—By Senator Watson: Memorial resolution for S. J. Guthrie.

Welcome and Congratulatory Resolutions

S. R. No. 616—By Senator Patman: Extending welcome and privileges of the floor for the day to Mrs. Katherine Townsend.

S. R. No. 619—By Senator Christie: Extending congratulations to Colonel Sam K. Wasaff.

S. R. No. 620—By Senator Christie: Extending congratulations to Judge Ernest Guinn.

S. R. No. 621—By Senator Christie: Extending congratulations to Thornton Hardie.

S. R. No. 622—By Senator Herring: Extending welcome to teacher and students of Fifth Grade Class of Manchaca Elementary School of Austin.

S. R. No. 623—By Senators Bernal and Berry: Extending welcome to students and teachers of Future Farmers of America group from Luling High School.

S. R. No. 625—By Senators Bernal and Berry: Extending welcome to students and teachers of Pat Neff Junior High School of San Antonio.

S. R. No. 626—By Senator Herring: Extending welcome to teacher and students of Third Grade Class of Gовалle Elementary School of Austin.

S. R. No. 627—By Senators Ratliff and Watson: Extending welcome to Mr. and Mrs. Everett Grindstaff.
S. R. No. 634—By Senator Mauzy:
Extending good wishes to Joe Marion Dixon II.

Adjournment

Senator Berry moved that the Senate stand adjourned until 10:00 o’clock a.m. tomorrow.

Senator Hightower moved that the Senate stand adjourned until 10:30 o’clock a.m. on Monday, May 15, 1967.

Question first on the motion to adjourn until 10:30 o’clock a.m. Monday, May 15, 1967, “Yeas” and “Nays” were demanded.

The motion was lost by the following vote:

Yeas—9
Aikin
Bates
Blanchard
Grover
Hall

Nays—15
Bernal
Berry
Brooks
Christie
Cole
Harrington
Herring
Jordan

Absent
Connally
Creighton

Absent—Excused
Hazlewood
Kennard

Accordingly, the Senate at 3:56 o’clock p.m. adjourned until 10:00 o’clock a.m. tomorrow.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas, May 11, 1967.
Hon. Preston Smith, President of the Senate,
Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:
S. B. No. 72, An Act authorizing Boards of Trustees of independent school districts, rural high school districts and common school districts, and their administrative personnel, to consult with teachers with respect to matters of educational policy and conditions of employment, and to adopt and make reasonable rules, regulations and agreements to provide for such consultation; saving certain laws from repeal; and declaring an emergency.
has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor
May 11, 1967
S. B. No. 48
S. B. No. 94
S. B. No. 463
S. B. No. 353
S. B. No. 478
S. B. No. 218
S. B. No. 72
In Memory of

C. H. (Bill) Briner

Senator Blanchard by unanimous consent offered the following resolution:

(Senate Resolution 617)

Whereas, C. H. (Bill) Briner, an outstanding and beloved citizen of Lubbock, Texas, met an unfortunate and untimely death on May 5, 1967 after residing in Lubbock County for 12 years; and

Whereas, He was a very prominent and very active member of the Lubbock Lions Club, having served on many important committees and had served on its board of directors. He was very active in business activities in Lubbock and was a board member of Information Services for Supermarket Equipment and the National Commercial Refrigeration Sales Association; and

Whereas, Mr. Briner served his country with honor and distinction as a paratrooper in World War II. He was an active member of the Westminster Presbyterian Church of Lubbock; and

Whereas, Bill Briner was well loved and respected for his many contributions to Lubbock and to Texas; and

Whereas, He will be greatly missed by his many friends and associates; and

Whereas, He is survived by his wife, Christine, and a daughter, Christine; a brother, Robert, Garland; three sisters, Mrs. Flora Perdue, Grapevine; Mrs. U. Z. Morgan, Tulsa, Oklahoma; and a third sister living in California; and

Whereas, It is the desire of the Senate to honor the memory of Mr. Briner and to express its sympathy to the surviving members of his family; now, therefore, be it

Resolved, by the Senate of the State of Texas, That it does hereby extend sincere sympathy to Mr. Briner's family; that copies of this Resolution be provided by the Secretary of the Senate, under the seal of the Senate; that a page in the Journal be set aside for this Resolution; and that when the Senate adjourns today it do so in honor of Mr. C. H. (Bill) Briner.

BLANCHARD


The resolution was read.

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

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