JOURNAL
OF THE
House of Representatives
OF THE
SECOND CALLED SESSION
OF THE
Sixty-first Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
AUGUST 27, 1969
Representatives Hull, Chairman; Orr, Hendricks, Davis of Harris, Williamson and Willis.

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY GOVERNOR PRESTON SMITH

Mr. Tarbox offered the following resolution:

H. C. R. No. 1

Whereas, The Honorable Preston Smith, Governor of Texas, desires to deliver a message in person to the 2nd Called Session of the 61st Legislature; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the two Houses meet in Joint Session at Twelve o'clock Noon in the Hall of the House on August 27, 1969, to hear the Governor's message.

The resolution was adopted without objection.

HOUSE NOTIFIED

A Committee from the Senate was announced at the Bar of the House and, being admitted, stated that the Senate is now organized and ready for the transaction of business.

 SENATE NOTIFIED

The Committee appointed to notify the Senate that the House of Representatives is now organized and ready for the transaction of business was announced at the Bar of the House and, being admitted, reported that they had so notified the Senate.

 GOVERNOR NOTIFIED

The Committee appointed to notify the Governor that the House of Representatives is now organized and ready for the transaction of business was announced at the Bar of the House and, being admitted, reported that they had so notified the Governor.

(Mr. Hull in the Chair)

MESSAGE FROM THE SENATE

Austin, Texas, August 27, 1969

Honorable Gus Mutscher, Speaker of the House of Representatives

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

H. C. R. No. 1, by Tarbox: Providing for a Joint Session of the Legislature on August 27, 1969, at 12 Noon to hear an address by Governor Preston Smith.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTION SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 1, Providing for a Joint Session to hear an Address by Governor Preston Smith.

ADDRESS BY GOVERNOR PRESTON SMITH

(The Senate and the House of Representatives in Joint Session)

In accordance with the provisions of H. C. R. No. 1, providing for the Senate and the House of Representatives to meet in Joint Session at 12:00 o'clock noon today, for the purpose of hearing an address by the Honorable Preston Smith, Governor of Texas, Lieutenant Governor Ben Barnes and the Honorable Senators were announced at the Bar of the House and were admitted to the Hall of the House.

Lieutenant Governor Ben Barnes occupied a seat on the Speaker's Rostrum.

The Honorable Senators occupied seats arranged for them.

(Speaker in the Chair)

At 11:57 o'clock a.m., Governor
Smith was announced at the Bar of the House and, being admitted, occupied a seat on the Speaker's Rostrum.

Lieutenant Governor Ben Barnes called the Senate to order.

A quorum of the Senate was announced present.

The Honorable G. F. (Gus) Mutscher, Speaker of the House, called the House of Representatives to order.

Speaker Mutscher directed the Clerk to call the roll of the House.

The roll of the House was called.

A quorum of the House was announced present.

Speaker Mutscher stated that the two Houses were in Joint Session for the purpose of hearing an address by His Excellency, Preston Smith, Governor of Texas.

Speaker Mutscher then presented Governor Preston Smith to the Joint Session.

Governor Smith addressed the Joint Session, speaking as follows:

Lieutenant Governor Barnes . . . Speaker Mutscher . . . Members of the Legislature . . . and guests.

My remarks will be brief. Time is precious, and too much of it has already been consumed in talk.

Next Sunday at midnight, August 31, the state fiscal year will end. All state appropriations will expire.

We are compelled, by every measure of reason and law, to finance the state government by September 1.

I could dwell at length on what would happen otherwise. Every function of state government would be paralyzed or thrown into a state of uncertainty and confusion.

—290,000 welfare checks could not be sent to needy citizens and dependent children. Indeed, the welfare checks already will be late because of no action by this Legislature.

—1,300 public school districts would wait in vain for state aid from a non-existent Foundation Fund.

—Contractors would be holding millions of dollars in unpaid claims for highway construction.

—Most rental contracts on office space, computers and other equipment would expire.

—Colleges and universities would open, if at all, under a cloud.

—State research and treatment would have to stop at M. D. Anderson and other hospitals.

—Retired teachers and state employees would not get their checks.

—The Department of Public Safety, the Health Department, the treatment centers for physically and mentally handicapped, the correctional institutions, all state financed departments, boards, commissions and agencies would grind to a halt.

The list of problems is long and complete.

I could go on and on.

But need I?

The chaotic conditions I have described should not happen—need not happen—must not happen.

Instead of action, we have been getting words—words such as responsibility. Some have dedicated themselves to placing the blame on the Governor. I say to these Members—and they know who they are—"don't push, don't shove; there will be blame enough for everyone."

We have been treated to a spectacle of petty quarreling, jealousies between Houses, obtinate and self-serving positions, demagogic rhetoric, childish personalities, and undue interference from the lobby. I believe the people of Texas are sick and tired of it.

I know I am.

What the judgment of time will be upon the actions that this Governor and this Legislature have seen fit to take up to now, I do not know. It has
been difficult to follow the bouncing ball from day to day — or even from hour to hour.

But I do know where the ball is now. It is right here in this legislative hall.

I do not know who all should share responsibility for our dilemma, but I do know who is accountable to the people of Texas for providing and financing an adequate program for 1969-1971, and that is you.

There is no one else with a vote.

Another popular phrase around these halls has been "lack of leadership." Some people excuse their own failures by saying the Governor has not provided "leadership."

One of the oldest and truest proverbs I know is this one: "You can lead a horse to water, but you can't make him drink." As Governor of this state — in accord with my constitutional responsibility — I have made three separate and different recommendations to this Legislature for new taxes. The taxes are needed, and must be voted, to pay for the appropriations you have already voted or will vote when the money is available.

I have urged the Legislature to pass taxes of its own. I have even gone so far as to say I would accept almost any tax bill this Legislature could agree on.

You have been in session 170 days, and there is yet no tax bill.

What is asked of you is to supply the necessary revenue to cover the necessary appropriations — perhaps not with the same enthusiasm — but with the same diligence.

If my words sound harsh, let me assure you that they are spoken impersonally. With the exception only of a few Members who have plainly stated they do not wish to be my friends, I feel a close personal relationship with the leaders and Members of this Legislature.

I have tried to make myself available to you. I have tried to be helpful. I have tried to be reasonable. I have tried to be fair, and I don't want to be unfair now.

I realize that a good many Members had no more voice in the workings of the first Special Session than if they had stayed home and written postcards.

I recognize and appreciate the obligations a Member bears to his district and to his supporters.

But we have seen tax-writing efforts designed not to create a bill acceptable to a majority of both Houses, but one acceptable to a relatively few people — in and out of the Legislature.

And we have seen the maneuverings and heard the words of those who seem determined to wreck any bill they didn't write.

I still think that if as much effort were put into finding an answer as there has been in finding an excuse the first and principal purpose of this session can be speedily served.

We hear a lot about "commitments" around these legislative halls. It is now time to erase all "commitments" except to the people of the State of Texas.

Voting for taxes is never easy. However, I commend to you for consideration a story on the front page of The Austin American today.

It points out Texas is one of the lowest states in the nation in taxes imposed per capita. Texans pay around $200 per capita. The national average is $338 per person. New York state has an average of $503.

I recommend once more that you consider the tax sources I recommended at the start of the First Called Session.

There are other items than those I have recommended that you have considered and could consider again, and there are differing ideas about percentages to be applied.

As I have said before, I will accept any reasonable tax measure that will adequately and responsibly finance a two-year appropriations bill.
The people have spoken clearly on this issue. As public servants we must heed that mandate, in spite of personal feelings.

We are proud to be citizens of the nation that just sent men to the moon; yet we seem unable to pass a tax bill that—with just a little give here and a little take there—ought to be passed in a single day.

I persist in believing that this Legislature is composed overwhelmingly of men and women who want to finish the job—promptly and responsibly.

The dissenters have been heard—in full. It is now time for all of us to join hands and take positive action in behalf of the people of this state.

SENATE RETIRES

At 12:12 o'clock p.m., Lieutenant Governor Ben Barnes stated that the business of the Joint Session was accomplished and that the Senate would return to its Chamber.

The Senate then retired from the House Chamber.

HOUSE AT EASE

Speaker Mutescher stated that the House would stand at ease pending the departure of the guests.

(Mr. Davis of Harris occupied the Chair temporarily.)

(Speaker in the Chair)

At 12:30 o'clock p.m. the Speaker called the House to order.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees as follows:

By Healy:

H. B. No. 1, 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 period beginning September 1, 1969 and ending October 31, 1969; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; providing a saving clause; providing a contingency clause; and declaring an emergency.

Referred to Committee on Appropriations.

By Healy:

H. B. No. 2, 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, 1969, and ending August 31, 1971; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Referred to Committee on Appropriations.

RECESS

Mr. Salem moved that the House recess until 2:00 o'clock p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:33 o'clock p.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of today on account of important business:

Mr. Braun on motion of Mr. Nichols.

Mr. Harris on motion of Mr. Nichols.
MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following message from the Governor:

September 4, 1969

To The Members of the 61st Legislature, Second Called Session:

I hereby submit as additional subject for consideration in the Second Called Session the following legislation:

1. One will be Legislation providing for a penalty for the offense of forgery.

2. Legislation regulating and protecting antiquities, historical artifacts, and archaeological matter.

3. Legislation providing for the purchase and resale of water development bonds by local governmental units, subdivisions, and districts.

4. Legislation altering or removing interest rate limits applicable to bonds issued by the State of Texas, municipal corporations, and other governmental subdivisions, units, and districts.

5. Legislation concerning the allocation of teachers to school districts under the Foundation School Program and providing an allocation formula for certain school districts.

6. Providing for creation of the Board of Regents for Stephen F. Austin University.

7. Reconsideration of the 39 bills passed by the House and Senate of the 61st Legislature, Regular Session, which were vetoed by me for late signing and delivery.

Respectfully submitted,
PRESTON SMITH
Governor of Texas
MESSAGE FROM THE GOVERNOR

A messenger from the Governor was announced at the Bar of the House and, upon being admitted, read the following message from the Governor:

September 8, 1969

To The Members Of The Sixty-First Legislature, Second Called Session:

I hereby submit as additional subjects for consideration in the Second Called Session the following legislation:

1. Legislation establishing and regulating a system of providing liability insurance coverage and/or adjusting claims under the provisions of the Tort Claims Act, for the State of Texas, municipal corporations, and other governmental subdivisions, districts, and units.

Respectfully submitted,
PRESTON SMITH
Governor of Texas
MESSAGE FROM THE GOVERNOR

A messenger from the Governor was announced at the Bar of the House and, upon being admitted, read the following message from the Governor:

September 8, 1969

To The Members of The Sixty-First Legislature, Second Called Session:

I hereby submit as additional subjects for consideration in the Second Called Session the following legislation:

1. Legislation providing for additional insurance on bank deposits.

Respectfully submitted,
PRESTON SMITH
Governor of Texas
MESSAGE FROM
THE GOVERNOR

A messenger from the Governor was announced at the Bar of the House and, upon being admitted, read the following message from the Governor:

September 9, 1969

To The Members of the Sixty-first Legislature, Second Called Session:

I hereby submit as additional subjects for consideration in the Second Called Session the following legislation:

1. Legislation validating proceedings relating to the issuance of revenue bonds authorized by incorporated cities, towns, villages and other political subdivisions under certain conditions, providing for the issuance of such revenue bonds, for their security and payment, their approval by the Attorney General, and registration by the Comptroller of Public Accounts.

Respectfully submitted,
PRESTON SMITH
Governor of Texas