

JOURNAL
OF THE
House of Representatives
OF THE
FIRST CALLED SESSION
OF THE
Sixty-first Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
JULY 28, 1969



FIRST CALLED SESSION
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HOUSE JOURNAL

SIXTY-FIRST LEGISLATURE, FIRST CALLED SESSION

AUSTIN, TEXAS, MONDAY, JULY 28, 1969

PROCEEDINGS

FIRST DAY

(Monday, July 28, 1969)

Hall of the House of Representatives

Austin, Texas

In obedience of the Proclamation of His Excellency, Preston Smith, Governor of the State of Texas, convening the Sixty-first Legislature to meet in Special Session at Austin, Texas, the seat of government, on this the twenty-eighth day of July, 1969, the Members of the House of Representatives assembled in the Hall of the House of Representatives and at 11:00 o'clock a.m., the House was called to order by the Honorable G. F. (Gus) Mutscher, Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Clayton
Abraham	Cobb
Adams	Cole
Allen of Harris	Cory
Allen of Gregg	Craddick
Allred	Cruz
Angly	Cummings
Archer	Daniel
Armstrong	Davis of Harris
Atwell	Davis of Travis
Atwood	Dickson
Baker	Doran
Bass of Harris	Dramberger
Bass of Van Zandt	Earthman
Beckham	Evans
Bigham	Farenthold
Blaine	Finck
Blanton	Finnell
Braecklein	Finney
Braun	Floyd
Bray	Garcia
Burgess	Golman
Burnett	Graves
Caldwell	Hale
Calhoun	Hannah
Carrillo	Harding
Cavness	Harris
Christian	Hawkins
Clark of Harris	Hawn

Haynes	Orr
Head	Parker
Heatly	of Jefferson
Hendricks	Parker of Denton
Hinson	Patterson
Holland	Pickens
Holmes of Hood	Pickett
Howard	Poerner
Hubenak	Presnal
Hull	Price
Johnson	Ratcliff
Jones of Harris	Ray
Jones of Taylor	Reed
Jungmichel	Rosson
Kilpatrick	Salem
Knapp	Salter
Kothmann	Sanchez
Kubiak	Santiesteban
Lee	Schulle
Lemmon	Semos
Ligarde	Shannon, Joe, Jr.,
Lombardino	of Tarrant
Longoria	Shannon, Tommy,
Lovell	of Tarrant
McAlister	Sherman
McDonald	Slack
McKissack	Slider
McLaughlin	Smith
Moore of Hill	Solomon
Moore of Dallas	Stewart
Moore	Stroud
of McLennan	Swanson
Moreno	Tarbox
Moyer	Thomas
Muniz	Truan
Murray	Uher
Musgrove	Vale
Nabers	Vance
Neugent	Ward
of Galveston	Wayne
Newman	Weldon
Nichols	Wieting
Niland	Williams
Nowlin	Williamson
Nugent of Kerr	Willis
Ogg	Wright

Absent-Excused

Clark of Dallas	Jones of Lubbock
Holmes of Dallas	Traeger

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"In God's word we find these admonitions:

'For ever, O Lord, thy word is settled in heaven.

Thy faithfulness is unto all generations: thou hast established the earth, and it abideth.

They continue this day according to thine ordinances: for all are thy servants.' Psalms 119: 89-90-91

Oh God, our Father, we pray for Thy wisdom and Thy guidance for the Members of this Legislative Body as they meet in this First Called Session. The hour is late as regards our State's operations and responsibilities. Help each one to know it is impossible to evade responsibility and that time waits for no man.

Give each one of our State Leaders the highest motives and the courage to do that which will be worthy of Thy blessing. May we not be guilty of playing politics at this late hour, but help us to do what is right for Texas.

In Jesus' Name we pray. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Traeger, for today and the remainder of the week, on account of important State business, on motion of Mr. Clayton.

Mr. Holmes of Dallas on motion of Mr. Blanton.

Mr. Jones of Lubbock on motion of Mr. Tommy Shannon of Tarrant.

Mr. Clark of Dallas on motion of Mr. Craddick.

PROCLAMATION BY THE GOVERNOR

The Speaker laid before the House and had read the following Proclamation by the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

June 30, 1969

Under the provisions of Article III, Section 5, of the Constitution of Texas, I, Preston Smith, Governor of the State of Texas, do hereby call a Special Session of the 61st Legislature to be convened in the City of Austin, commencing at 11:00 a. m., Monday, the 28th day of July, 1969, for the following purposes:

1. To enact a two-year general appropriations bill for general state services for the biennium beginning September 1, 1969 and ending August 31, 1971.

2. To provide for sufficient revenue measures to raise adequate revenue to cover the expenditures under said general appropriations bill on a "pay as you go" basis.

3. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the Members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 30th day of June, A. D. 1969.

(Seal of State)

PRESTON SMITH
GOVERNOR OF TEXAS

Martin Dies
Secretary of State

PROVIDING FOR COMMITTEES TO NOTIFY THE GOVERNOR AND THE SENATE THAT THE HOUSE OF REPRESENTATIVES IS ORGANIZED AND READY TO TRANSACT BUSINESS

Mr. McKissack offered the following resolution:

H. S. R. No. 1

Be It Resolved, by the House of Representatives of the 1st Called Session of the 61st Legislature, That the Speaker of the House appoint two committees of five (5) Members each, one to notify the Governor and one to notify the Senate, that the House of Representatives is now organized and ready to transact business.

The resolution was read and was adopted without objection.

COMMITTEES APPOINTED TO NOTIFY THE GOVERNOR AND THE SENATE THAT THE HOUSE IS ORGANIZED

The Speaker announced the appointment of the following Committee to notify the Governor that the House is now organized and ready for the transaction of business:

Representatives Ward, Chairman; McAlister, Calhoun, Cummings and Moore of Dallas.

The Speaker announced the appointment of the following Committee to notify the Senate that the House is now organized and ready for the transaction of business:

Representatives Hendricks, Chairman; Dramberger, Jones of Taylor, Kothmann and Williams.

PROVIDING FOR SPACES IN THE CAPITOL GROUNDS FOR PARKING CARS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. Cummings offered the following resolution:

H. S. R. No. 2

Whereas, The 1st Called Session of the 61st Legislature of the State of Texas is now in session; and

Whereas, It is necessary that Members of the Legislature have access to assigned parking places to assure prompt attendance at legislative sessions and committee meetings during the called session; now, therefore, be it

Resolved, That the following plan for the parking of automobiles be followed:

1. That each House Member shall have the same parking space as that assigned for the Regular Session of the 61st Legislature. Each Member will be issued a decal for the windshield of his car with the number corresponding to the number marked on the curb.

2. Each Member will refrain from parking in any spot other than the one allotted to him and which carries his number.

3. Any State employee parking in an assigned space whose car does not exhibit the proper decal will be reported to his employer and, in the case of the House, to the Speaker of the House of Representatives for corrective action at the employer's or Speaker's discretion.

4. Members of the Capitol Press Staff will be provided the same parking places assigned for the Regular Session of the 61st Legislature.

5. The Speaker is authorized to assign parking spaces for any additional employees, new Members of the House, or members of the Capitol Press as he deems necessary.

The resolution was read and was adopted without objection.

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

Mr. Blaine 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 1st 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 11:30 o'clock a.m. in the Hall of the House on Monday, July 28, 1969, to hear the Governor's message.

The resolution was read and was adopted without objection.

SETTING FORTH OPERATIONAL PROCEDURES FOR THE MEMBERS, EMPLOYEES, ETC., OF THE FIRST CALLED SESSION OF THE SIXTY-FIRST LEGISLATURE

Mr. Tommy Shannon of Tarrant offered the following resolution:

H. S. R. No. 3

Be It Resolved, by the House of Representatives of the State of Texas, That the employees for the 1st Called Session of the 61st Legislature shall generally be the same as provided for the Regular Session of the 61st Legislature except that the number of employees in the several categories may be reduced, or eliminated, appropriately to fit the needs of the Called Session as determined by either the Speaker or the Chairman of the Committee on House Administration; provided, however, that each Member shall be allowed a secretarial staff as determined by, and at a salary to be set by, the Committee on House Administration. The Speaker and the Chairman of the Committee on House Administration are hereby empowered to employ personnel necessary for the operation of the House of Representatives and to dispense with the services of any employee for misconduct or whose services are not needed; and, be it further

Resolved, That each Member of the House of Representatives of the 61st Legislature be, and is hereby, allowed a credit in the sum of \$150.00, for the period of the 1st Called Session, for expenditures for stationery, supplies, postage, telephone tolls, telegraph tolls and other expenses as provided in H. S. R. No. 507 passed by the 61st Legislature, Regular Session. The Speaker shall be entitled to a credit for the above purposes in an amount as necessary to cover the expenses of his office; and all departments and committees of the House of Representatives shall each be allowed a credit for expenses as determined by the Committee on House Administration.

The Committee on House Administration shall direct the Contingent Expense Clerk to procure and keep

for the use of the House of Representatives, its Members, departments, and committees, such stationery, stamps, and other supplies as may be needed, and ordered by the Speaker or the Chairman of the Committee on House Administration. The Contingent Expense Clerk shall keep an itemized account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the persons from whom it was received. The Contingent Expense Clerk shall cause to be kept a set of books, an account for each Member, department, and committee authorized by the House of Representatives to expend stationery, supplies, telephone and telegraph tolls, postage, and shall charge to each of the accounts its daily withdrawals. The Contingent Expense Clerk shall furnish the Chairman of House Administration, each Member, committee and department an itemized monthly statement on each of their accounts.

The offices of all departments of the House of Representatives shall be kept open on such days and during such times as the Committee on House Administration shall direct.

The Committee on House Administration shall have jurisdiction over the mailing of the House Journal.

Each Member shall be furnished with four newspapers of his own selection delivered daily in Austin.

All requisitions for paper and supplies necessary for the preparation of bills and resolutions, for the use of the Enrolling and Engrossing Rooms and the Standing Committees of the House, shall be under the direction and care of the Committee on House Administration. This committee is authorized to borrow or rent a sufficient number of typewriters and other business machines and equipment for the use of the House of Representatives and its employees, and to furnish same with proper material; and, be it further

Resolved, That sufficient copies of the House Journal as determined by the Committee on House Administration be printed daily: 100 to be delivered to the Senate, 1 copy to be

placed in each Member's mailbox, 75 copies to be delivered to the State Library, and the remainder to be left with the Committee on House Administration for distribution under the direction of the Speaker; and be it further

Resolved, That no allowance included in this Resolution shall be expended except actual salaries or actual expenses of the House, its Members, officers, committees and employees and for such other expenses as are hereinabove set out or authorized by H. S. R. No. 507 of the 61st Legislature, Regular Session, or the Committee on House Administration. All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House of Representatives or any other funds appropriated for the use of the House of Representatives.

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 was now organized and ready for the transaction of business.

COMMITTEE APPOINTED TO ESCORT GOVERNOR PRESTON SMITH TO THE SPEAKER'S ROSTRUM

The Speaker announced the appointment of the following Committee, on the part of the House, to escort the Governor to the Speaker's Rostrum:

Representatives Atwell, Chairman; Nugent of Kerr, Carrillo, Finnell, Harding, Hale, Tarbox, Santiesteban, Howard, Pickett, Sherman and Swanson.

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.

HOUSE AT EASE

At 11:20 o'clock a. m. the Speaker stated that the House would stand at ease until the hour set for the Joint Session.

The Speaker called the House to order at 11:27 o'clock a. m.

MESSAGE FROM THE SENATE

Austin, Texas, July 28, 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:

S. C. R. No. 2, By Hightower: Calling for a Joint Session of the two Houses at 11:30 o'clock a. m., July 28, 1969.

Respectfully,
CHARLES A. SCHNABEL
Secretary of 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.

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

The Speaker laid before the House the following resolution:

S. C. R. No. 2

Whereas, The Honorable Preston Smith, Governor of Texas, desires to deliver a message in person to the 1st Called Session of the 61st Legislature; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the two Houses meet in Joint Session at 11:30 o'clock a. m. in the Hall of the House on Monday, July 28, 1969, to hear the Governor's message.

The resolution was read and was adopted without objection.

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 and S. C. R. No. 2, the Senate and the House of Representatives met in Joint Session at 11:30 o'clock a. m. today, for the purpose of hearing an address by the Honorable Preston Smith, Governor of Texas.

At 11:28 o'clock a. m., 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.

At 11:30 o'clock a. m., Governor Preston Smith, Mrs. Preston Smith, and Senators Aikin, Berry, Bates, Snelson and Herring, Committee on the part of the Senate; and Representatives Atwell, Nugent of Kerr, Carrillo, Finnell, Harding, Hale, Tarbox, Santiesteban, Howard, Pickett, Sherman and Swanson, Committee on the part of the House were announced at the Bar of the House and, being admitted, occupied seats 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 then addressed the Joint Session, speaking as follows:

LIEUTENANT GOVERNOR
BARNES . . . SPEAKER MUTS-
CHER . . . MEMBERS OF THE
LEGISLATURE . . . AND GUESTS

It is always an honor to appear before a Joint Session of the Texas Legislature—even if circumstances from time to time make one appearance more pleasant than another.

It has been only 56 days since adjournment of the Regular Session. A great many of the intervening hours have been spent preparing for this Called Session starting today.

I cannot say there has been any significant change in our financial condition these last 56 days to raise our hopes for this Special Session.

During these same days, however, there has been a significant occurrence that raises our spirits and makes us proud of our country and our countrymen.

Eight days ago, Americans took "one great stride for mankind" by setting foot on the moon. What the next great stride will bring within man's range we cannot say for sure.

But we do know that the greatest physical conquest in our experience has been made . . . One of mankind's oldest dreams . . . of exploring outer space—has been realized . . . and men's vision has been increased and their spirits uplifted the world over.

This the first official opportunity for this Legislature to mark the Glorious Flight of Apollo 11—and to pay tribute to Neil Armstrong—Buzz Aldrin—and Michael Collins—and through them to the thousands and thousands of coworkers who helped them accomplish their historic mission.

Although Texas cannot claim them, they are residents of Texas . . .

they were trained here . . . and now they have returned to Texas.

It is most appropriate, I think for Texas to honor these men—Armstrong, Aldrin and Collins—in a formal manner.

Therefore, I propose that you create a special Medal of Valor to be awarded to these three men—in the name of the State of Texas—never to be issued again.

I propose, as an extension of the purpose for which this Special Session was called, that the presiding officers of the House and Senate immediately appoint a special committee to commission the casting of such a Texas Medal of Valor.

It will be a token—small, but significant of our pride and respect—to mark one of the most momentous events in the history of Man.

And now—as I might say—back down to Earth.

Back to the task—the responsibility of setting our state finances in order for the biennium beginning September 1, 1969.

A great many things that could be said today will go unsaid, as far as I am concerned.

The chain of events—the actions and reactions and the absence of actions—that brought us back here today actually needs no elaboration.

All of us know why we are here.

I believe that all of us—now that we are here—will want to leave with the mission accomplished . . . the job well done.

The watchword for this Called Session should be harmony—harmony that will make it possible for us to discharge our duties and responsibilities to the people of Texas.

We—and that includes each Member of the Legislature as well as the Governor—we all share a grave burden during the next 30 days. We must listen to the needs and wants of all our citizenry. And we must act responsibly.

We must put aside past differences, we must do more than simply pass tax and spending bills. Priorities must be assigned to the many worthy demands for increased services from our state government.

It is my responsibility as Governor to recommend—and yours as Legislators to pass, in acceptable form, a biennial budget, a fiscal plan for State spending for the next two years.

And we must provide revenue to cover that spending.

We do not have to start from scratch because a vast amount of work already has been done upon a two-year budget. I commend the Legislative leadership—and you, the Members—for the energy and initiative already shown in this field.

A detailed analysis of the budget recommendations I am making today will be furnished you, with a copy of this message. I shall now touch some of the high spots.

The recommendations today call for a State Budget totaling \$5.8 billion during the two-year period beginning September 1, 1969.

The appropriations I suggest from General Revenue total one billion, 182 million dollars. (\$1 billion, 182 million) for two years.

This amount will exceed by \$307.5 million the estimated revenue available from existing sources after allocations for the public school bills enacted during the Regular Session for the next two years.

The 61st Legislature probably has done more than any previous Legislature for public school education. The very substantial teacher pay raise was but one part of the meaningful legislation enacted during the Regular Session which will vastly improve our school system.

Programs passed—and funded—include: teachers' salaries, teachers' sick leave, teachers' aides, special education, vocational education, summer schools, kindergarten programs and several other important items.

The total cost of this education

package is approximately \$300 million.

I commend you for these actions. I also remind you that these bills have been signed into law, and the moneys necessary to fund them already have been allocated.

In my first message to this Legislature I stated that "education at every level and of every kind demands and deserves our support." I reiterate that statement at this time.

HIGHER EDUCATION

Having said that, I turn now to higher education . . . an area some suggested was "slighted" in our initial budget.

I am recommending a General Revenue Fund increase of \$79 million for the biennium for the 22 operative State-supported colleges and universities.

Of this total, approximately \$55 million is required to meet enrollment increases at present spending levels. That figure was in my original budget.

I shall now make new recommendations which I feel will continue higher education along the path of excellence upon which it already has embarked.

To continue to improve the quality of higher education, I now recommend a faculty salary increase of 3.4 percent per year for a cost of \$13 million. I also recommend an increase in operating funds of \$11 million.

It is false economy to postpone needed maintenance. Therefore, I am recommending that \$5.6 million be budgeted for major repairs and renovation of higher education facilities.

NEW COLLEGES AND UNIVERSITIES

In the Regular Session, we authorized the creation of new institutions of higher learning in San Antonio, in Dallas, and in the Midland-Odessa area.

In accordance with the timetable prepared by the Coordinating Board, I recommend planning and initial

operating funds to be allocated during the next biennium for these schools, amounting to \$2,850,000.

This procedure will assure an orderly and economical pattern of planning and construction. And it will result in the most efficient use of the taxpayers' dollar.

I am also recommending that Texas A&I University receive \$575,000 for the development of a branch campus at Laredo, as authorized during the past legislative session.

JUNIOR COLLEGES

I am recommending that the State support rate for each student attending a Texas junior college be increased from \$475 to \$510 for a total biennial General Revenue increase of \$16.6 million.

This is a substantial, but reasonable, increase that will enable our junior colleges as enrollment grows to continue providing the fine services they now offer.

VOCATIONAL-TECHNICAL EDUCATION

The importance, even the necessity, of expanding our vocational and technical education offerings must be emphasized again. Here lies the key to shorter welfare rolls, more tax-producing citizens, and better lives for all Texans regardless of their race, their national origin or their economic station.

Vocational-technical education of the magnitude that Texas deserves also will relieve our other educational institutions which always seem to be bursting at the seams.

I am recommending a biennial General Revenue increase of \$10.1 million that will provide nearly four times the amount of General Revenue funds available to junior colleges for vocational and technical education in the past biennium.

By applying estimates of federal funds that will be available, this recommendation will permit junior college vocational-technical education programs to increase from a funding level of \$5.5 million in 1969

to \$11.4 million in 1970 and to \$12.7 million in 1971.

None could deny that the growth and the accomplishments of the Texas State Technical Institute (formerly Connally Tech) in the past few years have been rapid and beneficial to our state.

I am recommending that additional funds for expanded enrollment and programs at this school be provided and that \$900,000 be appropriated for the development of branch campuses at Harlingen and Amarillo.

MEDICAL, DENTAL AND NURSING EDUCATION

We have established new medical schools at Houston and Lubbock. I need not recite for you the evidence of our need for expanded medical training facilities.

In order that we may begin to meet our medical needs for the future, I am recommending that \$25.8 million be allocated for planning and initial construction and operation of these schools.

The Legislature passed and I signed into law a bill creating a new dental school at San Antonio. I recommend that \$250,000 be allocated for planning and initial operations for the next biennium so that plans for construction can be carried forward.

To provide for our immediate dental education needs, I recommend that \$100,000 be allocated in the second year of the biennium for temporary facilities and operation of the San Antonio dental school, and that \$600,000 be appropriated for expansion of the existing dental school at Houston in fiscal 1970.

This expansion of the Houston facility will permit an increase in the size of the entering dental class from 100 to 120 and of the entering dental hygiene class from 38 to 48.

I am recommending \$200,000 for The University of Texas System to develop the new nursing schools we have authorized for San Antonio and El Paso.

I propose that these growth funds

for health care training be supplemented by the appropriation of \$600,000 to the Coordinating Board to contract with Baylor College of Medicine in Houston and Baylor College of Dentistry in Dallas, in accordance with approved Legislation.

In recent years the attention of the world has been focused on Texas doctors, Texas medical facilities and Texas medical schools for their achievements in the transplantation of organs from one human body to another.

I recommend that \$154,000 be allotted to The University of Texas Southwestern Medical School at Dallas for equipment to carry on its work in kidney transplants.

Although this is but a small request in the total budget, its worth in human life will be appreciable.

CLOSED CIRCUIT TELEVISION

In all areas of education, meaningful economies should be sought.

The use of closed circuit television in education can effect economy without lessening quality.

To continue the development of regional closed circuit television networks authorized by prior legislatures, I am requesting an appropriation of \$3 million to the Coordinating Board.

I do not feel that we should slight one area of education to the advantage of another. And it is my belief that these requests represent a balanced and reasonable approach to Texas' education future. If we value Texas, we cannot afford to ignore or slight the education of Texans.

TEXAS INDUSTRIAL COMMISSION

With an investment of only 2.8 cents per capita—compared with the national average of nearly 30 cents per capita—the Texas Industrial Commission has been able to carry out a program of industrial development and economic growth for our State with significant results.

In 1967, six states had budgets in excess of \$1 million for industrial development—averaging \$6.9 million

per agency. The Texas Industrial Commission had an appropriation of but \$311,000.

In 1967, there were 666 new plant locations and major expansions announced in Texas, compared with an average of 551 for the other six.

In the last five years, 3,600 new plants or major expansion projects have been announced in Texas, producing more than a quarter of a million new jobs in manufacturing.

In brief, compared to other states and considering the amount of money we have invested at the State level in the industrial development program, our results have been excellent.

But still we fall far short of the potentials that could be tapped. We are faced with economic decline in many areas because of our failure to adjust to the changes in the Texas economic base.

It is evident that we must close the gap between per capita personal income here and in the nation as a whole.

I hardly need mention that industrial development means economic development for whole communities, and more jobs for Texas workers.

Considering these needs, I strongly feel that now is the time to chart a new course for Texas—the time to develop a comprehensive industrial plan to meet these challenges.

Included in the plan will be specific feasibility studies on the location of given types of industry in specific areas of the State.

Much work has been done on this new plan, but much more must be done.

Therefore, I am recommending an increase from \$311,000 to \$433,176 in the first year of the biennium and to \$534,959 in the second year for the Texas Industrial Commission.

TRAFFIC SAFETY

The Texas Traffic Safety Act of 1967 established the authority of the Governor to do "all things necessary

on behalf of the State to conduct a rigorous traffic safety program."

The Act also created a Governor's Traffic Safety Fund.

The appropriation basis established by the 60th Legislature yields an annual total of \$2 million.

Each year \$1.8 million of the Traffic Safety Fund has been assigned to the Texas Education Agency for promotion and improvement of the driver education program.

Increasing school enrollments and the consequent growing demand for driver education courses make it apparent that the entire fund soon will be required in that area alone.

On June 1, 1969, the Office of Traffic Safety Administrator was established in the Executive Department.

A prime function of this office will be the securing of full benefits to the State from the Federal Government under the Federal Highway Safety Act of 1966. With the increased funding needs of driver education, little promise exists for financing the Traffic Safety Office from present allocations and none exists for matching-grant federal funds involving administration of the 15 federal highway safety standards.

I recommend that the Governor's Traffic Safety Fund be increased from \$2 million to \$3 million in the first year and to \$3.6 million in the second year of the biennium.

OTHER RECOMMENDATIONS

I recommend a one step salary increase for State employees for the 1st year of the biennium and an additional step for the second year of the biennium.

I recommend an additional \$2 million for the State Department of Health to be used for the new meat inspection program.

I recommend for the Department of Mental Health and Mental Retardation's community centers program \$5 million in 1970 and \$6 mil-

lion in 1971, an increase of \$4 million over the present biennial level.

My recommendations also assume adoption of the Constitutional Amendment raising the welfare ceiling to be voted on August 5.

There are numerous other recommendations for increases listed in the budget document which you will receive at the close of this talk.

I recommend them to you for study.

You will note that this budget—with exception of higher education—is not inconsistent with my earlier recommendation—when you consider the extra school funds provided in the Regular Session plus the \$30 million requested now contingent upon approval of the Welfare Amendment.

REVENUE RAISING PROPOSALS

It is a challenging and difficult—but generally satisfying—obligation to make appropriations for essential State services.

But it is an awesome and sobering responsibility to propose, or to vote for, the taxes necessary to pay for these services.

I will not dwell upon that, except to recognize that we have a grim obligation to finance State programs adequately and fairly without taxing any individual or segment to the point of confiscation.

We must overcome our reluctance to vote for necessary taxes by reminding ourselves—and our people—of what a historian once said of ancient Athens:

“What the Athenians wanted most was freedom from responsibility, and in the end it was this which caused them to lose all the freedoms they had.”

I propose we meet our responsibility in this instance by passing legislation to provide for:

A one-half of one percent increase in the Limited Sales, Excise and Use Tax from the current rate of 3 per-

cent to 3½ percent, for a biennial total yield of \$159.3 million.

Increasing the tax on sale of motor vehicles from 3 percent to 3½ percent for a yield of \$27 million.

Adding 3 cents to the current 11-cent state tax on cigarettes for a yield of \$53.7 million.

An increased levy of 50 cents per \$1,000 on the Corporate Franchise Tax to automatically end after two years for a yield of \$27.9 million.

Placing alcoholic beverages under the sales tax for a total yield of \$39.6 million.

This package would raise \$307.5 million for the biennium.

There are just five items in this taxation package I have proposed. It is not complicated, and I believe it is a package with which we can all live.

The decision to make these specific proposals was not easy. Such decisions never are.

I made two different tax proposals to this Legislature during the Regular Session. This is the third one.

Different approaches have been considered and explored.

I have said in each instance: “This is one way to raise the money we must have. If you have a better idea, then let’s look at it.”

We must spread spending and taxing over a two-year period in a logical and reasonable fashion, without postponing the major decisions to another year.

This is not the time, however, to argue theories of government and taxation. It is the time to bear down and pass some sort of a tax bill to keep our State Government operating as we enter a new fiscal year.

Aside from the taxes on nonessential items and estimating that business pays up to 35 percent of sales taxes, the bill proposed here is a good division between direct and indirect taxes on the consumer.

We must remember that, if the

profit system works properly, the consumer eventually pays virtually all taxes—either directly as taxes or indirectly in the form of higher prices.

This is another subject which could be argued indefinitely. I fully expect my plan to receive criticism.

So did my other plans. So—I am sure—would any plan.

Taxes are just not popular.

And that leads me to this final word:

I do not know, except in isolated instances, what your views, your attitudes and your motivations are at this moment. What you think of my program is not as important as what you think of your own responsibilities.

What you think of me, personally, does not really matter.

It is only when we allow personalities to cloud issues and personal prejudice to warp judgment, that personal attitudes can do harm to the public interests.

It might be well—in view of some of the things that have been written and said about my relationships with the Speaker of the House and the President of the Senate—to disclaim once and for all any thought or concern that these able, dedicated, young leaders will not do everything in their power to bring this session to a prompt and successful climax.

We are all three in position to make statements and take positions. It would be a miracle if we never differed. But it is wrong to intimate that these differences are based on any personal considerations.

I am confident I will have their cooperation, as they will have mine.

There is no way that a man in a place of leadership can insure himself against criticism—nor should there be. There is no way he can silence the personal privilege speech, or censor the reproachful press release.

There is still such a thing as free speech.

At the same time, I believe we can all be big enough to set aside narrow personal feelings, forgive each other our admittedly numerous errors and work together as best we can, as rationally as we can, as wisely as we can, as expeditious as we can, to get this job done.

It is only in this way that we can prove to a watching public that we deserve to hold these offices with which they have entrusted us.

Even more importantly, for a conscientious man, it is the only way we can prove to ourselves that their trust has not been misplaced.

The Governor's door will be open to you at all times—all day long and into the night. I want to work with you. I want your help. I pledge you mine.

At the conclusion of the address by Governor Smith, Speaker Mutscher introduced Mrs. Ima Smith, wife of Governor Preston Smith, to the Joint Session.

SENATE RETIRES

At 12:06 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 Mutscher stated that the House would stand at ease pending the departure of the guests.

(Mr. Cory occupied the Chair temporarily.)

(Speaker in the Chair)

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

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 5, By Musgrove; Extending greetings to the people of

Legislative District No. 53 who are visiting the House of Representatives today.

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 Heatly:

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 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.

By Atwell:

H. B. No. 2, A bill to be entitled An Act raising revenue for the support of State Government, amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the rate on limited sales, excise, and use tax; amending the collection schedule to conform to the new rate; removing exemptions on alcoholic beverages; making conforming amendments to the Local Sales and Use Tax (Article 1066c, Vernon's Texas Civil Statutes); amending Chapter 6, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the tax rate on the retail sale of motor vehicles; amending Chapter 7, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by levying an additional tax on cigarettes; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to levy additional corporate franchise taxes for a two year period; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Atwell:

H. B. No. 3, A bill to be entitled An Act raising revenue for the support of State Government; amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, and making conforming amendments to Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c, Vernon's Texas Civil Statutes), to include certain services under the state and local sales and use taxes, and to increase the rate of the State Sales Tax; amending Subsection (2), Article 3.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, to exclude from the natural gas tax, gas used for fuel in field operations in connection with exploring, developing, or producing oil or gas where the gas is produced and used in the field or on the lease where produced by the same operator; amending Article 3.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding Subsection (15) to define the term "operator"; repealing Chapter 17 and Chapter 21, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

MESSAGE FROM THE SENATE

Austin, Texas, July 28, 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:

S. C. R. No. 1, By Brooks: Congratulating the three men of Apollo 11 on their journey to the moon.

S. C. R. No. 3, By Herring: Providing for a Joint Session of the Legislature on August 19, 1969.

H. C. R. No. 1, By Blaine: Providing for a Joint Session at 11:30

o'clock today to hear the Governor's message.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

ADJOURNMENT

Mr. Heatly moved that the House adjourn until 10:30 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:35 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Appropriations filed a favorable report on H. B. No. 1.

SECOND DAY (Tuesday, July 29, 1969)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Caldwell
Abraham	Calhoun
Adams	Carrillo
Allen of Gregg	Cavness
Allred	Christian
Angly	Clark of Harris
Archer	Clayton
Armstrong	Cobb
Atwell	Cole
Atwood	Cory
Baker	Craddick
Bass of Harris	Cummings
Bass of Van Zandt	Daniel
Beckham	Davis of Harris
Bigham	Davis of Travis
Blaine	Dickson
Blanton	Doran
Braecklein	Dramberger
Braun	Earthman
Bray	Evans
Burgess	Farenthold
Burnett	Finck

Finnell	Newman
Finney	Nichols
Floyd	Niland
Garcia	Nowlin
Golman	Nugent of Kerr
Graves	Ogg
Hale	Orr
Hannah	Parker
Harding	of Jefferson
Harris	Parker of Denton
Hawkins	Patterson
Hawn	Pickens
Haynes	Pickett
Head	Poerner
Heatly	Presnal
Hendricks	Price
Hinson	Ratcliff
Holland	Ray
Holmes of Hood	Reed
Holmes of Dallas	Rosson
Howard	Salem
Hubenak	Salter
Hull	Sanchez
Johnson	Santiesteban
Jones of Lubbock	Schulle
Jones of Harris	Semos
Jones of Taylor	Shannon, Joe, Jr.,
Jungmichel	of Tarrant
Kilpatrick	Shannon, Tommy,
Knapp	of Tarrant
Kothmann	Sherman
Kubiak	Slack
Lee	Slider
Lemmon	Smith
Ligarde	Solomon
Lombardino	Stewart
Longoria	Stroud
Lovell	Swanson
McDonald	Tarbox
McKissack	Thomas
McLaughlin	Truan
Moore of Hill	Uher
Moore of Dallas	Vale
Moore	Vance
of McLennan	Ward
Moreno	Wayne
Moyer	Weldon
Muniz	Wieting
Murray	Williams
Musgrove	Williamson
Nabers	Willis
Neugent	Wright
of Galveston	

Absent

Clark of Dallas

Absent-Excused

Allen of Harris	McAlister
Cruz	Traeger

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Heavenly Father, we thank Thee, Lord, that this State is governed by representatives of the people, in this time of testing, passing a tax measure.

Let the democratic process be seen at its best. May everything that is done by this Legislature and the chosen leaders of this State be so clearly right that it needs no justification.

Help us, Lord, not to be swayed by emotion or ambition but by calm conviction.

In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Traeger, on important State business, on motion of Mr. Allen of Gregg.

Mr. Allen of Harris, for today and tomorrow, on motion of Mr. Nichols.

Mr. McAlister on motion of Mr. Tarbox.

Mr. Cruz on motion of Mr. Muniz.

COMMENDING ASTRONAUTS NEIL A. ARMSTRONG, MICHAEL COLLINS AND EDWIN E. "BUZZ" ALDRIN, JR.

Mr. Lemmon offered the following resolution:

H. S. R. No. 4

Whereas, A universe of new worlds, of scientific discovery, has been opened to mankind following the fantastic voyage to the moon which culminated in man's first steps on that stark lunar surface on July 20, 1969; and

Whereas, The 20th Century explorers who ushered in this new age of discovery, America's modern voyagers in space—Neil A. Armstrong, Michael Collins and Edwin E. "Buzz" Aldrin, Jr.,—have gained the plaudits

of peoples throughout the world, the affectionate acclaim of their fellow citizens; and

Whereas, The impact of the epic adventure—from blast-off of Apollo 11 on July 16, 1969, on to the moon, and back to earth and splashdown on July 24, 1969, eight days later—is to give man, once again, the opportunity he had at the time of Creation, to make of his world what he will; the trip of America's Astronauts to the moon, made openly with communications media tuned to let all nations follow the course of the venture and share in the glorious opportunities of the accomplishments, offers a new beginning that has already brought greater harmony among men and nations; and

Whereas, Civilian Commander of Apollo 11, Neil A. Armstrong, is a native of a typical small American town, Wapakoneta, Ohio; as a youngster his major interest was aircraft—model airplanes, magazines and drawings of aircraft, and books on aircraft; he took flying lessons when he was 15, paying the \$9 for each one-hour lesson with his own earnings in a drugstore job, and received his private pilot's license at 16, pedaling home on his bicycle to tell his parents—he hadn't yet learned to drive a car; and

Whereas, He won a Naval Air Cadet Scholarship and entered Purdue University in 1947 to study aeronautical engineering, but was called to active duty at the age of 19 in the Korean War; he flew 78 combat missions, was forced to eject from one crippled plane, and lost a wing tip of a second; he returned to Purdue and was graduated in 1955; one year later, he married Janet Shearon, whom he met at Purdue, and he and Mrs. Armstrong now have two sons, Eric, 12, and Mark, 6; and

Whereas, After graduation he joined the National Advisory Committee for Aeronautics—NASA's predecessor—and flew the X-15 rocket plane as a test pilot in 1962, he applied for astronaut training and was accepted in the second class, along with Frank Borman, James A. McDivitt, the late Edward H. White, and five others; he was commander for the Gemini 8 Mission with David R.

Scott as his copilot and, early in 1966, they made the first attempt to link two craft together in space, but, after docking, the combination began to spin wildly and Armstrong brought the ship under control to make an emergency landing in the Pacific Ocean; his piloting skill was also tested in 1968 when a jet-powered training craft in which he was practicing lunar landing skittered out of control and he ejected and was parachuted to safety; and

Whereas, Air Force Lieutenant Colonel Michael Collins was assigned as command pilot on the mother ship, Command Service Module Columbia, and he orbited the moon to form a homing base for the lunar explorers on their Lunar Module Eagle; his was the lonely vigil of standing by, providing communications with Eagle from the back of the moon, being ever ready to assist Eagle to the limits of his machine and equipment; and

Whereas, The son of the late Army Major General James L. Collins, Mike Collins was born in Rome, Italy, and grew up on army bases throughout the world, so that he particularly cherishes his family life with wife, Patricia, daughters Kathleen, 10, and Ann, 7, and son Michael, 6; a 1952 graduate of West Point, he is a lieutenant colonel in the Air Force and was trained in fighter planes; he finished Air Force Test Pilot School at Edwards Air Force Base in the Mojave Desert and flew the X-15 and other experimental aircraft before turning to space; he has said that he feels space flight is an extension of the test pilot's regimen, but with more thorough, more elaborate training; also a trained engineer, he is able to apply broad knowledge to space piloting; and

Whereas, Air Force Colonel Edwin E. "Buzz" Aldrin, Jr., the second man to set foot on the moon, was also graduated from West Point, third in a class of 475 cadets in 1951; he entered the Air Force and flew 66 combat missions in the Korean War; he earned a doctor of science degree from Massachusetts Institute of Technology as a part of a special USAF program, and his doctoral thesis dealt with orbital rendezvous, a feat he performed during the flight of Gemini 12 in late 1966; he and his wife, Joan, have three children

Michael, 13, Janice, 12, and Andrew, 11; and

Whereas, "Buzz" Aldrin's only previous space flight on Gemini 12 left him the only person dissatisfied with the results: he would have liked to have pressed extravehicular activity (the "space walk") to new limits; and

Whereas, The success of Apollo 11 was viewed by approximately a half-billion people in 49 countries, all of whom were electrified at the words of Neil Armstrong as his spacecraft touched the surface of the moon: "Tranquillity Base here. The Eagle has landed"; and, later, as he exclaimed: "That's one small step for man, a giant leap for mankind"; and

Whereas, With silent streets all over America and in other lands as people stayed before their television screens, viewers watched the walks of the spacemen, saw for themselves the desolate lunar field of rocks, of fine soil showing plainly the imprints of the spacemen's big boots; and

Whereas, From high above in the mother ship came congratulations from team member Mike Collins: "Tranquillity Base, you guys did a fantastic job"; and back from the moon came the reply to their comrade: "Just keep that orbiting base up there for us"; and

Whereas, Minute by minute the people on earth were treated to description of the moon by the two men standing on its virgin soil; entranced, viewers saw the American flag and staff planted on the surface, saw the bouncing, light steps of the Astronauts, as they performed the tasks planned; the television camera was carried to a vantage point so that all might see the Eagle, the soil samples as they were collected, the rocks that were put in the containers for return to the earth; the seismograph and target for the laser from McDonald Observatory in Texas were placed in position, giving promise to great discoveries by earth-bound scientists; and

Whereas, Finally, all chores accomplished, the spacemen returned to the Eagle, awaiting the proper hour for lift-off to rejoin Columbia and Mike Collins; and

Whereas, Again, all systems performed perfectly, and after more than 21 hours on the moon, Eagle ascended without effort, with the docking procedure another great success; the long journey home to earth was begun, and splashdown came in the Pacific about 950 miles southwest of Hawaii, eight days, three hours, and 18 minutes after the odyssey began from Cape Kennedy, Florida; and

Whereas, The President of the United States of America was on the USS Hornet to greet the returning explorers and spoke for his fellow Americans and all people of the world as he said: "This is the greatest week in the history of the world since Creation"; and

Whereas, The ship's Chaplain also spoke for peoples of the world in thanking God for the successful journey, for the safe return to earth of the three American Astronauts; and

Whereas, The House of Representatives of the 61st Legislature, 1st Called Session, wishes to extend congratulations to the Astronauts of Apollo 11 for the people of Texas, who take such great pride in the National Aeronautics and Space Administration Manned Spacecraft Center, and to commend all those who have contributed so greatly to its research and accomplishments; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas express appreciation to Civilian Commander Neil A. Armstrong, Air Force Lieutenant Colonel Michael Collins, and Air Force Colonel Edwin E. Aldrin, Jr., for all that their lunar exploration means to the United States of America and other nations of the world; and, be it further

Resolved, That copies of this Resolution be prepared for the Astronauts and their families as but a small expression of our deep gratitude to them for all that they have risked, all that they have so successfully accomplished.

Signed: Ray Lemmon, Tom Bass of Harris, Arthur Vance, Jim Clark of Harris, Bill Swanson and Jamie Bray.

The resolution was read and was adopted unanimously.

On motion of Mr. Wieting the names of all the Members of the House were added to H. S. R. No. 4 as signers thereof.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. C. R. No. 2, By Bray and Ogg: Commending Dr. Robert R. Gilruth, Director of the Manned Spacecraft Center in Houston, Texas.

S. C. R. No. 1, Commending the Crew of Apollo 11, Commander Neil Armstrong, Colonel Edwin E. (Buzz) Aldrin, Jr., and Lieutenant Colonel Michael Collins, on their flight to the moon.

TO PROVIDE FOR A JOINT SESSION TO HEAR AN ADDRESS BY W. ROBERT McLELLAN, DEPUTY ASSISTANT SECRETARY OF COMMERCE

The Speaker laid before the House the following resolution:

S. C. R. No. 3

Whereas, The State of Texas has received the distinction of having been awarded the Presidential "E" Award for Export Development; and

Whereas, This Award is in recognition of the outstanding job performed by the Texas Industrial Commission for its services in the field of Exporting since 1964; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That W. Robert McLellan, Deputy Assistant Secretary of Commerce, be invited to address a Joint Session of the First Called Session of the 61st Legislature at 11:00 a. m., on Tuesday, August 19, 1969, for the purpose of presenting the Presidential "E" Award.

The resolution was referred to the Committee on House Administration.

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 Hannah and Bass of Van Zandt:

H. B. No. 4, A bill to be entitled An Act imposing a tax on certain disposable containers, providing for administration and enforcement, and allocation of revenue; amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Chapter 32; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Doran:

H. B. No. 5, A bill to be entitled An Act relating to the time limit on payment of the tax on liquor, other than ale or malt liquor; amending Subsection A, Section 21-1/8, Article I, Texas Liquor Control Act (Article 666-21-1/8, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Revenue and Taxation.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed 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.

GRANTING PERMISSION TO EACH HOUSE FOR ADJOURNMENT FROM THURSDAY, JULY 31, 1969, TO TUESDAY, AUGUST 5, 1969

Mr. Heatly offered the following resolution:

H. C. R. No. 3

Be It Resolved, by the House of Representatives, the Senate concur-

ring, that each House grant the other permission to adjourn from Thursday, July 31, 1969, to Tuesday, August 5, 1969.

The resolution was read and was adopted without objection.

HOUSE BILL NO. 1 ORDERED NOT PRINTED

Mr. Heatly moved that all necessary rules be suspended and that H. B. No. 1 be not printed.

There was no objection offered and it was so ordered.

HOUSE BILL NO. 1 SET FOR SPECIAL ORDER

Mr. Heatly moved that H. B. No. 1 be set for special order at 9:30 o'clock a. m., Thursday, July 31.

There was no objection offered and it was so ordered.

ADJOURNMENT

Mr. Tommy Shannon of Tarrant moved that the House adjourn until 10:30 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:05 o'clock a. m., adjourned until 10:30 o'clock a. m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, July 28, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 1,

has carefully compared same and finds it correctly engrossed.

WARD, Chairman

Austin, Texas, July 28, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 1, Providing for a joint session,

has carefully compared same and finds it correctly enrolled.

WARD, Chairman

SENT TO THE GOVERNOR

July 29, 1969

H. C. R. No. 1

THIRD DAY

(Wednesday, July 30, 1969)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Clark of Harris
Abraham	Clayton
Adams	Cobb
Allen of Gregg	Cole
Allred	Cory
Angly	Craddick
Archer	Cummings
Armstrong	Daniel
Atwell	Davis of Harris
Atwood	Davis of Travis
Baker	Dickson
Bass of Harris	Doran
Bass of Van Zandt	Dramberger
Beckham	Earthman
Bigham	Evans
Blaine	Farenthold
Blanton	Finck
Braecklein	Finnell
Braun	Finney
Bray	Floyd
Burgess	Garcia
Burnett	Golman
Caldwell	Graves
Calhoun	Hale
Carrillo	Hannah
Cavness	Harding
Christian	Harris

Hawkins	Orr
Hawn	Parker
Haynes	of Jefferson
Head	Parker of Denton
Heatly	Patterson
Hendricks	Pickens
Hinson	Pickett
Holland	Poerner
Holmes of Hood	Presnal
Holmes of Dallas	Price
Howard	Ratcliff
Hubenak	Ray
Hull	Reed
Johnson	Rosson
Jones of Lubbock	Salem
Jones of Harris	Salter
Jones of Taylor	Sanchez
Jungmichel	Santiesteban
Kilpatrick	Schulle
Knapp	Semos
Kothmann	Shannon, Joe, Jr.,
Kubiak	of Tarrant
Lee	Shannon, Tommy,
Lemmon	of Tarrant
Ligarde	Sherman
Lombardino	Slack
Longoria	Slider
Lovell	Smith
McAlister	Solomon
McDonald	Stewart
McKissack	Stroud
McLaughlin	Swanson
Moore of Hill	Tarbox
Moore of Dallas	Thomas
Moreno	Traeger
Moyer	Truan
Muniz	Uher
Murray	Vale
Musgrove	Vance
Nabers	Ward
Neugent	Wayne
of Galveston	Weldon
Newman	Wieting
Nichols	Williams
Niland	Williamson
Nowlin	Willis
Nugent of Kerr	Wright
Ogg	

Absent

Clark of Dallas

Absent-Excused

Allen of Harris Moore
Cruz of McLennan

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, we know Thou wilt still be in this place after

this prayer is said, and we would have it so, for we know down deep in our hearts that without Thy help we can do nothing lasting. Without Thy help, we shall talk and discuss more and more and settle less and less. Lord, Thou knowest the decisions that this Legislative Body must make. Have mercy and send Thy help. In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Cruz on motion of Mr. Muniz.

Mr. Moore of McLennan on motion of Mr. Salter.

MESSAGE FROM THE SENATE

Austin, Texas, July 30, 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:

S. C. R. No. 4, By Cole, Brooks, Schwartz, and all Members of the Senate: Memorial to Lieutenant General Andrew Davis Bruce.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 2, Providing for a Joint Session to hear an address by Governor Preston Smith.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 6, By Davis of Harris and Swanson: Paying tribute to Theodore Reed Fehrenbach, Jr., for

the publication of "Lone Star," a history of Texas and the Texans.

H. S. R. No. 8, By Jones of Lubbock: Commending the Texas Youth Conference and the Texas Law Enforcement and Youth Development Foundation for sponsoring the Texas Youth Conference.

H. S. R. No. 10, By Cummings: Commending Ray R. Elliott, outstanding business leader of Houston.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

S. C. R. No. 4, In memory of Lieutenant General Andrew Davis Bruce of Houston, Texas.

RELATIVE TO THE SALARY OF REPRESENTATIVE JAMES H. CLARK, JR., OF DALLAS

Mr. Doran offered the following resolution:

H. S. R. No. 9

Whereas, James H. Clark, Jr., was elected to the office of State Representative, District 33, Place 12, to represent the citizens of Dallas County; and

Whereas, The 61st Legislature has been called into Special Session by proclamation of the Governor to enact laws affecting the citizens of Dallas County as well as all of the citizens of the State; and

Whereas, Representative James H. Clark, Jr., of Dallas, has announced publicly that he will not seek another term in the Legislature, and in so doing stated that he does not intend to take an active role in the Special Session now in progress; and

Whereas, An incumbent of a public office is under a legal and moral obligation to perform the duties of his office and should be called to account for incomplete performance of office, especially with the state in financial crisis to the extent that

it should get a full day's service for a full day's pay; and

Whereas, The Constitution of the State of Texas has declared that an incumbent's right to compensation could be impaired by his neglect of duty in such a manner as the Legislature might provide; now, therefore, be it

Resolved, by the House of Representatives of the 1st Called Session of the 61st Legislature, That, in accordance with the provisions of Article 16, Section 10, of the Constitution of the State of Texas, the House instruct, and by passage of this resolution does instruct, the Chief Clerk of the House to reduce the salary of Representative James H. Clark, Jr., by a proportionate amount for each day of the Special Session that he is absent and further that he be allowed no per diem for each day he is absent.

The resolution was referred to the Committee on Rules.

CREATING A SPECIAL COMMITTEE TO STUDY THE UNIVERSITY INTERSCHOLASTIC LEAGUE REGULATIONS RELATING TO ATHLETES TRANSFERRING FROM ONE SCHOOL TO ANOTHER

Mr. Swanson offered the following resolution:

H. S. R. No. 7

Whereas, Some years ago, in order to prevent unethical recruiting of athletes, the University Interscholastic League established a rule providing that an athlete, otherwise eligible for athletic competition, would lose his eligibility in transferring from one school district to another because of the change of residence of his parents or guardian; and

Whereas, At the time it was instituted and for many years since that time, the rule served a good purpose, but in recent years the Texas population has become more mobile and transfers of businessmen from one location in the State to another are frequent; and

Whereas, When entire families are

uprooted and moved from the place they call home to another town or city, the children are transferred to new schools and can adapt to the curriculum without too much difficulty; but if they are boys or girls with an interest in and aptitude for athletic competition, they lose an entire year, often their senior year, and there is no opportunity to make up this loss; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby create an interim committee to study University Interscholastic League competition and the feasibility of creating a review board or other means of eliminating or providing for exceptions to the rule denying eligibility to athletes transferring from one school to another when their parents, for business or other reasons, move from one town to another; and, be it further

Resolved, That the committee shall be composed of five Members of the House of Representatives, appointed by the Speaker of the House; and, be it further

Resolved, That actual expenses of the members of the Athletic Eligibility Committee and other necessary expenses of operation in connection with committee activities shall be paid from the Contingent Expense Fund of the House of Representatives; the committee shall prepare a budget for its operating expense, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the House Administration Committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the committee, and that the Interscholastic League of The University of Texas be requested to cooperate with the committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 62nd Legislature when it convenes in January, 1971.

The resolution was referred to the Committee on Interim Activities.

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 Hale:

H. B. No. 6, A bill to be entitled An Act creating new judicial districts and making necessary provisions for terms of court, transfer of cases, exchange of benches, matters of administration, appointment of initial judges, juvenile boards and supplemental compensation, court officers, court reporters, and jurisdiction; creating the office of district attorney for certain judicial districts and making necessary related provisions; amending certain laws and repealing certain laws to conform to this Act; making necessary transitional provisions; providing for severability; repealing laws in conflict; providing an effective date; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Swanson:

H. B. No. 7, A bill to be entitled An Act providing for licensing of environmental air conditioning and ventilating contractors; creating an examining board; providing penalties; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Swanson:

H. B. No. 8, A bill to be entitled An Act relating to increasing the membership of the Texas State Board of Plumbing Examiners to nine members; amending Chapter 115, Acts of the 50th Legislature, 1947 (Article 6243-101, Vernon's Texas Civil Statutes), by adding a Section 4A; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Swanson:

H. B. No. 9, A bill to be entitled

An Act relating to the display of certain prohibited weapons by persons engaged in the business of selling, buying, or renting these weapons; providing exceptions; providing a penalty; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Swanson:

H. B. No. 10, A bill to be entitled An Act creating an institution of higher learning in Harris County, Texas; providing for the organization and control thereof; and declaring an emergency.

Referred to Committee on Higher Education.

By Williamson:

H. B. No. 11, A bill to be entitled An Act amending Section 21, Article I, Texas Liquor Control Act, as amended (Article 666-21, Vernon's Texas Penal Code), to increase the tax on distilled spirits and clarify that tax stamps are not required on malt liquor containers; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Moore of Hill:

H. B. No. 12, A bill to be entitled An Act amending Acts 1925, 39th Legislature, General Laws, Chapter 25, authorizing Water Control and Improvement Districts containing any city to annex territory heretofore or hereafter annexed to such city where the district provides water or sewer services to such city or its inhabitants thereof; providing the procedure for such annexation; and providing for the assumption by such territory of the tax-supported bonds then outstanding and theretofore voted but not sold and the levy of a tax for the payment thereof by an election called and held in the same manner as elections for the issuance of bonds; providing other matters in the premises; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Parker of Jefferson:

H. B. No. 13, A bill to be entitled An Act relating to the imposition and implementation of a corporate income tax; repealing Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Weldon:

H. B. No. 14, A bill to be entitled An Act imposing a tax on the severing of certain natural resources, and providing for administration, enforcement, and allocation of revenue; amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding a new chapter; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Williamson:

H. B. No. 15, A bill to be entitled An Act increasing the rate of the Limited Sales, Excise and Use Tax to four percent by the levy of an additional tax of one percent; providing for allocation of portions of the additional tax to cities, counties, and independent school districts; amending Articles 20.02, 20.03, and 20.13, and Section (A) of Article 20.021, and Section (B) of Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; repealing Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Kubiak:

H. B. No. 16, A bill to be entitled An Act relating to allocation to school districts of personnel allotted under the Foundation School Program; amending Subsection (d), Section 16.11, Texas Education Code, and repealing Subsections (e), (f), and (g); repealing Section 9, Chap-

ter 872, Acts of the 61st Legislature, Regular Session, 1969; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

RECESS

Mr. Cavness moved that the House recess until 9:30 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 10:52 o'clock a. m., took recess until 9:30 o'clock a. m. tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, July 29, 1969

The Honorable G. F. (Gus) Mut-scher, Speaker of the House of Representatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 3,

H. C. R. No. 2,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

THIRD DAY

(Continued)

(Thursday, July 31, 1969)

The House met at 9:30 o'clock a.m. and was called to order by the Speaker.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, though we

are experienced in the ways of men, we know all too little of the ways of God. Turn our wayward minds and hearts to Thee. Forgive the faults and failures of the past and set us free from them. Forgive us for our slowness to see the good in others and help us to see the evil in ourselves.

In our differences may we be kind, in our agreements may we be humble, that Thy will may be done through us.

In Jesus' Name. Amen."

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Ligarde on motion of Mr. Caldwell.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 1, Congratulating the Crew of Apollo 11, Commander Neil Armstrong, Colonel Edwin E. (Buzz) Aldrin, Jr., and Lieutenant Colonel Michael Collins, on their journey to the moon.

S. C. R. No. 4, In Memory of Lieutenant General Andrew Davis Bruce of Houston, Texas.

HOUSE BILL NO. 1 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

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 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.

The bill was read second time.

Mr. Heatly moved that H. B. No. 1 be considered Article by Article.

The motion prevailed without objection.

The House proceeded to the consideration of Article I—Judiciary.

Mr. Nugent of Kerr offered the following amendment to Article I:

Amend H. B. No. 1 by striking the figure 20,000 in Sec. 1, pages 1-11, dealing with salary of Dist. Judges and insert the figure 18,000 and correct the overall figures accordingly.

Mr. Longoria moved to table the above amendment offered by Mr. Nugent of Kerr.

A record vote was requested by Representatives Jones of Harris, Earthman and Nugent of Kerr on the motion to table the amendment offered by Mr. Nugent of Kerr.

The motion to table prevailed by the following vote:

Yeas—104

Adams	Davis of Travis
Allen of Gregg	Dickson
Angly	Doran
Armstrong	Dramberger
Atwell	Evans
Baker	Farenthold
Bass of Harris	Finck
Beckham	Finnell
Bigham	Finney
Blaine	Garcia
Blanton	Golman
Braecklein	Hale
Bray	Hannah
Burgess	Harding
Burnett	Hawn
Caldwell	Haynes
Calhoun	Heatly
Carrillo	Hendricks
Cavness	Hinson
Clark of Harris	Holmes of Hood
Clark of Dallas	Holmes of Dallas
Clayton	Howard
Cobb	Hull
Cory	Johnson
Cummings	Jones of Lubbock
Davis of Harris	Jungmichel

Kilpatrick	Ray
Knapp	Reed
Kothmann	Rosson
Lemmon	Salem
Longoria	Salter
McAlister	Sanchez
McKissack	Schulle
Moore of Hill	Semos
Moore of Dallas	Shannon, Joe, Jr., of Tarrant
Moreno	Shannon, Tommy, of Tarrant
Murray	Slack
Nabers	Slider
Neugent of Galveston	Solomon
Newman	Stroud
Niland	Swanson
Nowlin	Tarbox
Ogg	Thomas
Orr	Truan
Parker	Ward
of Jefferson	Wayne
Parker of Denton	Weldon
Patterson	Wieting
Pickens	Williams
Poerner	Williamson
Presnal	Willis
Price	Wright
Ratchiff	

Nays—37

Abraham	Jones of Harris
Allen of Harris	Jones of Taylor
Allred	Kubiak
Archer	Lee
Atwood	Lombardino
Braun	Lovell
Christian	McDonald
Cole	McLaughlin
Craddick	Muniz
Cruz	Musgrove
Daniel	Nichols
Earthman	Nugent of Kerr
Floyd	Pickett
Graves	Sherman
Harris	Stewart
Hawkins	Uher
Head	Vale
Holland	Vance
Hubenak	

Absent

Bass of Van Zandt	Santiesteban
Moyer	Smith

Absent-Excused

Ligarde	Traeger
Moore of McLennan	

There being no further amendments offered to Article I, the House

proceeded to the consideration of Article II—Public Health, Hospitals, Special Schools and Youth Institutions.

Mr. Braun offered the following amendment to Article II:

Amend House Bill 1, in Article II, page 4, by striking the following words:

“None of the funds appropriated above may be expended on water quality activities except in cooperation with the Water Quality Board.”

Mr. Braecklein moved to table the above amendment offered by Mr. Braun.

A record vote was requested by Representatives Harris, Nichols and Graves.

The motion to table prevailed by the following vote:

Yeas—83

Adams	Holland
Allen of Gregg	Holmes of Hood
Atwell	Hubenak
Baker	Hull
Blaine	Jones of Lubbock
Blanton	Jones of Taylor
Braecklein	Jungmichel
Burgess	Knapp
Burnett	Lemmon
Carrillo	Longoria
Cavness	McAlister
Clayton	McDonald
Cobb	McKissack
Cole	Moore of Hill
Cory	Moore of Dallas
Cummings	Moyer
Davis of Harris	Murray
Davis of Travis	Musgrove
Dickson	Nabers
Doran	Neugent of Galveston
Finck	Newman
Finnell	Nowlin
Floyd	Ogg
Garcia	Orr
Golman	Patterson
Hale	Pickens
Harding	Poerner
Hawkins	Presnal
Hawn	Price
Haynes	Rosson
Head	Salem
Heatly	Salter
Hendricks	Semos
Hinson	

Shannon, Joe, Jr., of Tarrant	Stroud
Shannon, Tommy, of Tarrant	Tarbox
Sherman	Uher
Slack	Ward
Slider	Wayne
Smith	Wieting
Solomon	Williamson
	Willis
	Wright

Nays—56

Abraham	Johnson
Allen of Harris	Jones of Harris
Allred	Kothmann
Angly	Kubiak
Archer	Lee
Armstrong	Lombardino
Atwood	Lovell
Bass of Harris	McLaughlin
Bass of Van Zandt	Moreno
Beckham	Muniz
Bigham	Nichols
Braun	Niland
Bray	Nugent of Kerr
Caldwell	Parker
Christian	of Jefferson
Clark of Harris	Pickett
Clark of Dallas	Ratcliff
Craddick	Ray
Cruz	Reed
Daniel	Schulle
Dramberger	Stewart
Earthman	Swanson
Evans	Thomas
Farenthold	Truan
Graves	Vale
Hannah	Vance
Harris	Weldon
Holmes of Dallas	Williams
Howard	

Absent

Calhoun	Parker of Denton
Finney	Sanchez
Kilpatrick	Santiesteban

Absent-Excused

Ligarde	Traeger
Moore of McLennan	

Mr. Braun offered the following amendment to Article II:

Amend House Bill 1, in Article II, page 4, by adding the following sentence to the third paragraph to read:

"The State Health Department shall notify the Water Quality Board within ten days of any pollution control

activities in which it has been engaged and shall seek the advice and cooperation of the Water Quality Board in any water pollution activities in which it may engage."

Mr. Braecklein moved to table the above amendment offered by Mr. Braun.

A record vote was requested by Representatives Jones of Harris, Earthman and Nugent of Kerr.

The motion to table prevailed by the following vote:

Yeas—79

Allen of Gregg	McAlister
Atwell	McDonald
Baker	McKissack
Bass of Harris	McLaughlin
Blaine	Moore of Hill
Blanton	Moyer
Braecklein	Murray
Burgess	Nabers
Burnett	Neugent
Calhoun	of Galveston
Carrillo	Newman
Cavness	Nowlin
Cobb	Nugent of Kerr
Cory	Ogg
Cummings	Parker of Denton
Davis of Harris	Patterson
Davis of Travis	Pickens
Dickson	Poerner
Doran	Presnal
Evans	Price
Finck	Rosson
Finnell	Salem
Garcia	Salter
Golman	Semos
Hale	Shannon, Joe, Jr., of Tarrant
Harding	Shannon, Tommy, of Tarrant
Hawn	
Haynes	
Head	Sherman
Heatly	Slack
Hendricks	Slider
Hinson	Solomon
Holland	Stroud
Holmes of Hood	Swanson
Hubenak	Tarbox
Hull	Thomas
Jones of Lubbock	Uher
Jones of Taylor	Ward
Jungmichel	Wayne
Lemmon	Wieting
Longoria	Wright

Nays—58

Abraham	Allen of Harris
Adams	Allred

Angly	Jones of Harris
Archer	Kilpatrick
Armstrong	Kothmann
Atwood	Kubiak
Bass of Van Zandt	Lee
Beckham	Lombardino
Braun	Lovell
Bray	Moreno
Caldwell	Muniz
Christian	Musgrove
Clark of Harris	Nichols
Clark of Dallas	Niland
Clayton	Orr
Craddick	Parker
Cruz	of Jefferson
Daniel	Pickett
Dramberger	Ratcliff
Earthman	Ray
Farenthold	Reed
Finney	Stewart
Floyd	Truan
Graves	Vale
Hannah	Vance
Harris	Weldon
Hawkins	Williams
Holmes of Dallas	Williamson
Howard	Willis
Johnson	

Absent

Bigham	Sanchez
Cole	Santiesteban
Knapp	Schulle
Moore of Dallas	Smith

Absent-Excused

Ligarde	Traeger
Moore of McLennan	

There being no further amendments offered to Article II, the House proceeded to the consideration of Article III—Executive, Legislative and Administrative Departments and Agencies.

Mr. Johnson offered the following amendment to Article III:

Amend House Bill No. 1 by adding a new paragraph to provisions of the appropriation to the General Land Office and Veterans' Land Board on page III-96 of the printed bill to read as follows:

None of the funds appropriated to the General Land Office and Veterans' Land Board may be expended for maintenance and operation of any airplane for the purpose of transport-

ing any Member of the Legislature and none of the funds appropriated to the General Land Office and Veterans' Land Board may be expended for operation and maintenance of any airplane for any other purpose unless a daily log showing the names of places to which flights were made, the name of the pilot and the name or names of any passengers on each such flight, and the official business purposes of each flight is maintained and a copy of the log for each month for each airplane, certified to be correct by the Commissioner of the General Land Office, is filed with the Secretary of State of Texas within five days following the end of the month.

Mr. Slider moved to table the above amendment offered by Mr. Johnson.

A record vote was requested by Representatives Johnson, Graves and Allred.

The motion to table prevailed by the following vote:

Yeas—81

Abraham	Head
Adams	Heatly
Allen of Gregg	Hendricks
Atwell	Hinson
Baker	Holland
Bass of Harris	Holmes of Hood
Beckham	Hubenak
Blaine	Hull
Blanton	Jones of Lubbock
Braecklein	Jungmichel
Bray	Knapp
Burgess	Lemmon
Burnett	Longoria
Calhoun	McAlister
Carrillo	McLaughlin
Cavness	Moore of Hill
Cobb	Moyer
Cole	Murray
Cummings	Nabers
Davis of Harris	Neugent
Davis of Travis	of Galveston
Dickson	Newman
Doran	Niland
Evans	Nugent of Kerr
Finck	Patterson
Finnell	Pickens
Garcia	Pickett
Hale	Poerner
Harding	Presnal
Hawkins	Price
Hawn	Ray
Haynes	Rosson

Salem	Swanson
Salter	Tarbox
Sanchez	Uher
Santiesteban	Ward
Schulle	Wieting
Shannon, Tommy, of Tarrant	Williams
Slack	Williamson
Slider	Willis
Solomon	Wright

Nays—51

Allen of Harris	Kothmann
Allred	Kubiak
Angly	Lee
Archer	Lombardino
Armstrong	Lovell
Atwood	McDonald
Bass of Van Zandt	Moreno
Bigham	Muniz
Braun	Nichols
Caldwell	Nowlin
Christian	Ogg
Clark of Harris	Orr
Clark of Dallas	Parker
Craddick	of Jefferson
Cruz	Ratcliff
Daniel	Reed
Dramberger	Semos
Earthman	Shannon, Joe, Jr., of Tarrant
Farenthold	Sherman
Floyd	Stewart
Golman	Thomas
Graves	Truan
Harris	Vale
Holmes of Dallas	Vance
Howard	Weldon
Johnson	
Jones of Harris	

Absent

Clayton	Moore of Dallas
Cory	Musgrove
Finney	Parker of Denton
Hannah	Smith
Jones of Taylor	Stroud
Kilpatrick	Wayne
McKissack	

Absent-Excused

Ligarde	Traeger
Moore of McLennan	

Mr. Allred offered the following amendment to Article III:

Amend H. B. No. 1, Page III-35, State Building Commission, Item 8, travel expenses, to read \$15,000 in each column.

Mr. Slider moved to table the above amendment offered by Mr. Allred and the motion to table prevailed.

Mr. Allred offered the following amendment to Article III:

Amend H. B. No. 1, Page III-133, by deleting the provision that helicopters may not be used for traffic law enforcement.

Mr. Slider moved to table the above amendment offered by Mr. Allred.

A record vote was requested by Representatives Allred, Nichols and Graves.

The motion to table prevailed by the following vote:

Yeas—75

Allen of Gregg	Kubiak
Armstrong	Longoria
Atwell	McAlister
Baker	McKissack
Bass of Harris	Moore of Hill
Blaine	Moyer
Blanton	Nabers
Braecklein	Neugent
Burgess	of Galveston
Burnett	Newman
Carrillo	Niland
Cavness	Nowlin
Cobb	Nugent of Kerr
Cummings	Ogg
Davis of Harris	Orr
Davis of Travis	Parker of Denton
Dickson	Patterson
Doran	Poerner
Evans	Presnal
Finck	Price
Finnell	Ray
Floyd	Salter
Garcia	Sanchez
Golman	Schulle
Hale	Semos
Hannah	Shannon, Tommy, of Tarrant
Harding	Slack
Hawn	Slider
Haynes	Smith
Heatly	Solomon
Hinson	Stroud
Holland	Swanson
Holmes of Hood	Tarbox
Hubenak	Uher
Hull	Ward
Jones of Lubbock	Williamson
Jungmichel	Willis
Kilpatrick	
Knapp	

Nays—64

Abraham	Jones of Harris
Adams	Jones of Taylor
Allen of Harris	Kothmann
Allred	Lee
Angly	Lemmon
Archer	Lombardino
Atwood	Lovell
Bass of Van Zandt	McDonald
Beckham	McLaughlin
Bigham	Moreno
Braun	Muniz
Bray	Murray
Caldwell	Musgrove
Calhoun	Nichols
Christian	Parker
Clark of Harris	of Jefferson
Clark of Dallas	Pickens
Cole	Pickett
Craddick	Ratcliff
Cruz	Reed
Daniel	Rosson
Dramberger	Salem
Earthman	Shannon, Joe, Jr.,
Farenthold	of Tarrant
Finney	Sherman
Graves	Stewart
Harris	Thomas
Hawkins	Truan
Head	Vale
Hendricks	Vance
Holmes of Dallas	Weldon
Howard	Wieting
Johnson	Williams

Absent

Clayton	Santiesteban
Cory	Wayne
Moore of Dallas	Wright

Absent-Excused

Ligarde	Traeger
Moore of McLennan	

Mr. Smith offered the following amendment to Article III:

Amend H. B. No. 1, Page III-35, by changing Item 10 to read as follows:

"For renovation, including two automatic elevators, and repairs of offices, committee rooms and other space in the Capitol Building occupied or utilized by the Senate and/or the House of Representatives, and including all space which will be utilized by the Senate and/or House of Representatives after space now occupied by the State Treasurer's Of-

fices and/or the State Comptroller's Offices shall be made available for use by the Senate and/or House of Representatives, to be expended only after consultation with the Speaker and Lt. Governor or their appointed committees for the year ending August 31, 1970, \$100,000.00; for the year ending August 31, 1971, \$1,400,000.00."

Mr. Slider moved to table the above amendment offered by Mr. Smith and the motion to table prevailed.

There being no further amendments offered to Article III, the House proceeded to the consideration of Article IV—Agencies of Public Education.

There were no amendments offered to Article IV, and the House proceeded to the consideration of Article V—General Provisions.

Mr. Johnson offered the following amendment to Article V:

Amend Article V, Section 19, of H. B. No. 1 by adding a Subsection e to read as follows:

"e. None of the funds appropriated in this Act may be expended by a state agency for operation or maintenance of a state-owned airplane unless the agency files a report with the Legislative Budget Board showing the names of places to which flights were made, the name of the pilot, and the name or names of any passengers on each such flight, and the official business purposes of each such flight. Such report shall be certified as to accuracy by the executive head of the agency and shall be filed by no later than October 1 for the preceding fiscal year."

Mr. Slack moved to table the above amendment offered by Mr. Johnson.

A record vote was requested by Representatives Johnson, Graves and Nichols.

The motion to table was lost by the following vote:

Yeas—62

Adams	Blaine
Atwell	Blanton

Braecklein	Moore of Dallas
Burgess	Moyer
Burnett	Murray
Carrillo	Nabers
Clayton	Neugent
Cobb	of Galveston
Davis of Travis	Newman
Dickson	Pickens
Doran	Poerner
Evans	Presnal
Finck	Ray
Garcia	Salter
Golman	Santiesteban
Harding	Schulle
Hawn	Shannon, Tommy,
Haynes	of Tarrant
Heatly	Sherman
Hinson	Slack
Holmes of Hood	Slider
Hubenak	Smith
Hull	Solomon
Jones of Lubbock	Stroud
Jungmichel	Swanson
Knapp	Tarbox
Lemmon	Ward
Longoria	Wayne
McAlister	Wieting
McKissack	Williamson
McLaughlin	Willis
Moore of Hill	Wright

Nays—81

Abraham	Floyd
Allen of Harris	Graves
Allen of Gregg	Hale
Allred	Hannah
Angly	Harris
Archer	Hawkins
Armstrong	Head
Atwood	Hendricks
Baker	Holland
Bass of Harris	Holmes of Dallas
Bass of Van Zandt	Howard
Beckham	Johnson
Bigham	Jones of Harris
Braun	Jones of Taylor
Bray	Kilpatrick
Caldwell	Kothmann
Calhoun	Kubiak
Cavness	Lee
Christian	Lombardino
Clark of Harris	Lovell
Clark of Dallas	McDonald
Cole	Moreno
Cory	Muniz
Craddick	Musgrove
Cruz	Nichols
Cummings	Niland
Daniel	Nowlin
Dramberger	Nugent of Kerr
Earthman	Ogg
Farenthold	Orr
Finnell	Parker
Finney	of Jefferson

Patterson	Shannon, Joe, Jr.,
Pickett	of Tarrant
Price	Stewart
Ratcliff	Thomas
Reed	Truan
Rosson	Uher
Salem	Vale
Sanchez	Vance
Semos	Weldon
	Williams

Absent

Davis of Harris Parker of Denton

Absent-Excused

Ligarde Traeger
Moore
of McLennan

The amendment offered by Mr. Johnson was then adopted.

Mr. Johnson moved to reconsider the vote by which the above amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

There being no further amendments offered to Article V, the House proceeded to the consideration of Article VI—Legislature.

Mr. Lee offered the following amendment to Article VI:

Amend Section I of Article VI of House Bill No. 1 by deleting on page VI-1 the sums of 5,009,029 and 5,589,839 and substituting the following sums, 3,600,000 and 4,100,000.

Signed: LEE and ARCHER

Mr. Heatly moved to table the above amendment offered by Mr. Lee.

A record vote was requested by Representatives Lee, Archer and Angly.

The motion to table prevailed by the following vote:

Yeas—114

Adams	Bass of Harris
Allen of Gregg	Bass of Van Zandt
Armstrong	Beckham
Atwell	Bigham
Baker	Blaine

Blanton	McKissack
Braecklein	McLaughlin
Burgess	Moore of Hill
Burnett	Moore of Dallas
Caldwell	Muniz
Calhoun	Musgrove
Carrillo	Nabers
Cavness	Neugent
Clark of Harris	of Galveston
Clark of Dallas	Newman
Clayton	Niland
Cobb	Nowlin
Cole	Nugent of Kerr
Cory	Ogg
Cruz	Orr
Cummings	Parker
Davis of Harris	of Jefferson
Davis of Travis	Parker of Denton
Dickson	Pickens
Doran	Poerner
Dramberger	Presnal
Evans	Price
Finck	Ratcliff
Finnell	Ray
Finney	Rosson
Floyd	Salem
Garcia	Salter
Golman	Sanchez
Hale	Santiesteban
Hannah	Schulle
Harding	Semos
Hawkins	Shannon, Joe, Jr.,
Hawn	of Tarrant
Haynes	Shannon, Tommy,
Heatly	of Tarrant
Hendricks	Sherman
Hinson	Slack
Holland	Slider
Holmes of Hood	Smith
Howard	Solomon
Hubenak	Stewart
Hull	Stroud
Jones of Lubbock	Swanson
Jones of Taylor	Tarbox
Jungmichel	Uher
Kilpatrick	Vale
Knapp	Ward
Kothmann	Wayne
Kubiak	Weldon
Lemmon	Wieting
Lombardino	Williams
Longoria	Williamson
Lovell	Willis
McAlister	Wright

Nays—29

Abraham	Christian
Allen of Harris	Craddick
Allred	Daniel
Angly	Earthman
Archer	Farenthold
Atwood	Graves
Braun	Harris
Bray	Head

Holmes of Dallas	Patterson
Johnson	Pickett
Jones of Harris	Reed
Lee	Thomas
McDonald	Truan
Moreno	Vance
Nichols	

Absent

Moyer	Murray
-------	--------

Absent-Excused

Ligarde	Traeger
Moore	
of McLennan	

Mr. Sherman offered the following amendment to H. B. No. 1:

Amend H. B. No. 1 by reducing each item of appropriation in this Act paid out of the General Revenue Fund by 10% and adjust all figures accordingly.

Mr. Heatly moved to table the above amendment offered by Mr. Sherman.

A record vote was requested by Representatives Jones of Harris, Earthman and Lee.

The motion to table prevailed by the following vote:

Yeas—120

Allen of Harris	Cory
Allen of Gregg	Cruz
Archer	Cummings
Armstrong	Daniel
Atwell	Davis of Harris
Baker	Davis of Travis
Bass of Harris	Dickson
Bass of Van Zandt	Doran
Beckham	Dramberger
Bigham	Evans
Blaine	Farenthold
Blanton	Finck
Braecklein	Finnell
Braun	Finney
Bray	Floyd
Burgess	Garcia
Burnett	Golman
Caldwell	Graves
Calhoun	Hale
Carrillo	Hannah
Cavness	Harding
Clark of Harris	Harris
Clark of Dallas	Hawkins
Clayton	Hawn
Cobb	Haynes
Cole	Heatly

Hendricks	Parker of Denton
Hinson	Pickens
Holland	Poerner
Holmes of Dallas	Presnal
Howard	Price
Hubenak	Ray
Hull	Reed
Johnson	Rosson
Jones of Lubbock	Salem
Jones of Taylor	Salter
Jungmichel	Sanchez
Kilpatrick	Santiesteban
Knapp	Schulle
Kothmann	Semos
Kubiak	Shannon, Tommy,
Lee	of Tarrant
Lemmon	Sherman
Lombardino	Slack
Longoria	Slider
Lovell	Smith
McAlister	Solomon
McDonald	Stroud
McKissack	Swanson
Moore of Hill	Tarbox
Moreno	Thomas
Muniz	Truan
Murray	Vale
Neugent	Vance
of Galveston	Ward
Newman	Weldon
Nichols	Wieting
Nugent of Kerr	Williams
Ogg	Williamson
Orr	Willis
Parker	Wright
of Jefferson	

Nays—19

Abraham	McLaughlin
Adams	Musgrove
Allred	Nabers
Atwood	Niland
Christian	Nowlin
Craddick	Patterson
Earthman	Pickett
Head	Shannon, Joe, Jr.,
Holmes of Hood	of Tarrant
Jones of Harris	Uher

Absent

Angly	Ratcliff
Moore of Dallas	Stewart
Moyer	Wayne

Absent-Excused

Ligarde	Traeger
Moore	
of McLennan	

Mr. Sherman offered the following amendment to the bill:

Amend H. B. No. 1 by reducing each item of appropriation in this Act paid out of the General Revenue Fund by 5% and adjust all figures accordingly.

Mr. Heatly moved to table the above amendment offered by Mr. Sherman, and the motion to table prevailed.

RECORD OF VOTES

Mr. Patterson and Mr. Finnell requested to be recorded as voting "Nay" on the motion to table the above amendment offered by Mr. Sherman.

Mr. Carrillo offered the following amendment to the bill:

Amend H. B. No. 1 by adding a new section at page V-56 to read as follows:

"Sec. 58. None of the funds appropriated in this Act shall be expended by agencies which practice racial discrimination in the employment of personnel."

Signed: CARRILLO and LONGORIA

The amendment was adopted without objection.

A record vote was requested by Representatives Jones of Harris, Earthman and Lee on the passage of H. B. No. 1 to engrossment.

H. B. No. 1 was passed to engrossment by the following vote:

Yeas—128

Adams	Burgess
Allen of Harris	Burnett
Allen of Gregg	Caldwell
Allred	Calhoun
Angly	Carrillo
Armstrong	Cavness
Atwell	Clark of Harris
Baker	Clark of Dallas
Bass of Harris	Clayton
Bass of Van Zandt	Cobb
Beckham	Cole
Bigham	Cory
Blaine	Cruz
Blanton	Cummings
Braecklein	Daniel
Bray	Davis of Harris

Davis of Travis	Newman
Dickson	Niland
Doran	Nowlin
Dramberger	Nugent of Kerr
Evans	Ogg
Finck	Orr
Finnell	Parker
Finney	of Jefferson
Floyd	Parker of Denton
Garcia	Patterson
Golman	Pickens
Hale	Pickett
Hannah	Poerner
Harding	Presnal
Hawkins	Price
Hawn	Ratcliff
Haynes	Ray
Head	Reed
Heatly	Rosson
Hendricks	Salem
Hinson	Salter
Holland	Sanchez
Holmes of Hood	Santiesteban
Holmes of Dallas	Schulle
Howard	Semos
Hubenak	Shannon, Joe, Jr.,
Hull	of Tarrant
Johnson	Shannon, Tommy,
Jones of Lubbock	of Tarrant
Jones of Taylor	Sherman
Jungmichel	Slack
Kilpatrick	Slider
Knapp	Smith
Kothmann	Solomon
Kubiak	Stewart
Lemmon	Stroud
Lombardino	Swanson
Longoria	Tarbox
Lovell	Thomas
McAlister	Truan
McDonald	Uher
McLaughlin	Vale
Moore of Hill	Ward
Moreno	Wayne
Muniz	Weldon
Murray	Wieting
Musgrove	Williams
Nabers	Williamson
Neugent	Willis
of Galveston	Wright

Nays—13

Abraham	Farenthold
Archer	Graves
Atwood	Harris
Braun	Jones of Harris
Christian	Nichols
Craddick	Vance
Earthman	

Present—Not Voting

Lee

Absent

McKissack	Moyer
Moore of Dallas	

Absent-Excused

Ligarde	Traeger
Moore	of McLennan

PAIRED

Mr. Lee (present), who would vote "Nay" with Mr. Moore of McLennan (absent) who would vote "Yea."

HOUSE BILL NO. 1 ON
THIRD READING

Mr. Heatly moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adams	Dickson
Allen of Harris	Doran
Allen of Gregg	Dramberger
Allred	Evans
Armstrong	Finck
Atwell	Finnell
Baker	Finney
Bass of Harris	Floyd
Bass of Van Zandt	Garcia
Beckham	Golman
Bigham	Hale
Blaine	Hannah
Blanton	Harding
Braecklein	Hawkins
Bray	Hawn
Burgess	Haynes
Burnett	Head
Caldwell	Heatly
Calhoun	Hendricks
Carrillo	Hinson
Cavness	Holland
Clark of Harris	Holmes of Hood
Clark of Dallas	Holmes of Dallas
Clayton	Howard
Cobb	Hubenak
Cole	Hull
Cory	Johnson
Cruz	Jones of Lubbock
Cummings	Jungmichel
Daniel	Kilpatrick
Davis of Harris	Knapp
Davis of Travis	Kothmann

Kubiak	Reed
Lemmon	Rosson
Lombardino	Salem
Longoria	Salter
Lovell	Sanchez
McAlister	Santiesteban
McDonald	Schulle
McKissack	Semos
McLaughlin	Shannon, Joe, Jr., of Tarrant
Moore of Hill	Shannon, Tommy, of Tarrant
Moreno	Sherman
Muniz	Slack
Murray	Slider
Musgrove	Smith
Nabers	Solomon
Neugent of Galveston	Stewart
Newman	Stroud
Niland	Swanson
Nowlin	Tarbox
Ogg	Thomas
Orr	Truan
Parker	Uher
of Jefferson	Vale
Parker of Denton	Ward
Patterson	Wayne
Pickens	Weldon
Pickett	Wieting
Poerner	Williams
Presnal	Williamson
Price	Willis
Ratcliff	Wright
Ray	

Nays—17

Abraham	Graves
Angly	Harris
Archer	Jones of Harris
Atwood	Jones of Taylor
Braun	Lee
Christian	Nichols
Craddick	Nugent of Kerr
Earthman	Vance
Farenthold	

Absent

Moore of Dallas Moyer

Absent-Excused

Ligarde Traeger
Moore
of McLennan

The Speaker then laid House Bill No. 1 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Heatly moved to reconsider the vote by which H. B. No. 1 was pass-

ed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker stated that H. B. No. 1 was passed subject to the provisions of Section 49A, Article III, of the Constitution of Texas.

REASON FOR VOTE

Reason for voting against the General Appropriations Bill (H. B. No. 1):

Today I voted against the General Appropriations Bill because it contains a legislative device known as a "rider" which prevents the State Health Department from performing its duty of protecting the health of the people of this State. The bill also contains other so-called riders to which I am opposed in principle. I doubt their constitutionality and think that they are an irresponsible and deliberate device to hide the government of this State from the people. Each measure should be voted on separately on its merits, not hidden away. Therefore, I felt it was incumbent upon me to vote against the appropriations bill in the form in which it came before the House today.

Signed: REX BRAUN

MESSAGE FROM THE SENATE

Austin, Texas, July 31, 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. 2, By Bray, Ogg: Congratulating Dr. Robert Gilruth for his outstanding direction of America's space conquest.

S. B. No. 1, By Aikin: Appropriating money for State Government for a two-year period beginning September 1, 1969, and ending August 31, 1971; and declaring an emergency.

S. C. R. No. 5, By Christie: A tribute to the 5th Marine Division Band of the United States Marine Corps of Camp Pendleton, California.

H. C. R. No. 3, By Heatly: Granting permission for each House to adjourn from Thursday, July 31, 1969, to Tuesday, August 5, 1969.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 2, Commending Dr. Robert R. Gilruth, Director of the Manned Spacecraft Center in Houston, Texas.

H. C. R. No. 3, Granting permission to each House for adjournment from Thursday, July 31, 1969, to Tuesday, August 5, 1969.

RECORD OF VOTE

Mr. Doran requested to be recorded as voting "Nay" on the adoption of H. C. R. No. 3, the vote being on July 29, 1969.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

H. S. R. No. 12, By Calhoun, Howard, Ratcliff, Kilpatrick, and Allen of Gregg: In memory of Jesse P. Sewell, of Abilene, Texas.

H. S. R. No. 14, By Calhoun: In memory of James B. Dunigan, of Abilene, Texas.

H. S. R. No. 15, By Hull: In memory of Harry Lenox Bengtson, Sr., of Austin, Texas.

H. S. R. No. 16, By Allen of Gregg: In memory of Thomas Edwin Lacy, of Longview, Texas.

H. S. R. No. 18, By Cory: In memory of Paul Francis Correll, Sr., of Victoria, Texas.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 17, By Adams: A tribute to Josiah Wheat of Woodville, Texas, President of the State Bar of Texas.

S. C. R. No. 5, A tribute to the musical artistry and patriotism of the 5th Marine Division Band of the United States Marine Corps of Camp Pendleton, California.

ADJOURNMENT

Mr. Heatly moved that the House adjourn until 11:00 o'clock a. m. next Monday.

The motion prevailed without objection.

The House accordingly, at 12:40 o'clock p. m., adjourned until 11:00 o'clock a. m. next Monday.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on House Administration has filed a favorable report on S. C. R. No. 3.

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, July 31, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 3

H. C. R. No. 2

has carefully compared same and finds the resolutions correctly enrolled.

WARD, Chairman

In Memory Of

Mrs. Morgan Jones, Sr.

Mr. Calhoun offered the following resolution:

H. S. R. No. 13

Whereas, A lovely and gracious lady who was a leader in Abilene community affairs, Mrs. Morgan Jones, Sr., died July 22, 1969, at the age of 86; Mrs. Jones was the mother of our esteemed colleague, the Honorable Grant Jones; and

Whereas, Mrs. Jones, the former Jessie Kenan Wilder of Graham, was a graduate of Weatherford College, and was a music teacher in Seymour at the time she married the late Morgan C. Jones in 1904; and

Whereas, A lady of rare civic dedication, Mrs. Jones was blessed with a great love and compassion for her fellow citizens. These admirable qualities, combined with her unlimited talent and energy, made her a foremost leader in Abilene community and charitable organizations; and

Whereas, She was known as a "guardian angel" of the United Fund Organization and she founded one of the agencies, the Negro Day Nursery, which gave working mothers a nursery for their children; and

Whereas, She served on the board of directors of several United Fund agencies, she was a former president of the Abilene Free Milk Fund, a former Chairman of the Home Service Committee of the American Red Cross, and she was active in the Girl Scouts organization; and

Whereas, She was a former president of the Abilene Women's Club and of the City Federation of Women's Clubs; a director

of the executive board of the Abilene Museum of Fine Arts for 20 years, she was honored by the American Artists League, Incorporated, when her name was inscribed on the honor roll at the organization's headquarters in New York City; and

Whereas, This dedicated Texas woman was a member of the City Park and Public Recreation Board, and in 1951, she was president of the Abilene Park Board. She was also a founder of the Abilene Garden Club; and

Whereas, Through her work in the 1930's on state beautification, Mrs. Jones was instrumental in establishing a system of roadside parks in Texas; and

Whereas, In 1945 she was voted "Lady of the Year" by the Alpha Omicron and Zeta Alpha Chapters of Beta Sigma Phi and she was honored by the Abilene Exchange Club in 1965 as the recipient of their Golden Deeds Award; and

Whereas, She was a devoted member of St. Paul United Methodist Church and taught a Sunday School class for many years; and

Whereas, The City of Abilene has been immensely enriched by the compassion and understanding of Mrs. Morgan Jones, and her many good works serve as a lasting memorial to her inestimable character; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, honor the memory of this great lady of Texas, Mrs. Morgan Jones, Sr., and extend sympathy to the members of her family: to her sons, Morgan Jones, Jr., and the Honorable Grant Jones, State Representative, both of Abilene; and to her two daughters, Mrs. Lockett Shelton of Dallas and Mrs. Everett Fulgham of Little Rock, Arkansas; and, be it further

Resolved, That a copy of this Resolution be prepared for the members of her family, and that when the House of Representatives of the 61st Legislature, 1st Called Session, adjourns this day, it do so in memory of Mrs. Morgan Jones, Sr.

The resolution was adopted unanimously by a rising vote.

On motion of Mr. Dickson the names of all the Members of the House were added to H. S. R. No. 13 as signers thereof.

FOURTH DAY

(Monday, August 4, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Haynes
Adams	Head
Allen of Harris	Heatly
Allen of Gregg	Hendricks
Allred	Hinson
Angly	Holland
Archer	Holmes of Hood
Armstrong	Holmes of Dallas
Atwell	Howard
Atwood	Hubenak
Baker	Hull
Bass of Harris	Johnson
Bass of Van Zandt	Jones of Lubbock
Beckham	Jones of Harris
Bigham	Jones of Taylor
Blaine	Jungmichel
Blanton	Kilpatrick
Braun	Knapp
Bray	Kothmann
Burgess	Kubiak
Burnett	Lee
Caldwell	Lemmon
Calhoun	Ligarde
Carrillo	Lombardino
Christian	Longoria
Clark of Harris	Lovell
Clayton	McAlister
Cobb	McDonald
Cole	McLaughlin
Cory	Moore of Hill
Craddick	Moore of Dallas
Cummings	Moore
Daniel	of McLennan
Davis of Travis	Moreno
Dickson	Moyer
Doran	Muniz
Dramberger	Murray
Earthman	Musgrove
Evans	Neugent
Farenthold	of Galveston
Finck	Newman
Finnell	Nichols
Finney	Niland
Floyd	Nowlin
Garcia	Nugent of Kerr
Golman	Ogg
Graves	Orr
Hale	Parker of Denton
Hannah	Patterson
Harding	Pickens
Harris	Pickett
Hawkins	Poerner
Hawn	Presnal

Price	Smith
Ratcliff	Solomon
Ray	Stewart
Reed	Stroud
Rosson	Swanson
Salem	Tarbox
Salter	Truan
Sanchez	Uher
Santiesteban	Vale
Schulle	Vance
Semos	Ward
Shannon, Joe, Jr.,	Wayne
of Tarrant	Weldon
Shannon, Tommy,	Wieting
of Tarrant	Williams
Sherman	Williamson
Slack	Willis
Slider	Wright

Absent

Cruz

Absent-Excused

Abraham	Nabers
Braecklein	Parker
Cavness	of Jefferson
Clark of Dallas	Thomas
Davis of Harris	Traeger
McKissack	

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"In Ecclesiastes we find these words:

'Let us hear the conclusion of the whole matter: Fear God, and keep his commandments: for this is the whole duty of man.

For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil.'

Ecclesiastes 12: 13-14

Our Father and our God: During this day that the Lord has made, help us, Oh God, to appreciate its beauty and to use aright its opportunities.

Deliver us, we pray, from spending our precious time in this life on trifles. May we spend our energy and thoughts on what is important that we may accomplish something worthwhile.

Teach us to listen to the prompting of Thy Spirit and save us from floundering in indecision that wastes time, destroys our efficiency, and multiplies our troubles.

In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Davis of Harris on motion of Mr. Cummings.

Mr. Traeger on motion of Mr. Tommy Shannon of Tarrant.

Mr. Parker of Jefferson on motion of Mr. Kubiak.

Mr. Braecklein on motion of Mr. Heatly.

Mr. Abraham on motion of Mr. Christian.

Mr. Clark of Dallas on motion of Mr. Holmes of Dallas.

Mr. McKissack on motion of Mr. Atwell.

The following Member was granted leave of absence for today on account of illness:

Mr. Thomas on motion of Mr. Allred.

The following Member was granted leave of absence for today on account of the birth of a baby boy:

Mr. Nabers on motion of Mr. Wieting.

The following Member was granted leave of absence for today on account of a death in his family:

Mr. Cavness on motion of Mr. Calhoun.

MESSAGE FROM THE SENATE

Austin, Texas, August 4, 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:

S. C. R. No. 6, By Brooks, Blanchard and all Members of the Senate: Appointing a Lunar Landing Commission of Texas, etc.

C. S. H. B. No. 1, By Heatly: Appropriating money for State Government for a two year period beginning September 1, 1969, and ending August 31, 1971; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 5, A tribute to the 5th Marine Division Band of the United States Marine Corps of Camp Pendleton, California.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 20, By Adams: Congratulating the Vocational Agricultural Teachers of the State of Texas.

HOUSE BILL NO. 1 WITH SENATE AMENDMENTS

Mr. Heatly called up with Senate Amendments for consideration at this time,

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 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.

Mr. Heatly moved to suspend all necessary rules and not concur in the Senate Amendments to H. B. No. 1, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

**APPOINTMENT OF CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 1**

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 1:

Representatives Heatly, Chairman; Slack, Vice-Chairman; Braecklein, Longoria and Slider.

PROVIDING FOR THE APPOINTMENT OF THE LUNAR LANDING COMMISSION OF TEXAS

The Speaker laid before the House the following resolution:

S. C. R. No. 6

Whereas, Texans take great pride that the National Aeronautics and Space Administration Manned Spacecraft Center directs the nation's efforts in space exploration from Texas soil, while aware, always, that this vast scientific complex in Houston belongs not only to Texas but to the entire United States of America; and

Whereas, The people of Texas shared with fellow Americans and the peoples of other lands the thrill that came in the most recent manned space exploration by the Apollo 11 Mission, which culminated on July 20, 1969, with people on earth actually seeing America's Astronauts set foot on lunar soil and place there Old Glory, standard of the United States of America; and

Whereas, The Governor of Texas, the Honorable Preston Smith, has called upon the Texas Legislature to join him in planning an appropriate formal tribute to Neil Armstrong, Edwin E. "Buzz" Aldrin, and Michael Collins, America's Astronauts who are now residents of Texas, and, through them, to the thousands and thousands of scientists and

technicians who helped in accomplishing the Mission that has gained a place in history beside the exploits of Leif Ericson, Christopher Columbus, Ferdinand Magellan, and those other illustrious explorers and discoverers of the Age of Man; and

Whereas, In making his proposal to honor the American Lunar Astronauts, Governor Smith has suggested that a special Medal Of Valor be awarded to Neil Armstrong, Buzz Aldrin, and Michael Collins in the name of the State of Texas, this medal never to be issued to any other person on any other occasion; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the 61st Legislature, 1st Called Session, hereby direct that the following be accomplished:

Section 1. A Commission, to be known as the Lunar Landing Commission of Texas, is hereby created consisting of nine members: three Members of the Senate, appointed by the Lieutenant Governor; three Members of the House of Representatives, appointed by the Speaker of the House; and three citizen members, appointed by the Governor. The Governor shall designate the Chairman of the Commission and shall call its first meeting, at which time members shall elect a vice-chairman and secretary and adopt rules of procedure. After the first meeting, the Commission shall meet on the date and at the place designated by the chairman.

Sec. 2. Appointments to the Commission by the respective appointing officials shall be made without delay, so that the Commission shall be organized and come into existence on September 1, 1969; terms of all appointees shall expire on February 1, 1971, or upon completion of the tasks set out in this Resolution, whichever occurs first. Any vacancy in membership shall be filled by the state official who initially makes the appointment to that particular position.

Sec. 3. The Commission, working under the leadership and at the direction of the Governor of Texas, shall join the Governor in selecting an artist to design the Medal Of Valor, which will embody the his-

torical and incalculable significance of the flight of Apollo 11 and the bravery and daring of the men who brought the Mission to its successful conclusion. The Commission shall carry forward all processes in having the medal prepared, from design to die and casting; as soon as the medal has been struck and accepted, the Commission shall make sure that the die is broken and destroyed, never to be used again.

Sec. 4. The Commission shall also make arrangements for appropriate ceremonies when the Medal Of Valor is presented to the Apollo 11 Astronauts, ceremonies with the dignity and distinction appropriate to the glorious achievements of the moon landing and its implications to mankind.

Sec. 5. The Commission shall be authorized to employ or contract for professional, technical and clerical staff necessary to accomplish the purposes of this Resolution and to make such other expenditures as are necessary for that purpose within the budgetary limits fixed by the Commission. The Commission may accept gifts or grants of money from any individual, group, association, corporation, or the federal government. Such funds so received shall be deposited in the State Treasury and are hereby appropriated to be expended in accordance with the specific purposes for which given and under such conditions as may be imposed by the donor or as may be provided by law.

Sec. 6. From the Contingent Expense Funds of the Senate and the House of Representatives equally the members of the Commission shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and other necessary expenses of operation of the Commission shall be paid from the Contingent Expense funds of the Senate and the House of Representatives equally; the Commission shall prepare a budget of its operating expenses, which shall be submitted to the Contingent Expense Committee of the Senate and the House Administration Committee for approval and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the Contingent Expense Committee of the

Senate and the House Administration Committee.

The resolution was referred to the Committee on State Affairs.

SENATE BILL ON FIRST READING

The following Senate Bill received from the Senate was today laid before the House, read first time and referred to a Committee, as follows:

S. B. No. 1, to the Committee on Appropriations.

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO DISREGARD AND TO CONSIDER S. C. R. NO. 24 OF THE 59TH LEGISLATURE OF TEXAS A TOTAL AND COMPLETE NULLITY

Mr. Reed offered the following resolution:

H. C. R. No. 4

Whereas, The Supreme Court of the United States has ruled that membership in both houses of a bicameral state legislature must be apportioned according to population and has thus afforded every citizen of the State of Texas just and equal representation in the Legislature of the State of Texas; and

Whereas, Since 1965 and the passage of Senate Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas, memorializing the Congress of the United States to call a constitutional convention for the purpose of changing the ruling of the Supreme Court, the people of Texas have accepted the wisdom of that decision; and

Whereas, The people of Texas desire to repudiate Senate Concurrent Resolution No. 24 of the 59th Legislature; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States is memorialized to disregard and to consider Senate Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas as a total and complete nullity; and, be it further

Resolved, That Senate Concurrent Resolution No. 24 of the 59th Legislature of the State of Texas is repealed, revoked, and repudiated and has no continuing effect or validity; and, be it further

Resolved, That a duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

The resolution was referred to the Committee on State Affairs.

INSTRUCTING THE BOARD OF CONTROL TO ACCEPT BIDS FOR PRINTING MEMBERS' CARDS AND STATIONERY ONLY FROM PRINTERS WITH UNION SHOPS

Mr. Clark of Harris offered the following resolution:

H. C. R. No. 5

Whereas, A number of the Members of the Texas Legislature feel strongly about having the union label appear on their official cards and stationery; and

Whereas, Some of the Members of the Legislature have received severe criticism for failing to have union labels on their official cards and stationery; and

Whereas, The State provides a fixed amount of money for each Member of the Legislature to have official cards and stationery printed, so that it would not cost the State any more money to have a printer with a union shop print a legislator's cards and stationery; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, the Senate concurring, That each Member of the Legislature be authorized to instruct the Board of Control to accept bids for printing the individual Member's official cards and stationery from printers with union shops; and, be it further

Resolved, That the Board of Con-

trol accept bids only from union printers for printing any Legislator's official cards and stationery when requested by the Legislator and award the contract to the lowest responsible bidder.

Signed: Clark of Harris, Tom Bass of Harris and R. C. Nichols.

The resolution was referred to the Committee on House Administration.

PROVIDING FOR THE APPOINTMENT OF THE LUNAR LANDING COMMISSION OF TEXAS

Mr. Lemmon offered the following resolution:

H. C. R. No. 6

Whereas, Texans take great pride that the National Aeronautics and Space Administration Manned Spacecraft Center directs the nation's efforts in space exploration from Texas soil, while aware, always, that this vast scientific complex in Houston belongs not only to Texas but to the entire United States of America; and

Whereas, The people of Texas shared with fellow Americans and the peoples of other lands the thrill that came in the most recent manned space exploration by the Apollo 11 Mission, which culminated on July 20, 1969, with people on earth actually seeing America's Astronauts set foot on lunar soil and place there Old Glory, standard of the United States of America; and

Whereas, The Governor of Texas, the Honorable Preston Smith, has called upon the Texas Legislature to join him in planning an appropriate formal tribute to Neil Armstrong, Edwin E. "Buzz" Aldrin, and Michael Collins, America's Astronauts who are now residents of Texas, and, through them, to the thousands and thousands of scientists and technicians who helped in accomplishing the mission that has gained a place in history beside the exploits of Lief Ericson, Christopher Columbus, Ferdinand Magellan, and those other illustrious explorers and discoverers of the Age of Man; and

Whereas, In making his proposal to honor the American Lunar Astronauts, Governor Smith has suggested

that a special Medal Of Valor be awarded to Neil Armstrong, Buzz Aldrin, and Michael Collins in the name of the State of Texas, this medal never to be issued to any other person on any other occasion; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the 61st Legislature, 1st Called Session, hereby direct that the following be accomplished:

Section 1. A Commission, to be known as the Lunar Landing Commission of Texas, is hereby created consisting of nine members: three Members of the Senate, appointed by the Lieutenant Governor; three Members of the House of Representatives, appointed by the Speaker of the House; and three citizen members, appointed by the Governor. The Governor shall designate the Chairman of the Commission and shall call its first meeting, at which time members shall elect a vice-chairman and secretary and adopt rules of procedure. After the first meeting, the Commission shall meet on the date and at the place designated by the Chairman.

Sec. 2. Appointments to the Commission by the respective appointing officials shall be made without delay, so that the Commission shall be organized and come into existence on September 1, 1969; terms of all appointees shall expire on February 1, 1971, or upon completion of the tasks set out in this Resolution, whichever occurs first. Any vacancy in membership shall be filled by the state official who initially makes the appointment to that particular position.

Sec. 3. The Commission, working under the leadership and at the direction of the Governor of Texas, shall join the Governor in selecting an artist to design the Medal Of Valor, which will embody the historical and incalculable significance of the flight of Apollo 11 and the bravery and daring of the men who brought the Mission to its successful conclusion. The Commission shall carry forward all processes in having the medal prepared, from design to die and casting; as soon as the medal has been struck and accepted, the

commission shall make sure that the die is broken and destroyed, never to be used again.

Sec. 4. The Commission shall also make arrangements for appropriate ceremonies when the Medal Of Valor is presented to the Apollo 11 Astronauts, ceremonies with the dignity and distinction appropriate to the glorious achievements of the moon landing and its implications to mankind.

Sec. 5. The Commission shall be authorized to employ or contract for professional, technical, and clerical staff necessary to accomplish the purposes of this Resolution and to make such other expenditures as are necessary for that purpose within the budgetary limits fixed by the Commission. The Commission may accept gifts or grants of money from any individual, group, association, corporation, or the federal government. Such funds so received shall be expended in accordance with the specific purposes for which given and under such conditions as may be imposed by the donor or as may be provided by law.

Sec. 6. From the Contingent Expense Funds of the Senate and the House of Representatives equally the members of the Commission shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and other necessary expenses of operation of the Commission shall be paid from the Contingent Expense Funds of the Senate and the House of Representatives equally; the Commission shall prepare a budget of its operating expenses, which shall be submitted to the Contingent Expense Committee of the Senate and the House Administration Committee for approval, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the Contingent Expense Committee of the Senate and the House Administration Committee.

Signed: Lemmon and Harris County 24th District Delegation; Swanson, Tom Bass of Harris, Clark of Harris, Jamie Bray and Vance.

The resolution was referred to the Committee on State Affairs.

PROVIDING FOR A SPECIAL INTERIM COMMITTEE TO MAKE A STUDY OF PROBLEMS OF OLDER TEXAS CITIZENS

Mr. Hannah offered the following resolution:

H. S. R. No. 19

Whereas, The last decennial census (1960) showed that there were 745,000 Texans over the age of 65, a large percentage of whom were retired; and

Whereas, The number of citizens over 65 is increasing, as new developments and improvements in medical care and treatment have been conducive to longer life spans; and

Whereas, A high proportion of these older citizens are on the fixed income of annuities, welfare payments, social security, and the like, and inflation has created untold hardship to many as they try to stretch their limited resources to cover the bare subsistence needs of food and housing, medical expenses, and taxes; and

Whereas, It is essential that the State of Texas look to the well-being of this important segment of our population by providing whatever remedial measures possible, so that the declining years of those who have contributed so much to the growth and development of Texas may be spent in reasonable comfort and without the worry occasioned by unpaid bills and limited finances; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, create a special interim committee to make a thorough study of the problems of older Texas citizens, looking particularly to the possibility of providing relief with respect to their tax burden; and, be it further

Resolved, That the committee be composed of three Members of the House of Representatives, appointed by the Speaker of the House, who shall also designate the chairman of the committee; and be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in

connection with committee activities be paid from the Contingent Expense Fund of the House of Representatives; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

Signed: Hannah and Bill Bass of Van Zandt.

The resolution was referred to the Committee on Interim Activities.

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 Ward:

H. B. No. 17, A bill to be entitled An Act relating to the transfer of certain jurisdiction from the District Court of Johnson County to the County Court of Johnson County; amending Chapter 102, Acts of the 51st Legislature, Regular Session, 1949 (Article 1970-335, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By Bass of Van Zandt:

H. B. No. 18, A bill to be entitled An Act providing for appeals in eminent domain proceedings initiated by water control and improvement districts; providing for trial de novo in district courts; granting the right to trial by jury upon demand of either party; amending Subsection (1), Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as

amended (Article 7880-126, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Bray:

H. B. No. 19, A bill to be entitled An Act amending Articles 3.01 and 4.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to increase the occupation taxes on production of oil and gas; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Reed:

H. B. No. 20, A bill to be entitled An Act to provide that certain units of government may secure motor vehicle liability insurance under the assigned risk plan subject to certain limits, amending Sections 33, as amended, and 35, Chapter 498, Acts of the 52nd Legislature, Regular Session, 1951 (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Howard:

H. B. No. 21, A bill to be entitled An Act amending Section 21, Article I, Texas Liquor Control Act, as amended (Article 666-21, Vernon's Texas Penal Code), to increase the tax on distilled spirits and clarify that tax stamps are not required on malt liquor containers; amending Section 23, Article II, Texas Liquor Control Act, as amended (Article 667-23, Vernon's Texas Penal Code), to increase the tax on the first sale of beer manufactured in Texas and on the importation of beer into this State; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Caldwell, Cavness, Johnson, Ratchiff, Farenthold, Salem, Braun and Atwell:

H. B. No. 22, A bill to be entitled An Act establishing and adopting an Antiquities Code for the State of Texas; setting forth the public policy of the State with respect to archeolo-

gical and historical sites and items; creating an Antiquities Committee of five members; providing for the organization, compensation, duties, powers, and procedures of the Antiquities Committee; empowering the Antiquities Committee to enter into contracts for research and salvage activities on State Archeological Landmarks; creating and defining State Archeological Landmarks; providing for the designation of certain sites on private lands as State Archeological Landmarks with the consent of the owner thereof; providing for a system of permits and contracts for the salvage of treasures embedded in the earth and the excavation or study of archeological and historical sites and objects; providing the State Archeologist with the power to promulgate reasonable rules and regulations concerning salvage and other study of State Archeological Landmarks; empowering the Antiquities Committee to determine the disposition and repository of objects and artifacts recovered by such salvage and study operations; providing for a means of fair compensation to the salvager operating under permit from the Antiquities Committee; empowering the Antiquities Committee to accept gifts, devises and bequests, and to otherwise purchase and acquire from the permittee objects deemed by the Antiquities Committee to be important enough to remain the property of the State of Texas; making it unlawful to forge or duplicate an archeological artifact or object with intent to deceive or to offer said object for sale; making it unlawful to intentionally deface aboriginal or Indian rock art; making it unlawful to enter the enclosed lands of another without permission and intentionally take, damage, or destroy any archeological or historical site, structure, or monument on private lands; providing a penalty for violations of this Act; providing for injunctive relief for violations of this Act and providing for venue thereof; providing a saving clause; repealing laws in conflict and designated prior laws; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Tarbox, Jones of Lubbock and McAlister:

H. B. No. 23, A bill to be entitled

An Act authorizing the transfer of certain land from Texas Tech University to Texas Tech University School of Medicine; and declaring an emergency.

Referred to Committee on State Affairs.

By Musgrove:

H. B. No. 24, A bill to be entitled An Act relating to the classification of certain drugs to be sold on prescription; amending Section 6, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); deleting Subparagraph (1) of Section 8, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lemmon:

H. B. No. 25, A bill to be entitled An Act amending Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, adding a new Chapter 16, imposing a tax on sale or transfer of certain stocks, bonds and securities; providing for administration; setting penalties; allocating funds; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Swanson:

H. B. No. 26, A bill to be entitled An Act enabling companies offering and selling policies of insurance on property within this State to secure reinsurance under the Federal Reinsurance Program as created by the Federal Urban Property Protection and Reinsurance Act of 1968 by creating a fund to be designated "Riot Reinsurance Reimbursement Fund" to be administered by the State Treasurer subject to certification by the State Board of Insurance; authorizing said Board to make assessments upon certain insurers authorized to do business in this State for amounts necessary to reimburse the Secretary of the Department of Housing and Ur-

ban Development; requiring that assessments be proportionate; making provisions for insolvency of insurers; providing for recovery of amounts paid as assessments; repealing conflicting laws to the extent of conflict only; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Hale:

H. B. No. 27, A bill to be entitled An Act amending the Texas Education Code to incorporate the acts passed during the Regular Session of the 61st Legislature and coming within the scope of the code; repealing the acts incorporated into the code; providing effective dates; and declaring an emergency.

Referred to Committee on Public Education.

By Sherman:

H. B. No. 28, A bill to be entitled An Act amending Article 2621, Revised Civil Statutes of Texas, 1925, authorizing and directing the Board of Regents of The University of Texas System to support and maintain the general academic institution known as The University of Texas at Arlington; authorizing the Board of Regents to support and maintain a standard four-year course for the university, to prescribe courses leading to customary degrees, and to award such degrees; stating the intent of the Legislature that such degrees shall include baccalaureate, master's and doctoral degrees, and their equivalents, providing for the establishment of a four-year undergraduate program, and providing that no department, school, or degree program shall be instituted without the prior approval of the Coordinating Board; authorizing the Board of Regents to make rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted; authorizing joint appointments; authorizing the acceptance of gifts, grants, and donations from any source in aid of the planning, establishment, conduct, and operation of the university authorized by this Act, and in

aid of the teaching and research conducted therein; providing for severability; providing a repealer; and declaring an emergency.

Referred to Committee on State Affairs.

PROVIDING FOR TAPE RECORDING OF CERTAIN TESTIMONY OF OFFICIALS AND EMPLOYEES OF THE EXECUTIVE BRANCH BEFORE STANDING COMMITTEES OF THE HOUSE

Mrs. Farenthold offered the following resolution:

H. S. R. No. 11

Whereas, The testimony of executive officials before standing committees of the House of Representatives is of great value and often a determining factor for Representatives in formulating legislation; and

Whereas, There is presently no regular record kept of such testimony, which creates a hardship for Representatives evaluating proposed legislation, as well as for students of State Government; now, therefore, be it

Resolved, by the House of Representatives, the Sixty-first Legislature, First Called Session, That Rule VIII, Section 33 of the House Rules, Sixty-first Legislature, be amended by adding the following:

"The testimony of all officials or employees within the Executive Branch before standing, temporary, conference, and interim committees of the House of Representatives shall be recorded by means of a tape recorder. The tapes of such testimony shall be placed on file in the Legislative Reference Library, along with a tape recorder, for use by Legislators, State employees, students of State Government, and the general public. Such testimony shall be reduced to writing upon the request of one-fourth of the present Members of that committee before which the testimony was presented. Distribution of such testimony in written form to any committee of the House or Senate, or to all House and/or Senate Members may be made at the request of one-fourth of the present members of that committee

before which such testimony was given."

The resolution was read and was referred to the Committee on Rules.

ADOPTION OF S. C. R. NO. 3

The Speaker laid before the House for consideration at this time,

S. C. R. No. 3, Providing for a Joint Session on August 19, 1969, to hear an Address by W. Robert McClellan, Deputy Assistant Secretary of Commerce of the United States.

The resolution had been referred to the Committee on House Administration and was reported favorably by the Committee.

The resolution was adopted without objection.

ADJOURNMENT

Mr. Smith moved that the House adjourn until 11:00 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:27 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas. July 31, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. B. No. 1,

has carefully compared same and finds it correctly engrossed.

WARD, Chairman

SENT TO THE GOVERNOR

August 4, 1969

H. C. R. No. 2

H. C. R. No. 3

FIFTH DAY

(Tuesday, August 5, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Evans
Abraham	Farenthold
Adams	Finck
Allen of Harris	Finnell
Allen of Gregg	Finney
Allred	Floyd
Angly	Garcia
Archer	Golman
Armstrong	Graves
Atwell	Hale
Atwood	Hannah
Baker	Harding
Bass of Harris	Harris
Bass of Van Zandt	Hawkins
Beckham	Hawn
Bigham	Haynes
Blaine	Head
Blanton	Heatly
Braecklein	Hendricks
Braun	Hinson
Bray	Holland
Burgess	Holmes of Hood
Burnett	Holmes of Dallas
Caldwell	Howard
Calhoun	Hubenak
Carrillo	Hull
Cavness	Johnson
Christian	Jones of Lubbock
Clark of Harris	Jones of Harris
Clayton	Jones of Taylor
Cobb	Jungmichel
Cole	Kilpatrick
Cory	Knapp
Craddick	Kothmann
Cruz	Kubiak
Cummings	Lee
Daniel	Lemmon
Davis of Harris	Ligarde
Davis of Travis	Lombardino
Dickson	Longoria
Doran	Lovell
Dramberger	McAlister
Earthman	McDonald

McKissack	Salem
McLaughlin	Salter
Moore of Hill	Sanchez
Moore of Dallas	Santiesteban
Moore	Schulle
of McLennan	Semos
Moreno	Shannon, Joe, Jr.,
Moyer	of Tarrant
Muniz	Shannon, Tommy,
Murray	of Tarrant
Musgrove	Sherman
Neugent	Slack
of Galveston	Slider
Newman	Smith
Nichols	Solomon
Niland	Stewart
Nowlin	Stroud
Nugent of Kerr	Swanson
Ogg	Tarbox
Orr	Thomas
Parker	Traeger
of Jefferson	Truan
Parker of Denton	Uher
Patterson	Vale
Pickens	Vance
Pickett	Ward
Poerner	Wayne
Presnal	Weldon
Price	Wieting
Ratcliff	Williams
Ray	Williamson
Reed	Willis
Rosson	Wright

Absent-Excused

Clark of Dallas Nabers

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Oh God, be merciful when we pray with half our hearts or listen with half our minds and pity us that we are torn as we are from time to time in knowing what is right and proper. Vainly we long for life without such difficult decisions.

May this minute of prayer find each one of us, in his own way, reaching out for Thy help and guidance. Hear our prayers and be with us this day.

We pray in Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Nabers on motion of Mr. Wieting.

Mr. Clark of Dallas on motion of Mr. Bass of Van Zandt.

MESSAGE FROM THE SENATE

Austin, Texas, August 5, 1969

Hon. Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on C. S. House Bill No. 1.

The following have been appointed on the part of the Senate:

Senators Aikin, Creighton, Herrington, Schwartz and Word.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 22, By Heatly: Commending Miss Cynthia Bishop, Chief of Nutrition and Food Services of the Texas Department of Mental Health and Mental Retardation, upon receiving the 1969 Medallion of Merit Award from the Kitchens of Sara Lee.

H. S. R. No. 23, By Wayne: Commending the owners of Rocket Bar, an outstanding quarter horse.

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 Cory:

H. B. No. 29, A bill to be entitled An Act amending various provisions of the Family Code, as follows: Section 1.03(b), relating to the contents of the form for an application for a

marriage license; Subchapter C. Chapter 1, relating to underage applicants for a marriage license; Section 2.41, relating to annulment of a marriage on the grounds of underage; Section 3.08(b), relating to the defense of condonation in a suit for divorce; Section 3.52, relating to pleadings in a suit for divorce or annulment; Section 3.54(b), relating to the report of a counselor in a divorce suit; Section 3.63, relating to the division of property in a decree of divorce or annulment; Section 4.04, relating to nonjoinder of spouses in civil suits; Section 5.22(b) and (c), relating to management, control, and disposition of community property; Section 5.03, relating to recordation of separate property; Section 5.24, relating to protection of third persons dealing with a spouse with regard to property; Section 5.25(g), relating to the effect of failure to record a court order providing for management, control, and disposition of certain community property under unusual circumstances; Section 5.41(e), relating to recordation of a marital property agreement and the effect of failure to record in the case of real property; Section 5.42(d), relating to recordation of a partition or exchange and the effect of failure to record in the case of real property; Section 1.92(b), relating to the contents of the form for a declaration of informal marriage; adding Sections 1.93-1.96, relating to proof of identity and age of parties to a declaration of informal marriage, permission to omit certain information, effect of divorce during six-month period preceding execution of declaration, recording of declaration, and penalty for violations by county clerk or deputy; and declaring an emergency.

Referred to Committee on Judiciary.

By Smith, Bass of Harris, and Lemmon:

H. B. No. 30, A bill to be entitled An Act relating to the establishment and duties of the Lunar Landing Medal of Valor Commission and the creation of a Medal of Valor to be awarded to the Apollo 11 Astronauts; and declaring an emergency.

Referred to Committee on State Affairs.

By Cory:

H. B. No. 31, A bill to be entitled An Act relating to the issuance of certain bonds by cities having a population of 5,000 or more; amending Section 1, Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hawkins:

H. B. No. 32, A bill to be entitled An Act relating to issuance of patents on vacant and unsurveyed land; exempting certain litigation from the provisions of this Act; providing this Act shall not affect the rights of any party under any previously executed mineral deed or oil and gas lease; adding a new Section 5a to Chapter 271, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 5421c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Public Lands and Buildings.

By Clark of Harris, Stroud, Bigham, Reed, Parker of Jefferson, Nichols and Moreno:

H. B. No. 33, A bill to be entitled An Act relating to the printing of Legislators' official cards and stationery by printers with union shops; amending Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes), by adding a new Section 8a; and declaring an emergency.

Referred to Committee on House Administration.

EXTENDING HEARTIEST CONGRATULATIONS TO THE HONORABLE BEN ATWELL ON HIS BIRTHDAY

Mr. Moyer offered the following resolution:

H. S. R. No. 21

Whereas, August 4 is not a nation-

ally recognized holiday, State Employees will not have a day off, and neither will banks close their doors; however, in the House of Representatives August 4th holds a special significance for one of our most distinguished colleagues; and

Whereas, This day is the birthday of the Honorable Ben Atwell, Dean of the Dallas County Delegation and Chairman of the all-important House Revenue and Taxation Committee; and

Whereas, Representative Atwell is a 10 term veteran of the House, and although his 6 foot 4 inch frame, his natty dress, and his dry sense of humor would make him a noticeable figure in any gathering, it is his strong sense of dedication and his desire to serve the people of Texas which give him great distinction as a Member of the House of Representatives; now, therefore, be it

Resolved, That the House of Representatives extend heartiest congratulations to Jumbo Atwell on this August 4, 1969, and wish for him many more birthday celebrations and years as a distinguished Member of the House; and, be it further

Resolved, That a copy of this Resolution be prepared for the Honorable Ben Atwell as an expression of affection and high esteem from his colleagues in the House of Representatives.

The resolution was read and was adopted unanimously.

On motion of Mr. Wieting the names of all the Members of the House were added to H. S. R. No. 21 as signers thereof.

ADJOURNMENT

Mr. Tommy Shannon of Tarrant moved that the House adjourn until 10:30 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:26 o'clock a. m., adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of

Paul Francis Correll

Mr. Cory offered the following resolution:

H. S. R. No. 18

Whereas, An outstanding resident of Victoria, Paul Francis Correll, died June 29, 1969, at the age of 51; and

Whereas, Mr. Correll, a native of Harrisburg, Pennsylvania, was a graduate of West Virginia University. He was a Mason and a veteran of World War II; and

Whereas, Since moving to Victoria in 1960, Mr. Correll was a leader in the Boy Scout organization and he served as the organization and extension chairman of the DeLeon District; and

Whereas, He was also a devoted member of the First United Methodist Church; and

Whereas, Through his work with civic organizations, particularly with the Boy Scouts, Mr. Correll provided an invaluable service to his community and his talents and enthusiasm were greatly appreciated by his fellow citizens; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, honor the memory of Paul Francis Correll and extend sympathy to the members of his family: to his wife, Mrs. Evelyn Correll of Victoria; and his two sons, Michael Correll and Paul F. Correll, Jr., both of Victoria; and be it further

Resolved, That a copy of this Resolution be prepared for the members of his family, and that when the House of Representatives adjourns this day, it do so in memory of Paul Francis Correll.

The resolution was adopted unanimously by a rising vote.

SIXTH DAY

(Wednesday, August 6, 1969)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Hannah
Abraham	Harding
Adams	Harris
Allen of Harris	Hawkins
Allen of Gregg	Hawn
Allred	Haynes
Angly	Head
Archer	Heatly
Armstrong	Hendricks
Atwell	Hinson
Atwood	Holland
Baker	Holmes of Hood
Bass of Harris	Holmes of Dallas
Bass of Van Zandt	Howard
Beckham	Hubenak
Bigham	Hull
Blaine	Johnson
Blanton	Jones of Lubbock
Braecklein	Jones of Harris
Braun	Jones of Taylor
Bray	Jungmichel
Burgess	Kilpatrick
Burnett	Kothmann
Caldwell	Kubiak
Calhoun	Lee
Carrillo	Lemmon
Cavness	Ligarde
Christian	Lombardino
Clark of Harris	Longoria
Clayton	Lovell
Cobb	McAlister
Cole	McDonald
Cory	McKissack
Craddick	McLaughlin
Cruz	Moore of Hill
Cummings	Moore of Dallas
Daniel	Moore
Davis of Harris	of McLennan
Davis of Travis	Moreno
Dickson	Moyer
Doran	Muniz
Dramberger	Murray
Earthman	Musgrove
Evans	Neugent
Farenthold	of Galveston
Finnell	Newman
Finney	Nichols
Floyd	Niland
Garcia	Nowlin
Golman	Nugent of Kerr
Graves	Ogg
Hale	Orr

Parker	Sherman
of Jefferson	Slack
Parker of Denton	Slider
Patterson	Smith
Pickens	Solomon
Pickett	Stewart
Poerner	Swanson
Presnal	Tarbox
Price	Thomas
Ratcliff	Traeger
Ray	Truan
Reed	Uher
Rosson	Vale
Salem	Vance
Salter	Ward
Sanchez	Wayne
Santiesteban	Wieting
Schulle	Williams
Semos	Williamson
Shannon, Joe, Jr.,	Willis
of Tarrant	Wright
Shannon, Tommy,	
of Tarrant	

Absent

Knapp

Stroud

Absent-Excused

Clark of Dallas
FinckNabers
Weldon

A quorum of the House was announced present.

The Invocation was offered by the Reverend Benedict Zientek, Pastor of Sacred Heart Cathedral, San Angelo, Texas, as follows:

We pray Thee, O God of might, wisdom, and justice! through Whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy holy spirit of counsel and fortitude the President of the United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging due respect for virtue and religion; by a faithful execution of the laws in justice and mercy; and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and use-

ful knowledge; and may perpetuate to us the blessing of equal liberty.

We pray for his excellency, the Governor of this State, for the members of the Assembly, for all judges, magistrates, and other officers who are appointed to guard our political welfare, that they may be enabled, by Thy powerful protection, to discharge the duties of their respective stations with honesty and ability.

We recommend likewise, to Thy unbounded mercy, all our brethren and fellow citizens throughout the United States, that they may be blessed in the knowledge and sanctified in the observance of Thy most holy law; that they may be preserved in union, and in that peace which the world cannot give; and after enjoying the blessings of this life, be admitted to those which are eternal.

LEAVES OF ABSENCE GRANTED

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

Mr. Weldon on motion of Mr. Parker of Jefferson.

Mr. Clark of Dallas on motion of Mr. Holmes of Dallas.

The following Member was granted leave of absence for today on account of the birth of a baby boy:

Mr. Nabers on motion of Mr. Joe Shannon, Jr., of Tarrant.

The following Member was granted leave of absence for today on account of illness:

Mr. Finck on motion of Mr. Price.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 24, By Nugent of Kerr: Expressing appreciation to Mr. and Mrs. Adolf Stieler of Kerrville, Texas, for their outstanding services to Texas, to their community and to their fellowmen.

H. S. R. No. 25, By Golman:

Commending Democratic Women from the 8th Senatorial District, Dallas County.

MESSAGE FROM THE SENATE

Austin, Texas, August 6, 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:

S. C. R. No. 7, By Cole: Commending Postmaster Granville W. Elder and the Houston Post Office.

S. C. R. No. 8, By Ratliff: Congratulating John Worth Cloud, etc.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

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 Finney:

H. B. No. 34, A bill to be entitled An Act relating to death or disablement pension benefits of firemen from heart or lung disease; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Lombardino:

H. B. No. 35, A bill to be entitled An Act prohibiting the commission of certain offences by a person entering a private residence by force, threats, or fraud at night; providing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

TO DEDICATE THIS BIRTHDAY
MESSAGE TO THE HONORABLE
CARL PARKER OF PORT
ARTHUR

Mr. Weldon offered the following resolution:

H. S. R. No. 26

Whereas,

'Twas the eve before Session,
when all through the House
Not a creature was stirring,
not even a mouse;
The desks were all ready,
machines all plugged in
Ready and waiting,
roll call to begin.

The Members not nestled
all snug in their bed
Met at the Deck Club,
to plan far ahead.
But estimable Carl Parker,
and one other chap,
Kept talking and talking,
not caring a rap.

Came a lull in their voices,
there rose a great clatter,
We leaped to our feet,
to see what was the matter.
Carl stood arms akimbo,
face red as a rash,
"It's my birthday," he said,
"and I'm all for a bash!"

"It seems that you and my
colleagues so true,
Always get the glory,
and leave me to stew!
A birthday is celebrated,
congratulations read,
And I grin and bear it,
and wish I were dead!

"Can I help the month
the stork picked for me?
How did he know a House Member
I'd be,
With sessions in winter and
into the spring,
But never in summer
to give me my fling?"

"I want a birthday,
I want to be choice,
To be told I am great—
in a big, loud voice."

The hush in the room
brought us all to our senses,
We felt downright mean,
sans all good defenses,
When we looked at pal Parker,
a pretty good Joe,
Whom we had been treating
too much like a foe.

His usual demeanor,
so happy and merry,

His cheeks like pink roses,
his nose like a cherry,
His broad, friendly mouth
curled up in a grin,
Laugh wrinkles wreathing
his indomitable chin.

His broad, cheery face
and little round belly,
Ashake with his laughs
like a bowlful of jelly.
Chubby and plump,
a right jolly old elf,
Now age 35,
in spite of himself.

So this 6th day of August, 1969,
We want Carl to know,
we think he's divine.
We want him to feel,
he's a prince of a man,
A fellow who's really one of the clan!

Happy Birthday, dear Carl,
You're a gallant, white knight,
Happy Birthday, dear Carl,
You're quite out of sight!

now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, dedicate this birthday message, with all good wishes and apologies to Clement Clarke Moore, to our friend and colleague, the Honorable Carl Parker of Port Arthur.

Signed: Weldon, Kilpatrick, Smith and Haynes.

The resolution was read and was adopted unanimously.

On motion of Mr. Kilpatrick the names of all the Members of the House were added to H. S. R. No. 26 as signers thereof.

HOUSE BILL NO. 2 SET FOR SPECIAL ORDER

Mr. Atwell moved that H. B. No. 2 be set for special order at 9:30 o'clock a. m., tomorrow, August 7.

The motion prevailed without objection.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

S. C. R. No. 7, Commending Postmaster Granville W. Elder and the Houston Post Office for instituting a training program for deaf applicants.

S. C. R. No. 8, Congratulating John Worth Cloud of Albany, Texas, on being awarded the official state award for "Best Historical Publication of the Year on Local or Regional History," presented by the Texas Historical Survey Committee; and officially designating "The Legend of Old Stone Ranch" as the official epic poem of Texas.

RECESS

Mr. Sherman moved that the House recess until 9:30 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 10:57 o'clock a. m., took recess until 9:30 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Revenue and Taxation has filed a favorable report on H. B. No. 2.

SIXTH DAY

(Continued)

(Thursday, August 7, 1969)

The House met at 9:30 o'clock a.m. and was called to order by the Speaker.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, this day, as the saying goes, will separate the men from the boys and we thank Thee that it is not custom that brings us again into this moment of prayer but our deep sense of need of Thy help.

May we conduct ourselves today with dignity, being able to disagree

without being disagreeable. But above all, when this day's work is over may we truly say it has been good for Texas and what she stands for.

In Jesus' Name. Amen."

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of illness:

Mr. Finck, temporarily for today, on motion of Mr. Doran.

RESOLUTION SIGNED BY THE SPEAKER

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

S. C. R. No. 3, Providing for a Joint Session on August 19, 1969, to hear an address by W. Robert McClellan, Deputy Assistant Secretary of Commerce of the United States.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 27, By Hendricks: Commending the ladies from the McKinney Job Corps Center for Women visiting the House of Representatives.

H. S. R. No. 29, By Lombardino: Extending birthday wishes to Jon Alexander Lindskog, employed as an administrative assistant to State Representative Frank Lombardino.

EXTENDING PRIVILEGES OF THE FLOOR TO REPRESENTATIVE-ELECT E. L. SHORT

Speaker Mutscher stated that, if there was no objection, privileges of the Floor would be granted to Representative-elect E. L. Short of District 73, who was present in the House.

There was no objection offered.

HOUSE BILL NO. 2 ON
SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 2, A bill to be entitled An Act raising revenue for the support of State Government, amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the rate on limited sales, excise and use tax; amending the collection schedule to conform to the new rate; removing exemptions on alcoholic beverages; making conforming amendments to the Local Sales and Use Tax (Article 1066c, Vernon's Texas Civil Statutes); amending Chapter 6, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the tax rate on the retail sale of motor vehicles; amending Chapter 7, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by levying an additional tax on cigarettes; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to levy additional corporate franchise taxes for a two year period; providing an effective date; and declaring an emergency.

The bill was read second time.

Mr. Clark of Harris moved that consideration of H. B. No. 2 be postponed until next Monday, August 11, at 11:00 o'clock a. m.

Mr. Atwell moved to table the above motion by Mr. Clark of Harris.

A record vote was requested by Representatives Bass of Harris, Reed and Moreno on the motion to table.

The motion to table prevailed by the following vote:

Yeas—108

Abraham	Blaine
Adams	Blanton
Allen of Gregg	Braecklein
Archer	Burgess
Armstrong	Burnett
Atwell	Calhoun
Atwood	Carrillo
Baker	Cavness
Beckham	Christian

Clayton	Moore of Hill
Cobb	Moore of Dallas
Cole	Moyer
Cory	Murray
Craddick	Musgrove
Cummings	Nabers
Daniel	Neugent
Davis of Harris	of Galveston
Davis of Travis	Newman
Dickson	Niland
Doran	Nugent of Kerr
Dramberger	Ogg
Earthman	Orr
Finnell	Parker of Denton
Finney	Patterson
Floyd	Pickens
Garcia	Poerner
Golman	Presnal
Harding	Price
Hawkins	Ratcliff
Hawn	Ray
Head	Rosson
Heatly	Salter
Hendricks	Sanchez
Hinson	Santiesteban
Holland	Schulle
Holmes of Hood	Semos
Holmes of Dallas	Shannon, Joe, Jr.,
Howard	of Tarrant
Hubenak	Shannon, Tommy,
Hull	of Tarrant
Jones of Lubbock	Sherman
Jones of Harris	Slack
Jones of Taylor	Slider
Jungmichel	Solomon
Kilpatrick	Swanson
Knapp	Tarbox
Lee	Thomas
Lemmon	Traeger
Ligarde	Uher
Lombardino	Ward
Longoria	Wayne
Lovell	Wieting
McAlister	Williamson
McDonald	Willis
McKissack	Wright
McLaughlin	

Nays—38

Allen of Harris	Hale
Allred	Hannah
Angly	Harris
Bass of Harris	Haynes
Bass of Van Zandt	Johnson
Bigham	Kothmann
Braun	Kubiak
Bray	Moore
Caldwell	of McLennan
Clark of Harris	Moreno
Clark of Dallas	Muniz
Cruz	Nichols
Evans	Nowlin
Farenthold	Parker
Graves	of Jefferson

Pickett	Truan
Reed	Vale
Salem	Vance
Stewart	Weldon
Stroud	Williams

Absent

Smith

Absent-Excused

Finck

Mr. Atwell offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H. B. No. 2 by striking all below the enacting clause and substituting the following:

ARTICLE 1.

Section 1. Section (A), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(A) Person. ‘Person’ shall mean and include any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, assignee for the benefit of creditors, trustee, trustee in bankruptcy, syndicate, cooperative, assignee, or any other group or combination acting as a unit. ‘Person’ shall also include the United States or any agency thereof, this State, or any agency hereof, or any city, county, special district, or other political subdivision of this State to the extent engaged in the selling of items taxable under this Chapter.”

Sec. 2. Section (D), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(D) Receipts.

“(1) ‘Receipts’ means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of taxable items by retailers,

valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

“(a) The cost of the taxable item sold. However, in accordance with such rules and regulations as the Comptroller may prescribe, a deduction may be taken if the retailer has purchased tangible personal property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the tangible personal property, and has resold the tangible personal property prior to making any use of the tangible personal property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the tangible personal property.

“(b) The cost of the materials used, labor or service costs, interest paid, losses or any other expenses.

“(c) The cost of transportation of the tangible personal property prior to its sale to the purchaser.

“(d) The cost of transportation incident to the performance of a taxable service.

“(2) ‘Receipts’ does not include any of the following:

“(a) Cash discounts allowed on sales.

“(b) Sales price of tangible personal property returned by customers when the full sales price is refunded either in cash or credit, or refunds on the sales price of taxable services.

“(c) The amount of any tax (not including, however, any manufacturers’ or importers’ excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

“(d) The amount charged for finance charges, carrying charges, service charges or interest from credit extended on sales of taxable items

under conditional sale contracts or other contracts providing for deferred payments of the purchase price.

“(e) The value of tangible personal property taken by a seller in trade as all or a part of the consideration for a sale of tangible personal property of any kind or nature.

“(f) Charges for transportation of tangible personal property after sale.”

Sec. 3. Section (F), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(F) Occasional Sale. ‘Occasional Sale’ means:

“(1) One or two sales of taxable items at retail during any twelve-month period by a person who does not hold himself out as engaging (or who does not habitually engage) in the business of selling taxable items at retail.

“(2) The sale of the entire operating assets of a business or of a separate division, branch or identifiable segment of a business. For the purpose of this Subsection a ‘separate division, branch or identifiable segment’ shall be deemed to exist if prior to its sale the income and expenses attributable to such ‘separate division, branch or identifiable segment’ could be separately ascertained from the books of account or record. The purpose of this Subsection is to clarify existing law and merely expresses the original intention of the Legislature.

“(3) Any transfer of all or substantially all the property held or used by a person in the course of an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer. For the purposes of this Subsection, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the ‘real or ultimate ownership’ of the property of such corporation or other entity.”

Sec. 4. Section (G), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last

amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(G) Purchase. ‘Purchase’ means:

“(1) Any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

“(2) A transaction whereby the possession of tangible personal property is transferred but the seller retains the title as security for the payment of the price.

“(3) A transfer, for a consideration, of tangible personal property which has been produced, fabricated or printed to the special order of the customer.

“(4) The acceptance or utilization of any taxable service for a consideration.”

Sec. 5. Section (I), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(I) Retail Sale or Sale at Retail. ‘Retail Sale’ or ‘Sale at Retail’ means:

“(1) Any sale of a taxable item.

“(2) The delivery in this State of tangible personal property by an owner or former owner thereof or by a factor or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this State. The person making the delivery in such cases shall include the retail selling price of the tangible personal property in his receipts.

“(3) The performance in this State of any taxable service.”

Sec. 6. Subsection (1), Section (J), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) 'Retailer' includes:

"(a) Every seller engaged in the business of making sales of tangible personal property for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

"(b) Every person making more than two (2) retail sales of tangible personal property during any twelve-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

"(c) Every person who leases or rents to another tangible personal property for storage, use or other consumption.

"(d) Every person selling taxable services."

Sec. 7, Subsection (1), Section (K), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) (a) 'Sale' means and includes any transfer of title or possession, or segregation in contemplation of transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

"(b) 'Sale' includes the performance of a taxable service for a consideration.

"(c) 'Sale' when used in connection with amusement services means the sale of admission or the right to participate, whether by means of or through the purchase of a club or other membership card, subscription, dues, season or other ticket, lease for admission, or simply by the payment of cash without the delivery or use of any receipt, ticket or other instrument or device."

Sec. 8, Section (L), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chap-

ter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(L) Sales Price.

"(1) 'Sales Price' means the total amount for which taxable items are sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

"(a) The cost of the taxable items sold.

"(b) The cost of material used, labor or service costs, interest paid, losses, or any other expenses.

"(c) The cost of transportation of the tangible personal property prior to its sale or purchase.

"(d) The cost of transportation incident to the performance of a taxable service.

"(2) The total amount for which a taxable item is sold includes all of the following:

"(a) Any services which are a part of the sale.

"(b) Any amount for which credit is given to the purchaser by the seller.

"(3) 'Sales Price' does not include any of the following:

"(a) Cash discounts allowed on sales.

"(b) The amount charged for tangible personal property returned by customers when the entire amount charged therefor is refunded either in cash or credit, or refunds on the sales price of taxable services.

"(c) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

"(d) The amount charged for finance charges, carrying charges, service charges or interest from credit extended on sales of taxable items under conditional sale contracts or

other contracts providing for deferred payments of the purchase price.

“(e) The value of tangible personal property taken by a seller in trade as all or a part of the consideration for a sale of a taxable item of any kind or nature.

“(f) Charges for transportation of tangible personal property after sale.”

Sec. 9. Section (M), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(M) Seller. ‘Seller’ includes every person engaged in the business of selling, leasing or renting taxable items of a kind, the receipts from the retail sale, lease or rental of which are required to be included in the measure of the limited sales tax.”

Sec. 10. Section (R), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(R) Use. ‘Use’ includes the exercise of any right or power over tangible personal property incident to the ownership of that tangible personal property except that it does not include the sale of that tangible personal property in the regular course of business or the transfer of tangible personal property as an integral part of a taxable service rendered in the regular course of business. ‘Use’ specifically includes the incorporation of tangible personal property into real estate or into improvements upon real estate without regard to the fact that such real estate and improvements may subsequently be sold as such except as provided in Article 20.01(T)(2).”

Sec. 11. Section (S), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(S) Sale for Resale. ‘Sale for Resale’ means:

“(1) A sale of tangible personal property to any purchaser who is purchasing said tangible personal property for the purpose of reselling it within the geographical limits of the United States of America, its territories and possessions in the normal course of business either in the form or condition in which it is purchased, or as an attachment to, or integral part of, other tangible personal property.

“(2) A sale of tangible personal property to a purchaser for the sole purpose of that purchaser’s renting or leasing, within the geographical limits of the United States of America, its territories and possessions, the tangible personal property to another person, but not if incidental to the renting or leasing of real estate.

“(3) A sale of tangible personal property to any purchaser who is purchasing the tangible personal property for the purpose of subsequently transferring it within the geographical limits of the United States of America, its territories and possessions, as an integral part of a taxable service.

“(4) A sale of a taxable service performed on any tangible personal property that is held by the purchaser of the taxable service for resale.”

Sec. 12. Section (U), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(U) Manufacturing. ‘Manufacturing’ shall mean and include every operation commencing with the first production stage of any article of tangible personal property and ending with the completion of tangible personal property having the physical properties (including packaging, if any) which it has when transferred by the manufacturer to another. ‘Manufacturing’ shall include the production of telephone and telegraph services.”

Sec. 13. Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is

amended by adding Section (V) to read as follows:

“(V) Taxable Services. ‘Taxable Services’ means:

“(1) intrastate telephone service to a regular subscriber, including local and long distance calls whether furnished on a flat rate or measured basis, and including the lease or use of telephone lines, wires or equipment;

“(2) transmitting an intrastate message by telegraph;

“(3) laundry and dry cleaning services, including dyeing and storage of property;

“(4) repairs, maintenance, and other services performed on or for household appliances, including electrical appliances, major appliances, radios, television sets, refrigerators, and washing and drying machines, and repairing and upholstering furniture;

“(5) repairs, maintenance, and all other services performed on clocks, watches, and jewelry; and

“(6) repairs, maintenance, and all other services performed on or for motor vehicles, including washing, polishing, waxing, lubricating, and parking, except metered parking and other parking services performed by any city, governmental agency, or political subdivision.”

Sec. 14. Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Sections (W) and (X) to read as follows:

“(W) Taxable Items. ‘Taxable Items’ means tangible personal property, and taxable services.

“(X) Motor Vehicles. ‘Motor Vehicle’ means every self-propelled vehicle in or by which any person or property is or may be transported upon a public highway, including trailers and semitrailers. ‘Motor Vehicle’ does not include any device moved only by human power or used exclusively upon stationary rails or tracks and does not include farm machinery or farm trailers or road building machinery or any self-pro-

pelled vehicle used exclusively to move farm machinery or farm trailers or road building machinery.

Sec. 15. Article 20.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 4, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“Article 20.02. Imposition of Limited Sales Tax

“There is hereby imposed a limited sales tax at the rate of three and one-half per cent (3-1/2%) on the receipts from the sale at retail of all taxable items within this State.”

Sec. 16. Section (A), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 5, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed FOB the seller's place of business, and which shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed transportation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$.01 to \$.13	No Tax
.14 to .41	.01
.42 to .69	.02
.70 to .97	.03
.98 to 1.25	.04
1.26 to 1.53	.05
1.54 to 1.81	.06
1.82 to 2.14	.07

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying three and one-half per cent (3-1/2%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

"When several taxable items are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or item of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

"The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited."

Sec. 17. Subsection (1), Section (B), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) It is unlawful for any retailer to advertise or to hold out or to state to the public or to any customer, either directly or indirectly, that the tax or any part thereof will be assumed or absorbed by him or that any part of it will be refunded or that it will not be added to the selling price of the taxable items sold. Provided, however, that this Section (B) does not prohibit any utility from billing its customers in one lump sum covering the utility sales price plus the tax imposed by this Chapter."

Sec. 18. Section (F), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(F) Presumption of Taxability: Resale Certificate. For the purpose of the proper administration of this Chapter and to prevent evasion of the

limited sales tax it shall be presumed that all gross receipts are subject to the tax until the contrary is established.

"The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the tangible personal property is purchased for the purpose of reselling, leasing or renting it in the regular course of business or for the purpose of subsequently transferring it as an integral part of a taxable service rendered in the regular course of business."

Sec. 19. Section (G), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(G) Effect of Resale Certificate. The resale certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling, leasing or renting taxable items. A resale certificate may be given by a purchaser, who at the time of purchasing the tangible personal property, intends to sell, lease or rent it in the regular course of business, transfer it as an integral part of a taxable service in the regular course of business or is unable to ascertain at the time of purchase whether the tangible personal property will be resold, leased, rented, or transferred in the regular course of business or will be used for some other purpose."

Sec. 20. Subdivision (1), Section (H), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) The certificate shall:

"(a) Be signed by and bear the name and address of the purchaser.

"(b) Indicate the number of the permit issued to the purchaser or that an application for such permit is pending before the Comptroller.

"(c) Indicate the general character of the tangible personal property sold, leased, or rented by the purchaser in the regular course of business, or transferred as an integral part of a taxable service rendered in the regular course of business."

Sec. 21. Section (I), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(I) Liability of Purchaser Giving Resale Certificate. If a purchaser who gives a resale certificate makes any use of the tangible personal property other than retention, demonstration or display while holding it for sale, lease or rental in the regular course of business or for transfer as an integral part of a taxable service in the regular course of business, the use shall be taxable to the purchaser as of the time when the tangible personal property is first so used, and the sales price of the tangible personal property to him shall be deemed the measure of the tax."

Sec. 22. Section (J), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(J) Improper Use of Resale Certificates. Any person who gives a resale certificate to the seller for tangible personal property which he knows, at the time of purchase, is purchased for the purpose of use rather than for the purpose of resale, lease or rental by him in the regular course of business or for transfer by him as an integral part of a taxable service rendered in the regular course of business is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(B) of this Chapter."

Sec. 23. Section (M), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(M) Refunds and Allowances. Credit shall be allowed to the retailer for taxes paid on the amount of any

refunds or credits allowed to a purchaser as a result of a bona fide renegotiation of a sales price. Such renegotiation shall include agreements by which the seller refunds or allows credit for any amount in satisfaction for an alleged breach of warranty with respect to taxable items previously sold by him to the person with whom said agreement is made."

Sec. 24. Article 20.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 6, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"Article 20.03. Imposition and Rate of Use Tax

"(A) An excise tax is hereby imposed on the storage, use or other consumption in this State of tangible personal property purchased, leased or rented from any retailer on or after September 1, 1961, for storage, use or other consumption in this State, at the rate of three and one-half percent (3½%) of the sales price of the property, or in the case of leases or rentals, of said lease or rental prices.

"(B) An excise tax is hereby imposed on the use or consumption in this State of taxable services purchased on or after January 1, 1970, for use or consumption in this State at the rate of three and one-half percent (3½%) of the sales price of the taxable service."

Sec. 25. Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding an Article 20.031 to read as follows:

"Article 20.031. Administration and Enforcement of Use Tax

"(A) Liability for Use Tax: Extinguishment of Liability. Every person storing, using or otherwise consuming in this State taxable items purchased from a retailer or leased or rented from another person for such purpose is liable for the tax. His liability is not extinguished until the tax has been paid to this State, except that a receipt from a retailer engaged in business in this State or from a retailer who is authorized by the Comptroller, under such rules

and regulations as he may prescribe, to collect the tax and who is, for the purposes of this Chapter relating to the use tax regarded as a retailer engaged in business in this State, given to the purchaser pursuant to paragraph (B) of this Article is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

“(B) Collection by Retailer: Purchaser’s Receipt. Every retailer engaged in business in this State and selling, leasing or renting taxable items for storage, use, or other consumption in this State shall at the time of making the sale collect any use tax which may be due from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Comptroller.

“‘Retailer engaged in business in this State’ as used in this Section (B) and the preceding Section (A) means and includes any of the following:

“(1) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

“(2) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any taxable items.

“(C) Assumption, Absorption of Tax by Retailers, Unlawful Advertising. It is unlawful for any retailer to advertise or to hold out or to state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling, renting, or leasing price of the taxable item sold, rented or leased, or that it or any part thereof will be refunded.

“(D) Unlawful Acts. Any person convicted of violating paragraphs (B) or (C) of this Article shall be guilty of a misdemeanor and shall suffer the penalties set forth in Article 20.12(D) of this Chapter.

“(E) Registration of Retailers. Every retailer selling, leasing or renting taxable items for storage, use or other consumption in this State shall register with the Comptroller and give:

“(1) The names and addresses of all agents operating in this State.

“(2) The location of all distribution or sales houses or offices or other places of business in this State.

“(3) Such other information as the Comptroller may require.

“(F) Presumption of Purchase for Use: Resale Certificate. For the purpose of the proper administration of this Chapter and to prevent evasion of the use tax and of the duty to collect the use tax, it shall be presumed that tangible personal property sold, leased or rented by any person for delivery in this State is sold, leased or rented for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who sells, leases or rents the property unless he takes from the purchaser a certificate to the effect that the tangible personal property is purchased for resale, leasing, or renting.

“(G) Effect of Resale Certificate. The resale certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling taxable items. A resale certificate may be given by a purchaser who, at the time of purchasing the tangible personal property, intends to sell, lease or rent it in the regular course of business, transfer it as an integral part of a taxable service rendered in the regular course of business or is unable to ascertain at the time of purchase whether the tangible personal property will be sold, leased or rented or will be used for some other purpose.

“(H) Form and Contents of Resale Certificate.

“(1) The certificate shall:

“(a) Be signed and bear the name and address of the purchaser.

"(b) Indicate the number of the permit issued to the purchaser or that an application for such permit is pending before the Comptroller.

"(c) Indicate the general character of the tangible personal property sold, leased or rented by the purchaser in the regular course of business or transferred as an integral part of a taxable service rendered in the regular course of business.

"(2) The certificate shall be substantially in such form as the Comptroller may prescribe.

"(I) Liability of Purchaser Giving Resale Certificate; Use of Article Bought for Resale. If a purchaser who gives a resale certificate makes any use of the tangible personal property other than retention, demonstration or display while holding it for sale, lease or rental, in the regular course of business or for transfer as an integral part of a taxable service rendered in the regular course of business, the use shall be taxable to the purchaser as of the time when the tangible personal property is first so used, and the sale price of the property to him shall be deemed the measure of the tax.

"(J) Improper Use of Resale Certificates. Any person who gives a resale certificate to the seller for tangible personal property which he knows, at the time of purchase, is purchased for the purpose of use rather than for the purpose of resale, lease or rental by him in the regular course of business or for transfer as an integral part of a taxable service rendered in the regular course of business is guilty of a misdemeanor and shall upon conviction suffer the penalty set forth in Article 20.12(B) of this Chapter.

"(K) Resale Certificate: Commingled Fungible Goods. If a purchaser gives a resale certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods covered by the resale certifi-

cate until a quantity of commingled goods equal to the quantity of such goods so commingled has been sold.

"(L) Presumption of Purchase from Retailer. It shall be further presumed in the absence of evidence to the contrary, that tangible personal property shipped or brought to this State by the purchaser after the effective date of this Chapter was purchased from a retailer on or after the effective date of this Chapter for storage, use or other consumption in this State, and that taxable services consumed in this State after January 1, 1970, were purchased from a retailer on or after January 1, 1970, for use or consumption in this State."

Sec. 26. Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 2, H. B. No. 129, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

"Article 20.04. Exemptions

"(A) 'Exempted from taxes imposed by this Chapter' means exempted from the computation of the amount of the taxes imposed.

"(B) Exemption Certificates. If a purchaser certifies in writing to a seller that the taxable items purchased will be used in a manner or for a purpose entitling the seller to regard the receipts from the sale as exempted by this Chapter from the computation of the amount of the limited sales tax, and if the purchaser then uses the taxable items in some other manner or for some other purpose, the purchaser shall be liable for payment of the limited sales tax as if he were a retailer making a retail sale of the taxable items at the time of the use, and the cost of the taxable items to him shall be deemed the receipts from such retail sale for the purpose of determining the amount of tax for which he is liable.

"Any person who gives an exemption certificate to the seller for taxable items which he knows, at the time of purchase, will be used in a manner other than that expressed in the exemption certificate is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(B) of this Chapter.

"(C) Constitution and Statutory Exemptions. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of and the storage, use or other consumption in this State of taxable items the gross receipts from the sale, lease or rental of which, or the storage, use or other consumption of which, this State is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this State.

"(D) Items Taxed Under Existing Statutes.

"(1) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental, production or distribution, or the storage, use or other consumption in this State of:

"(a) oil as taxed under the provisions of Chapter 4 of this Title;

"(b) sulphur as taxed under the provisions of Chapter 5 of this Title;

"(c) cigarettes as defined and taxed under the provisions of Chapter 7 of this Title;

"(d) cigars and tobacco products as defined and taxed under the provisions of Chapter 8 of this Title;

"(e) motor fuels as defined, taxed or exempted under the provisions of Chapter 9 of this Title;

"(f) special fuels as defined, taxed or exempted under the provisions of Chapter 10 of this Title;

"(g) cement as taxed under the provisions of Chapter 18 of this Title; and

"(h) motor vehicles, trailers and semitrailers as defined, taxed or exempted under the provisions of Chapter 6 of this Title.

"(2) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, production, distribution or the storage, use or other consumption in this State of alcoholic beverages, including distilled spirits, beer, ale and wine, subject to a tax imposed by the Texas Liquor Control Act, as amended; except that any such alcoholic

beverages shall be taxable when, and only when, consumed with food as a part of a meal served on or off the premises of the vendor for consumption at tables, chairs or counters or from trays, glasses, dishes or other tableware provided by the vendor.

"(3) There are exempted from the taxes, imposed by this Chapter the receipts from the sale, production, distribution, lease or rental of and the storage, use or other consumption in this State of water.

"(E) Property Used in Manufacturing, Packaging and Containers.

"(1) Tangible Personal Property Used in Manufacturing. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this State of:

"(a) tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed or fabricated for ultimate sale at retail within or without this State; and

"(b) tangible personal property used or consumed in or during any phase of such actual manufacturing, processing or fabricating operation, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operations. Chemicals, catalysts, and other materials which are used during such operations and which are used for the purpose of producing or inducing a chemical or physical change during such operations or for removing impurities or otherwise placing a product in a more marketable condition are included within the exemption, as are other articles of tangible personal property used in such a manner as to be necessary or essential in the actual manufacturing, processing, or fabricating operations. The exemption provided herein does not include the following:

"(i) machinery, equipment and replacement parts and accessories therefor, having a useful life when new in excess of six (6) months;

"(ii) machinery, equipment, mater-

ials and supplies used in a manner that is merely incidental to the manufacturing, processing or fabricating operation such as intraplant transportation equipment, and maintenance and janitorial equipment and supplies;

“(iii) hand tools such as hammers, wrenches, saws, etc.; and

“(iv) tangible personal property used by a manufacturer, processor or fabricator in any activities other than the actual manufacturing, processing or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research and development of new products, or in transportation activities.

“(2) Wrapping, Packing and Packaging Supplies.

“(a) There are exempted from the taxes imposed by this Chapter the receipts from sales of all internal and external wrapping, packing, and packaging supplies and materials to any person for use in wrapping, packing or packaging any tangible personal property for the purpose of expediting or furthering in any way the sale of that property.

“(b) For the purpose of this Section, wrapping, packing and packaging supplies shall include, but shall not be limited to:

“(1) Wrapping paper, wrapping twine, bags, cartons, crates, crating materials, tape, rope, labels, staples, glue and mailing tubes.

“(2) Property used inside a package in order to shape, form, preserve, stabilize or protect the contents, such as, but not limited to, excelsior, straw, cardboard fillers, separators, shredded paper, ice, dry ice, cotton batting, shirt boards, hay and laths.

“(3) Containers.

“(a) There are exempted from the taxes imposed by this Chapter the receipts of sales, leases, or rentals of, and the storage, use or other consumption in this State of:

“(1) Nonreturnable containers when sold without the contents to persons

who place the contents in the container and sell the contents together with the container.

“(2) Containers when sold with the contents if the sale price of the contents is not required to be included in the measure of the taxes imposed by this Chapter.

“(3) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

“(b) As used in this Article, the term ‘returnable containers’ means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are ‘nonreturnable containers.’

“(F) Certain Meals and Food Products. There are exempted from the taxes imposed by this Chapter the receipts from the sale of, and the storage, use or other consumption in this State of:

“(1) Meals and food products (including soft drinks and candy) for human consumption served by public or private schools, school districts, student organizations, or Parent-Teacher Associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school during the regular school day.

“(2) Meals and food products (including soft drinks and candy) for human consumption when sold by a church or at a function of said church.

“(3) Meals and food products (including soft drinks and candy) for human consumption when served to patients and inmates of hospitals and other institutions licensed by the State for the care of human beings.

“(G) Interstate Shipments.

“(1) Property Shipped Outside State Pursuant to Sales Contract; Delivery by Retailer. There are exempted from the taxes imposed by this Chapter receipts from any sale of tangible personal property which, pursuant to the contract of sale, is shipped to a point outside this State by the retailer by means of:

“(a) facilities operated by the retailer;

“(b) delivery by the retailer to a carrier for shipment to a consignee at such point; or

“(c) delivery by the retailer to a customs broker or forwarding agent for shipment outside this State.

“(2) Common Carriers. There are exempted from the computation of the limited sales tax, the receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this State and the tangible personal property is actually transported to the out-of-State destination for use by the carrier in the conduct of its business as a common carrier outside the State of Texas.

“(3) Special Use Tax Exemption. The use tax imposed herein shall not apply to:

“(a) The use, in this State, of tangible personal property which is acquired outside this State and which is moved into this State for use as a licensed and certificated carrier of persons or property.

“(b) The temporary storage in this State of tangible personal property which is acquired outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property which is used solely outside this State.

“(c) The storage, use or consumption of tangible personal property which is acquired outside this State, the sale, lease or rental or the storage, use or consumption of which tangible personal property would be exempt from the limited sales or use tax were it purchased within this State.

“(d) The storage and use, in this State, of tangible personal property acquired outside this State for use as a repair or replacement part for

and actually affixed in this State to a self-propelled vehicle which is a licensed and certificated common carrier of persons or property.

“(H) United States; State; Political Subdivisions; Religious, Eleemosynary Organizations. There are exempted from the computation of the amount of the taxes imposed by this Chapter, the receipts from the sale, lease or rental of any taxable items to, or the storage, use or other consumption of taxable items by:

“(1) The United States, its unincorporated agencies and instrumentalities.

“(2) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

“(3) The State of Texas, its unincorporated agencies and instrumentalities.

“(4) Any county, city, special district or other political subdivision of this State.

“(5) Any organization created for religious, educational, charitable or eleemosynary purposes, provided that no part of the net earnings of any such organization inures to the benefit of any private shareholder or individual.

“(I) Occasional Sales. There are exempted from the taxes imposed by this Chapter the receipts from the occasional sales of taxable items and the storage, use or other consumption in this State of taxable items the sale of which to the consumer constitutes an occasional sale or the sale of which to the consumer is made by way of an occasional sale.

“(J) Use Tax: Reciprocal Credit for Similar Taxes Paid Elsewhere. There shall be allowed as a credit to any taxpayer against the use tax imposed by this chapter upon any taxable item, the amount of any like tax paid by that taxpayer in another state, territory or possession of the United States of America with respect to the sale, purchase or use of the items; provided that such other

states, territories, or possessions provided for a similar tax credit for taxpayers of this State.

“(K) Use Tax Inapplicable When Limited Sales Tax Applies or When Use Tax Previously Paid. The storage, use or other consumption in this State of taxable items, the receipts from the sale, lease, rental or use of which are required to be included in the measure of the limited sales tax, or taxable items upon which a use tax has been paid by the taxpayer using said taxable items, is exempted from the use tax imposed by this Chapter.

“(L) Food and Food Products for Human Consumption. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of, food products for human consumption.

“(1) ‘Food products’ shall include, except as otherwise provided herein, but shall not be limited to, cereals and cereal products; milk and milk products, including ice cream; oleo-margarine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices, condiments and salt; sugar and sugar products; coffee and coffee substitutes; tea, cocoa products; or any combination of the above.

“(2) ‘Food products’ shall not include:

“(a) Medicines, tonics, vitamins and medicinal preparations in any form.

“(b) Carbonated and noncarbonated packaged soft drinks and diluted juices where sold in liquid or frozen form; and ice and candy.

“(c) Foods and drinks (which include meals, milk and milk products, fruits and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared or sold ready for immediate consumption in or by restaurants, drug stores, lunch counters, cafeterias, hotels or like places of business or sold ready

for immediate consumption from push carts, motor vehicles, or any other form of vehicle. Provided, however, that food and drinks purchased by a common carrier for the purpose of serving passengers traveling en route aboard such carriers shall be exempt.

“(M) Drugs, Medicines, Prosthetic Devices. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of insulin and of drugs and medicines when prescribed or dispensed for humans or animals by a licensed practitioner of the healing arts. There are also exempted from the taxes imposed by this Chapter, the receipts from sales of and the storage, use or other consumption of braces, spectacles, hearing aids, orthopedic and dental prosthetic appliances, and replacement parts designed specifically for such products.

“(N) Animal Life; Feed; Seeds; Plants; Fertilizer. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of:

“(1) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Horses, mules and work animals.

“(2) Feed for farm and ranch animals and for animals which are held for sale in the regular course of business.

“(3) Seeds and annual plants the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business.

“(4) Fungicides, insecticides, herbicides, defoliant and desiccants exclusively used or employed on farms or ranches in the production of food for human consumption, feed for any form of animal life, or other agricultural products to be sold in the regular course of business.

“(5) Fertilizer.

“(6) Machinery or equipment ex-

clusively used or employed on farms or ranches in the production of food for human consumption, production of grass, the building or maintaining of roads and water facilities, feed for any form of animal life, or other agricultural products to be sold in the regular course of business.

“(O) Sale for Resale: Leasing or Renting.

“(1) There are exempted from the taxes imposed by this Chapter the receipts from all sales for resale, leasing, renting or for transfer as an integral part of a taxable service rendered in the regular course of business.

“(2) However, if a person purchases tangible personal property for the purpose of leasing or renting it to another person, and if he later sells it by means of an occasional sale before he has collected and paid to this State as much tax on the rental or lease charges as would have been due and payable to this State had he not purchased the tangible personal property for the purpose of so renting and leasing it, he shall, at the time of his occasional sale of said tangible personal property include in his receipts from taxable sales the amount by which his purchase price exceeded the amount of rents collected by him on said tangible personal property.

“(3) When a lessor makes a retail sale of leased tangible personal property to a lessee of that tangible personal property under an agreement whereby certain rental payments are credited against the purchase price of that tangible personal property, he need not collect or pay any tax on the sale price to the extent that he has collected and paid on such rental payments.

“(P) Vessels.

“(1) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials, equipment and machinery which enter into and become component parts of ships, vessels, including commercial fishing vessels, or barges, of fifty (50) tons displacement and over, built

in this State, and the receipts from the sale of such ships, vessels, or barges when sold by the builder thereof.

“(2) The taxes imposed by this Chapter shall not apply to the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials and supplies purchased by the owners or operators of ships or vessels operating exclusively in foreign or interstate coastwise commerce, where such materials and supplies are loaded upon the ship or vessel for use or consumption in the maintenance and operation thereof; or to materials and supplies used in the repair of such ships and vessels where such materials and supplies enter into and become a component part of such ships or vessels.

“(3) The taxes imposed by this Chapter shall not apply to the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of drilling equipment used in the exploration for or production of oil, gas, sulphur, or other minerals when such equipment is built for exclusive use outside the boundaries of the State and is removed forthwith from the State upon completion.

“(Q) Certain Aircraft. There are exempted from the taxes imposed by this Chapter the receipts from the sale, use, storage, lease or other consumption of aircraft sold to persons using such aircraft as certificated or licensed carriers of persons or property, or sold to any foreign government or sold to persons who are not residents of this State.

“(R) Gas and Electricity. There are exempted from the taxes imposed by this Chapter the sale, production, distribution, lease or rental of and the storage, use or other consumption in this State of gas and electricity except when sold for residential use or commercial use.

“For the purpose of this subsection, the terms ‘residential use’ and ‘commercial use’ shall have the following meanings:

“‘Residential use’ means use in a family dwelling or building or por-

tion thereof occupied as the home, residence, or sleeping place of one or more persons.

“‘Commercial use’ means use by persons engaged in selling, warehousing or distributing a commodity or service, either professional or personal.

“The term ‘commercial use’ specifically does not include use by persons engaged in: (1) processing tangible personal property for sale as tangible personal property; (2) exploration for or production and transportation of a material extracted from the earth; (3) agriculture, including dairy or poultry operations and pumping water for farm and ranch irrigation; or (4) electrical processes such as electroplating, electrolysis and cathodic protection.

“(S) Rolling Stock. There are exempted from the taxes imposed by this Chapter receipts from any sale, use, storage or other consumption of locomotive and rolling stock, including fuel or supplies essential to the operation of locomotives and trains.

“(T) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this State of books consisting wholly of writings sacred to any religious faith and religious periodicals published or distributed by any religious faith consisting wholly of writings promulgating the teachings of such faith.

“(U) Vending Machine Sales. (1) There are exempted from the taxes imposed by this Chapter the receipts from the sale of tangible personal property when sold through a coin-operated vending machine for a total consideration of sixteen cents (16¢) or less.

“(2) There are exempted from the taxes imposed by this Chapter the receipts from the sale of telephone service paid for by inserting coins in coin-operated telephones.

“(V) Transfers Without Substantial Change in Ownership. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this

State, pursuant to the terms of a good faith bona fide contractual relationship, of an interest in tangible personal property to a partner, co-owner or other person who before or after such a sale owns a joint or undivided interest (with the seller) in such tangible personal property where the Texas Limited Sales, Excise and Use Tax has previously been paid on such tangible personal property.

“(W) Casing, Drill Pipe, Tubing, and Other Pipe. There are exempted from the taxes imposed by this Chapter, the receipts from the sale, lease, or rental in this State of casing, drill pipe, tubing, and other pipe to be used in exploration for or production of oil, gas, sulphur, and other minerals offshore outside the territorial limits of the State.

“(X) Property for Use in Offshore Exploration and Production. (a) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental in this State of tangible personal property for use exclusively in the exploration for or the production of oil, gas, sulphur, or other minerals offshore and outside the territorial limits of the State.

“(b) The property described in Subdivision (a) of this section may be delivered to the purchaser or lessee in this State and removed by means of his own facilities or by any other means beyond the territorial limits of the State.

“(c) Receipts from the sale, lease or rental of property described in Subdivision (a) of this section are exempt when the property is shipped to any place in the State for further assembly or fabrication, and receipts from the sale, lease or rental of such property made upon completion of the assembly or fabrication are exempt if the property is forthwith removed beyond the territorial limits of the State.

“(Y) Contracts with Exempt Organizations. There are exempted from the computation of the amount of taxes imposed by this Chapter, the receipts from the sale, lease or rental of any tangible personal property to, or the storage, use or other consumption of tangible personal property by, any contractor for the performance of a contract for the improvement of

realty for an exempt organization as defined in Section 20.04(H) of this Chapter or otherwise exempt from the taxes imposed by this Chapter to the extent of the value of the tangible personal property so used or consumed or both in the performance of such contract."

Sec. 27. Section (B), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 7, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"(B) Method Retailer Is To Use in Computing Tax. The limited sales tax levied under Article 20.02 shall be computed and paid to the Comptroller on the basis of three and one-half per cent, (3½%) of all receipts from the total sales of taxable tangible personal property and taxable services sold by the retailer; provided any retailer who can establish to the satisfaction of the Comptroller that fifty per cent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is thirteen cents (13¢) or less may exclude the receipts from such sales when reporting and paying the tax imposed by Article 20.02 of this Chapter. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the Limited Sales, Excise and Use Tax and the retailer shall be subject to assessment for back taxes, penalties and interest as provided for in this Chapter."

Sec. 28. Subsection 2, Section (C), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 770, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

"(2) For purposes of the limited sales tax a return shall be filed by every person subject to the tax. For purposes of the use tax a return shall be filed by every retailer engaged in business in the State and by every person who has purchased taxable items, the storage, use or other consumption of which is subject to the use tax, but who has not paid the use tax due to a retailer required to collect the tax."

Sec. 29. Section (D), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(D) Contents of Return.

"(1) For the purposes of the limited sales tax, the return shall show the sale or receipts of the retailer or seller during the preceding reporting period. For purposes of the use tax, in case of a return filed by a retailer, the return shall show the total receipts from sales of taxable items sold by him during the preceding reporting period which was purchased for the purpose of storage, use or consumption in this State.

"(2) Gross proceeds from taxable rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the Comptroller may prescribe.

"(3) In case of a return filed by the purchaser, the return shall show the total sales price of the taxable items purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period.

"(4) The return shall also show the amount of the taxes for the period covered by the return and such other information as the Comptroller deems necessary for the proper administration of this Chapter."

Sec. 30. Subsection 2, Section (I) Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(2) Notwithstanding any other provision of this Chapter, any vendor whose taxable receipts from the sale of taxable items are less than ten per cent (10%) of his total receipts may elect to report his taxable receipts from the sale of taxable items by the method set forth by paragraph (a) of subsection (1) of this Section (I) irrespective of the fact that such vendor may not fall within the definition of the term 'retail grocer' as that term is defined by paragraph (c) of subsection (1) of this Section (I)."

Sec. 31. Section (J), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 11, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"(J) Commingled Tax and Receipts. Any retailer who establishes an accounting system under which the amount of tax collected pursuant to this Chapter is commingled with the receipts from the sale of taxable items may determine taxable receipts in the following manner:

"(1) He shall subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Chapter. The remainder shall consist of the receipts from the sale of taxable items plus the tax collected pursuant to the provisions of this Chapter.

"(2) This remainder shall then be divided by 1.04. The answer resulting shall be the taxable gross receipts of the retailer for reporting purposes as prescribed by Section (B) of this Article.

"The sole purpose of this Section is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the State a tax computed upon a base which already includes the tax imposed by this Chapter. Nothing herein shall be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by Article 20.021 of this Chapter."

Sec. 32. Section (K), Article 20.05, Title 122A, Taxation-General, Revis-

ed Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(K) Direct Payment Procedure Authorized. The Comptroller shall establish a system of direct payment which shall be applicable to those consumers who meet the qualifications set forth in this Section and who, after approval by the Comptroller, are issued a direct payment permit. The holder of a direct payment permit may issue to all of the vendors or sellers from whom purchases of taxable items are made a blanket exemption certificate covering all future purchases made by the direct payment permit holder and such certificate shall show the number of the direct payment permit and shall specify that the direct payment permit holder agrees to accrue and pay to the State of Texas all taxes which are or may in the future be due on taxable items purchased pursuant to exemption certificate.

"(1) Direct payment permits may be issued by the Comptroller after receipt of a written application for such a permit. The application shall be accompanied by:

"(a) Records establishing the fact that the applicant is a responsible person annually purchasing taxable items having a value when purchased equal to or in excess of Two Hundred Thousand Dollars (\$200,000) exclusive of any purchase for which a resale certificate authorized by Article 20.021(F) of this Chapter can be or could have been issued.

"(b) A description, in such detail as the Comptroller may require, of the accounting methods by which the applicant proposes to differentiate between taxable and exempt purchases.

"(c) An agreement, in a form prescribed by the Comptroller and signed by the applicant or, if a corporation, by a responsible officer thereof, under which the applicant agrees to accrue and pay all taxes imposed by Article 20.03 of this Chapter on all purchases not specifically exempted by Article 20.04 of this Chapter. The agreement shall stipulate that the applicant agrees to remit the taxes due quarterly on or before the

last day of the month next succeeding each quarterly period. Such agreement shall also stipulate that the applicant agrees to waive any claim for the discount authorized by Article 20.05(E) of this Chapter on any tax paid by him pursuant to a direct payment permit, provided, however, that if the applicant holds a valid seller's permit issued under the provisions of Article 20.021(C) of this Chapter he shall continue to be entitled to claim the discounts authorized on sales made pursuant to such seller's permit.

"(2) A direct payment permit shall be issued to any applicant who meets, to the satisfaction of the Comptroller, the qualifications set forth in subsection (1) of this Section. The Comptroller shall be the sole judge of whether such qualifications have been met and refusal by the Comptroller to issue a direct payment permit shall not be appealable. Any applicant may, however, request an opportunity to submit an amended application or if denied a direct payment permit, after a reasonable length of time, he may submit a new application.

"(3) Persons holding direct payment permits hold them as a matter of revocable privilege and not as a matter of right and the Comptroller may, upon his own initiative and with reasonable notice, cancel any direct payment permit. A cancellation shall not be appealable. The Comptroller shall notify a direct payment permit holder that his permit has been cancelled by registered mail and, immediately upon receipt of such notification, the direct payment permit holder shall contact all of the vendors or sellers from whom purchases of taxable items are made and notify them that the exemption certificates issued to them pursuant to the direct payment permit are no longer valid. Failure of a person to so notify the vendors or sellers from whom purchases of taxable items are made of the cancellation of a direct payment permit shall be considered as a failure and refusal to pay the Limited Sales, Excise and Use Tax by the person required to issue such notices.

"(4) Any direct payment permit holder may voluntarily relinquish such permit by notifying the Comptroller of his desire to relinquish such permit. Such voluntary relinquish-

ment of a direct payment permit shall not be effective until a termination notice is issued by the Comptroller. Immediately upon receipt of the Comptroller's termination notice, the direct payment permit holder shall contact all of the vendors or sellers from whom purchases of taxable items are made and notify them that the exemption certificates issued to them pursuant to the direct payment permit are no longer valid. Failure of a person to so notify the vendors or sellers from whom purchases of taxable items are made of the voluntary relinquishment of a direct payment permit shall be considered as a failure and refusal to pay the Limited Sales, Excise and Use Tax by the person required to issue such notice."

Sec. 33. Section (C), Article 20.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(C) Notice of Comptroller's Determination; Service.

"(1) The Comptroller shall give to the retailer or person storing, using or consuming taxable items written notice of his determination.

"(2) The notice may be served personally or by mail; if by mail, the notice shall be addressed to the retailer or person storing, using or consuming taxable items at his address as it appears in the records of the Comptroller.

"(3) In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office."

Sec. 34. Subsection 2, Section (D), Article 20.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(2) The limitation specified in this Article does not apply in case of a limited sales tax proposed to be determined with respect to sales of taxable items for the storage, use or

other consumption of which notice of a deficiency determination has been or is given pursuant to paragraphs (C), (D) (1) and (G) of this Article, and paragraph (B) of Article 20.07. The limitation specified in this Article does not apply in case of an amount of use tax proposed to be determined with respect to storage, use or other consumption of taxable items for the sale of which notice of a deficiency determination has been or is given pursuant to paragraphs (C), (D) (1), and (G) of this Article, and paragraph (B) of Article 20.07 and to subparagraph 1 of this paragraph."

Sec. 35. Subsection 1, Section (E), Article 20.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) If any person fails to make a return, the Comptroller shall make an estimate of the receipts of the person, or, as the case may be, of the amount of the total sales, rent or lease price of taxable items sold, rented or leased or purchased, by the person, the storage, use or other consumption of which in this State is subject to the use tax. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the Comptroller's possession or may come into his possession upon the basis of this estimate, the Comptroller shall compute and determine the amount required to be paid to the State, adding to the sum thus arrived at a penalty equal to ten per cent (10%) thereof. One or more determinations may be made for one or for more than one period."

Sec. 36. Sections (C) and (D), Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(C) Records to be Kept by Sellers, Retailers and Others.

"(1) Every seller, every retailer,

and every person storing, using or otherwise consuming in this State taxable items purchased from a retailer shall keep such records, receipts, invoices and other pertinent papers in such form as the Comptroller may reasonably require.

"(2) Every such seller, retailer or person shall keep such records for not less than four (4) years from the making of such records unless the Comptroller in writing sooner authorizes their destruction.

"(D) Examination of Records; Investigation of Business. The Comptroller, or any person authorized in writing by him, may examine the books, papers, records and equipment of any person selling taxable items and any person liable for the use tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid."

Sec. 37. Section (F), Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(F) Reports for Administering Use Tax: Contents. In administration of the use tax, the Comptroller may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of taxable items, the storage, use or other consumption of which is subject to the tax. The report shall:

"(1) Be filed when the Comptroller requires.

"(2) Set forth the names and addresses of purchasers of the tangible personal property, the sales price of the property, the date of sale, and such other information as the Comptroller may require."

Sec. 38. Section (B), Article 20.12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(B) Penalty for Improper Use of Resale Certificate. Any person who gives a resale certificate to the seller for property which he knows, at the time of purchase, is purchased for the purpose of use rather than the purpose of resale, lease or rental by him in the regular course of business or for transfer as an integral part of a taxable service in the regular course of business, is guilty of a misdemeanor and such person shall upon conviction be fined not more than Five Hundred Dollars (\$500) for each conviction."

Sec. 39. Subsection B, Section 2, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The sales tax portion of any local sales and use tax adopted under this Section is hereby imposed at the rate of one percent (1%) on the receipts from the sale at retail of all taxable items within any city adopting such tax which items are subject to taxation by the State of Texas under the provisions of the Limited Sales, Excise and Use Tax Act, as enacted, and as heretofore or hereafter amended."

Sec. 40. Subdivision (2), Subsection K, Section 2, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as last amended by Section 8, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(2) When such Limited Sales, Excise and Use Tax imposed by the State of Texas shall be at the rate of four percent (4%) on the receipts from the sale at retail of all taxable items within this State which is subject to such tax, and the Local Sales and Use Tax imposed in any city under authority of this Act shall be at the rate of one percent (1%) on the receipts from the sale of all taxable items within such city which is subject to such tax, the total gross rate of such combined taxes in such city shall be at the rate of four and one-half percent (4½%) on combined taxes in such city on the receipts from the sale of all tangible personal property within such city which is

subject to such taxes. When the sale price shall involve a fraction of a dollar, the taxes shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$.00 to \$.11	No Tax
.12 to .33	\$.01
.34 to .55	.02
.56 to .77	.03
.78 to .99	.04
1.00 to 1.22	.05
1.23 to 1.44	.06
1.45 to 1.66	.07
1.67 to 1.88	.08
1.89 to 2.11	.09

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying four and one-half percent (4-1/2%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

"Provided, however, that any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is eleven cents (\$.11) or less may exclude the receipts from such sales when reporting and paying the tax imposed under this Act and the Limited Sales, Excise and Use Tax imposed by the State of Texas. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the taxes imposed by this Act and the Limited Sales, Excise and Use Tax Act and the retailer shall be subject to assessment for both taxes, penalties and interest as provided for in this Act and

the Limited Sales, Excise and Use Tax Act."

Sec. 41. Section 5, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. On and after the effective date of any tax imposed under the provisions of this Act, the Comptroller shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the Comptroller shall collect, in addition to the Limited Sales, Excise and Use Tax for the State of Texas, an additional tax under the authority of this Act of one percent (1%) on the receipts from the sale at retail or on the sale price or lease or rental price on the storage, use, or other consumption of all taxable items within such city which property is subject to the State Limited Sales, Excise and Use Tax Act. The tax imposed hereunder and the tax imposed under the Limited Sales, Excise and Use Tax Act shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the Comptroller. On and after the effective date of any proposition to abolish such local sales and use tax in any city, the Comptroller shall comply therewith as provided in this Act."

Sec. 42. Subdivision 1, Subsection B, Section 6, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. (1) For the purposes of the local sales tax imposed by this Act, all retail sales, leases and rentals, except sales of natural gas or electricity, are consummated at the place of business of the retailer unless the tangible personal property sold, leased, or rented is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination or the taxable service is to be performed at an out-of-state location. In the event the retailer has no permanent place of business in the State, the place or places at which the retail sales, leases, or rentals are consummated for the purposes of

the tax imposed by this Act shall be determined under rules and regulations prescribed by the Comptroller. If the retailer has more than one place of business in the State, the place or places at which retail sales, leases, and rentals are consummated shall be the retailer's place or places where the purchaser or lessee takes possession and removes from the retailer's premises the articles of tangible personal property, or if the retailer delivers the tangible personal property to a point designated by the purchaser or lessee, then the sales, leases, or rentals are consummated at the retailer's place or places of business from which tangible personal property is delivered to the purchaser or lessee. The sale of natural gas or electricity is consummated at the point of delivery to the consumer."

Sec. 43. Subsection C, Section 6, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"C. (1) All exemptions granted to agencies of government, organizations, persons, and to the sale, storage, use, and other consumption of certain articles and items taxable under the provisions of Article 20.04, Chapter 20, Title 122A, are hereby made applicable to the imposition and collection of the tax imposed by this Act.

"(2) The receipts from the sale, use or rental of and the storage, use or consumption in this State, of taxable items are exempt from the tax imposed by this Act, if:

"(a) the items are used for the performance of a written contract entered into prior to the date this Act takes effect in any city which may affect the contract, if the contract is not subject to change or modification by reason of the tax; or

"(b) the items are used pursuant to an obligation of a bid or bids submitted prior to the date this Act takes effect in any city which may affect the contract, if the bid or bids may not be withdrawn, modified, or changed by reason of the tax imposed by this Act; and

"(c) if notice of a contract or bid

on which an exemption is to be claimed is given by the taxpayer to the Comptroller within sixty (60) days from the date this Act takes effect in any city which may affect the bid or contract.

"The exemption provided by this Subsection shall have no effect after three (3) years from the date this Act takes effect in any city."

Sec. 44. Section 8, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 8. Each city's share of all local sales and use tax collected under this Act by the Comptroller shall be transmitted to the Treasurer or the officer performing the functions of such office of such city by the Comptroller payable to the city periodically as promptly as feasible. Transmittals required under this Act shall be made at least twice in each State fiscal year, the Funds so transmitted may be used by the city for any purpose for which the general funds of the city may be used. Before transmitting such funds, the Comptroller shall deduct seven and one-half percent (7.5%) of the sum collected from each such city during such period as a charge by the State of Texas for its services specified in this Act, and the amounts so deducted, subject to the provisions of Section 7B of this Act, shall be deposited by the Comptroller in the State Treasury to the credit of the General Revenue Fund of the State. The Comptroller is authorized to retain in the suspense account of any city a portion of the city's share of the tax collected under this Act. Such balance so retained in the suspense account shall not exceed five percent (5%) of the amount remitted to the city. The Comptroller is authorized to make refunds from the suspense account of any city for overpayments made to such accounts, and to redeem dishonored checks and drafts deposited to the credit of the suspense accounts of such cities. When any city shall adopt the Local Sales and Use Tax, and shall thereafter abolish such tax, the Comptroller may retain in the suspense account of such city for a period of one year five percent (5%) of the final remittance to each such city at the time of termination of collection of such tax in

such city to cover possible refunds for overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year had elapsed after the effective date of abolition of such tax in such city, the Comptroller shall remit the balance in such account to the city and close the account."

Sec. 45. (a) There are exempted from the additional one-half per cent increase in the Limited Sales, Excise, and Use Tax imposed by this Act the receipts from the sale, use, or rental, and the storage, use, or consumption in this state of tangible personal property, and there are exempted from the Limited Sales, Excise, and Use Tax the receipts from the sale, use, or rental, and the storage, use or consumption in this state of taxable services not taxed before the effective date of this Act, if:

(1) the items are used for the performance of a written contract entered into prior to the date this Act takes effect, if the contract is not subject to change or modification by reason of the tax; or the items are used pursuant to an obligation of a bid or bids submitted prior to the effective date of this Act if the bid or bids may not be withdrawn, modified, or changed by reason of the tax imposed by this Act; and

(2) notice of a contract or bid on which an exemption is to be claimed is given by the taxpayer to the Comptroller before November 1, 1969.

(b) The exemptions provided by this section have no effect after August 31, 1972.

ARTICLE 2.

Section 1. Section 1, Article 7.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 401, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

"(1) In addition to the tax levied by Article 7.02, herein, there is hereby imposed a tax of six dollars (\$6.00) per thousand on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The tax shall be paid only once by the person

making the 'first sale' in this State and shall become due and payable as soon as such cigarettes are subject to a 'first sale' in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a 'first sale' of same. No person, however, shall be required to pay a tax on cigarettes brought into this State on or about his person in quantities of forty (40) cigarettes or less when such cigarettes have had the individual packages or the seals thereof broken and when such cigarettes are actually used by said person and not sold or offered for sale."

Sec. 2. Section (1) of Article 7.01, Chapter 7, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(1) Cigarette shall mean and include any roll for smoking made of tobacco or substitute therefor irrespective of size or shape and irrespective of tobacco or substitute therefor being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or other material than tobacco. This definition shall not include cigars."

Sec. 3. Section (8) of Article 7.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(8) 'First Sale' shall mean and include the first sale or distribution of cigarettes in intrastate commerce, or the first use or consumption of cigarettes within this State, or the loss of cigarettes in this State whether by negligence, theft, or any other unaccountable loss."

ARTICLE 3.

Section 1. Article 17.05, Chapter 17, Title 122A, Taxation-General, as amended, is amended by adding a new subsection (e) to read as follows:

(e) The license and exemption fees provided by this article shall be computed and paid as follows:

1. For the calendar year 1970 the full amount of the fees shall be com-

puted and the total reduced by 10%, the remaining 90% to be paid to the Comptroller of Public Accounts.

2. For the calendar year 1971 the full amount of the fees shall be computed and the total reduced by 30%, the remaining 70% to be paid to the Comptroller of Public Accounts.

3. For the calendar year 1972 the full amount of the fees shall be computed and the total reduced by 50%, the remaining 50% to be paid to the Comptroller of Public Accounts.

4. For the calendar year 1973 the full amount of the fees shall be computed and the total reduced by 70%, the remaining 30% to be paid to the Comptroller of Public Accounts.

5. For the calendar year 1974 the full amount of the fees shall be computed and the total reduced by 90%, the remaining 10% to be paid to the Comptroller of Public Accounts.

Section 2. Chapter 17, Title 122A, Taxation-General, is repealed effective January 1, 1975.

ARTICLE 4.

Section 1. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Article 12.011, to read as follows:

"Art. 12.011. Exemption for Homes for Elderly People

"The additional franchise tax levied by Subsection (1) (a) (ii) of Article 12.01 of this Title shall not apply to corporations organized for the purpose of providing homes for elderly people sixty-two (62) years of age and older not for profit without regard to whether such corporations are for purely public charity."

ARTICLE 5.

Section 1. Article 11.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Art. 11.02. Utility Companies

"(A) Tax Imposed. An occupation tax is hereby imposed upon the gross

receipts of telegraph, telephone, electric, gas, and water companies as provided by this Article.

“(B) Telegraph Companies. Each individual, company, corporation, or association owning, operating, managing, or controlling any telegraph lines in this State, or owning, operating, controlling, or managing what is known as wireless telegraph stations, for the transmission of messages or aerograms, and charging for the transmission of such messages or aerograms, shall make quarterly, on the first day of February, May, August and November of each year, a report to the Comptroller, showing the gross amount received from all business within this State during the preceding quarter, ending on the last day of December, March, June and September, respectively, in the payment of telegraph or aerogram charges, including the amount received on full-rate messages and aerograms, and half-rate messages and aerograms and from the lease or use of any wires or equipment within this State during the quarter, excepting all business transacted for on behalf of the agencies of the United States Government, for which rates are prescribed by the Postmaster General.

“(C) Gas, Electric Light, Power, or Water Works Companies. (1) Each individual, company, corporation, or association owning, operating, managing, or controlling any gas, electric light, electric power, or water works, or water and light plant, located within any incorporated town or city in this State, and used for local sale and distribution in the town or city, and charging for such gas, electric lights, electric power, or water, shall make quarterly on the first day of February, May, August and November of each year, a report to the Comptroller showing the gross amount received from such business done in each incorporated city or town within this State in the payment of charges for the gas, electric lights, electric power, or water during the preceding quarter ending on the last day of December, March, June and September, respectively.

“(2) Nothing herein shall apply to any such gas, electric light, electric power, or water works, or water and light plant, within this State, owned

and operated by any city or town nor to any county or water improvement or conservation district.

“(3) Nothing herein shall be construed to require payment of the tax on gross receipts herein levied more than once on the same commodity, and where the commodity is produced by one individual, company, corporation, or association and distributed by another, the tax shall be paid by the distributor alone.

“(4) Utilities paying an occupation tax under this Article shall not hereafter be required to pay the license fee imposed in Article 17.05 of this Title for the privilege of selling gas and electric appliances and parts for the repairs thereof, in towns of three thousand (3,000) or less in population according to the next preceding Federal Census.

“(D) Telephone Companies. (1) Each individual, company, corporation, or association owning, operating, managing, or controlling any telephone line or lines, or any telephones located within any incorporated town or city in this State and charging for the use of same, shall make quarterly, on the first day of February, May, August and November of each year, a report to the Comptroller showing the gross amount received from such business done in each incorporated city or town within this State during the preceding quarter ending on the last day of December, March, June and September, respectively, in the payment of charges, including intrastate long distance tolls, for the use of its line or lines, telephone or telephones, and from the lease or use of any wires or equipment in such towns or cities during the quarter.

“(2) Nothing herein shall apply to any telephone line or lines owned and operated by a cooperative, nonprofit, membership corporation.

“(E) Rates. (1) Each individual, company, corporation, or association, at the time of making the report, shall pay to the Treasurer of this State an occupation tax on the gross amount of receipts shown by the report, as defined in the preceding sections, for each quarter beginning on the first day of January, April, July

and October, respectively, according to the following rates:

“(a) For the gross amount reported for any incorporated town or city of more than one thousand (1,000) inhabitants and fewer than two thousand five hundred (2,500) inhabitants, the tax shall be six-tenths of one percent (0.06%) of the gross amount.

“(b) For the gross amount reported for any incorporated town or city of two thousand five hundred (2,500) inhabitants or more and fewer than ten thousand (10,000) inhabitants, the tax shall be one percent (1%) of the gross amount.

“(c) For the gross amount reported for any incorporated town or city of ten thousand (10,000) inhabitants or more, the tax shall be two percent (2%) of the gross amount.

“(2) The population of incorporated towns or cities shall be determined from the last Federal Census next preceding the filing of the report.

“(F) No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise, shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation, or association required to pay an occupation tax under Section (B) of this Article, provided that nothing in Section (B) shall be construed to prohibit the collection of any tax now imposed by a franchise, and provided further that Section (B) shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise.

“(G) No city or other political subdivision of this State, by virtue of its taxing power, proprietary power, police power or otherwise, shall impose an occupation tax or charge of any sort upon any person, corporation, or association required to pay an occupation tax under Section (C) or (D) of this Article. Nothing in this Article shall be construed as affecting in any way the collection of ad valorem taxes authorized by law, nor impairing or altering in any way the provisions of any contracts, agreements or franchises now in exist-

tence, or hereafter made between a city and public utility, relating to payments of any sort to a city. Nothing in Section (C) or (D) shall be construed as prohibiting an incorporated city or town from making a reasonable charge, otherwise lawful, for the use of its streets, alleys, and public ways by a public utility in the conduct of its business, and each such city shall have such right and power; but any such charges, whether designated as rentals or otherwise, and whether measured by gross receipts, units of installation, or in any other manner, shall not in the aggregate exceed the equivalent of two percent (2%) of the gross receipts of such utility within such municipality derived from the local sale of gas, electric energy, water or use of telephone lines or telephones. Any special taxes, rentals, contributions, or charges accruing after September 1, 1969, under the terms of any preexisting contract or franchise, against any utility paying an occupation tax under Section (C) or (D) when paid to any such city, shall be credited on the amount owed by such public utility on any charge or rental imposed for the use of streets, alleys, and public ways, levied by ordinance, and accruing after September 1, 1969; provided that where valid ordinances have been enacted heretofore by cities imposing a charge or rental in excess of two percent (2%) of the gross receipts of such utilities, nothing herein shall be construed so as to prohibit the collection of such sum as may be due said cities thereunder from the date of said ordinances up to September 1, 1969.”

Sec. 2. Articles 11.03 and 11.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, are repealed.

ARTICLE 6.

Sec. 1. Article 21.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

“Article 21.01. Reports Required

“Every person, firm, association of persons, or corporation owning or operating any place of amusement which charges a price or fee for ad-

mission to motion pictures, operas, plays, concerts, musical shows, skating exhibitions and shows, skating rinks open to skating by patrons, and like amusements, or to horse racing, dog racing, motorcycle racing or boat racing, shall file with the Comptroller a quarterly report on the twenty-fifth day of January, April, July and October for the quarter ending on the last day of the preceding month; said report shall show the gross amount received and the price or fee for admission; provided, however, that the report herein required shall be made upon the day following each amusement, exhibition, entertainment or contest, when such amusement, exhibition, entertainment or contest is not held continuously at a regular fixed place or establishment; and further provided, however, no tax shall be levied under this Chapter on the admission to any amusement, the proceeds of which inure exclusively to the benefit of State, religious, educational or charitable institutions, societies, or organizations, if no part of the net earnings thereof inure to the benefit of any private stockholder or individual, or for any type of exhibition or amusement conducted by and exclusively for the benefit of a non-profit corporation organized and chartered under the laws of the State of Texas for the purpose of encouraging agriculture by the maintenance of public fairs and exhibitions of live-stock, or for admission to any rodeo; and provided further, that an operator of amusements where the admission charge is less than One Dollar and Five Cents (\$1.05) per person, and where no tax is due hereunder, shall be relieved from the filing of a report and the payment of a tax levied under the provisions of this Chapter. Said person, firm, association of persons, or corporation, at the time of making such report shall pay to the Treasurer of this State a tax in rates and amounts as hereinafter provided."

Sec. 2. Article 21.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 21.02. Tax Imposed

"(1) There is hereby levied on each admission to entertainments such as motion pictures, operas, plays, con-

certs, musical shows, skating exhibitions and shows, skating rinks open to skating by patrons, and like amusements, where the admission charged is in excess of One Dollar and Five Cents (\$1.05) and not more than One Dollar and Fifteen Cents (\$1.15) a tax of one cent (1¢); and where the admission charge is in excess of One Dollar and Fifteen Cents (\$1.15) a tax of two cents (2¢) plus one cent (1¢) on each ten cents (10¢) or fractional part thereof in excess of One Dollar and Twenty-five cents (\$1.25).

"(2) There is hereby levied a tax equivalent to ten per centum (10%) of the amount paid as admission to horse racing, dog racing, motorcycle racing, and boat racing.

"(3) There is hereby levied on the amounts paid for admission by season ticket, subscription, or lease for admission to any place, a tax equivalent to ten per centum (10%) of the amount paid therefor, provided a single admission to the place would be subject to taxation under the provisions of this Chapter.

"(4) The taxes herein levied shall not apply to complimentary tickets and passes for which no admission charge is collected."

ARTICLE 7.

Sec. 1. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended by adding Chapter 26 to read as follows:

"CHAPTER 26

ENTERTAINMENT TAX

"Article 26.01. Tax Imposed

"(a) There is hereby imposed an entertainment tax at the rate of three and one-half percent on receipts collected by any person, except as specifically exempted under this chapter, which are collected as

"(1) a charge for admission to any athletic contest in which the participants are professionals or receive monetary compensation for participating, such as baseball, football, basketball, soccer, hockey, rugby, polo, boxing, wrestling, and track and field meets; or

"(2) a charge denominated as an admission charge to a dance hall, private club, night-club, bottle club, lounge, cabaret, tavern, dinner club, or dining room when the charge is made for the privilege of any use of the facilities of the person making the charge in order to consume food or beverages, to dance, or to view a floor show or other entertainment; or

"(3) a charge for admission to any natural or man-made phenomena, object or structure or curiosity or interest, such as caverns, amusement parks, buildings, ruins and guided tours of such natural or man-made phenomena, object, structure, curiosity or interest and shall include charges made for the privilege of participating in or using any of the additional amusements therein or connected therewith.

"(b) 'Receipts' or 'receipts from admission' as used in this chapter means the total consideration received by a taxpayer as defined in Article 26.03 of this chapter, whether the consideration is paid as dues; under the terms of a subscription, membership or other card, season or other ticket, or lease for admission; or without the delivery or use of any receipt, ticket, or other written instrument or device. 'Receipts' or 'receipts from admission' as used in this chapter does not include that portion of the consideration collected as federal excise tax.

"(c) The tax imposed by this chapter is in addition to any other excise tax imposed by the state, any political subdivision of the state, or any city.

"Article 26.02. Exemptions

"(a) There shall be exempt from the tax imposed by this chapter

"(1) receipts from admissions otherwise taxable if all of the net receipts inure exclusively to the benefit of state, religious, educational, or charitable institutions, societies, or organizations;

"(2) receipts from any rodeo, regardless of whether the participants are amateurs or professional performers.

"(b) For the purpose of the proper administration of this chapter, it shall be presumed that all places of business and all persons who collect receipts or receipts from admission subject to tax under Article 26.01 of this chapter are liable for the tax unless the contrary is established. The burden of proving that receipts are exempt under the provisions of this article is upon the person collecting or receiving the receipts, unless he has obtained from the Comptroller an exemption certificate.

"Article 26.03. Method of Collection

"(a) The entertainment tax imposed by this chapter shall be added to the receipts from admission, and when added, the tax shall become a part of the admission charge. The tax shall be collected by the taxpayer, as herein defined, from the payees of the receipts from admission, and said tax shall be reported and paid to the state by the taxpayer in the manner and at the times provided for herein. The granting of a permit to an owner or operator to collect such taxes for and in behalf of the state shall be deemed to establish a fiduciary relationship between such permit holder and the state.

"(b) Except as hereinafter provided, the tax imposed by this chapter shall be due and payable quarterly at the office of the Comptroller at Austin on the twenty-fifth day of January, April, July and October for the quarter ending on the last day of the preceding month.

"(c) Any person, firm, association, or corporation required to obtain a permit in accordance with Article 26.05 of this chapter shall be referred to herein as the taxpayer and shall be subject to the liabilities and responsibilities imposed by this chapter.

"(d) The taxpayer shall deduct and withhold from the taxes otherwise due from him two percent (2%) of such taxes otherwise due or One Thousand Dollars (\$1,000), whichever is the lesser, to reimburse himself for the cost of collecting the tax. In the event the payment of any taxes due under the applicable provisions of this chapter are not paid within the

time required, or in the event that the taxpayer does not file reports when due as provided by the provisions of this chapter, the taxpayer forfeits his claim and right to the discount of two percent (2%) or One Thousand Dollars (\$1,000), as the case may be.

“(e) The taxpayer shall pay to the state at the office of the Comptroller at Austin the amount of taxes required to be collected under this chapter on the dates on which said taxes are due under the applicable provisions of this chapter. At the same time that the tax herein is payable, the taxpayer shall file with the Comptroller at Austin a report on such forms as the Comptroller shall from time to time prescribe, showing the receipts from admission and the price or charge for each class of admission.

“(f) The tax imposed by this Chapter upon the receipts from admission shall be payable on the dates set forth in paragraph (b) of this Article, except in the case of taxes due on receipts from admission to events or contests not held at a regular fixed place or establishment, in which case the tax shall be payable on the day following the event or contest (excluding Saturdays, Sundays, and legal holidays). However, the taxpayer shall have the right to request an extension of time within which to pay the tax or file such report.

“(g) The Comptroller may require returns or payments to be made at times other than provided in this chapter. The Comptroller may upon good cause shown extend for a period not to exceed thirty (30) days the time for making returns or payments.

“Article 26.04. Records Required

“(a) The taxpayer shall make and keep records in Texas at an address shown on the reports to be filed with the Comptroller for a period of two years. The records shall correctly reflect (1) the date of the event for which an admission charge was made; (2) the charge for admission; (3) the number of patrons admitted; and (4) if admitted gratuitously, the number of patrons so admitted. The records shall be open to inspection by the Comptroller and the Attorney General, or their duly authorized agents.

“(b) In addition, for the purpose of enabling the Comptroller or his authorized agent to determine the amount of tax collected and payable to the state, or which should have been collected and paid to the state, or to determine whether a tax liability has been incurred, the Comptroller or his authorized representative shall have the right to inspect any premises, and any books and records that may be kept incident to the conduct of any business or venture having receipts subject to tax under this chapter, as well as the books and records required to be kept by this chapter.

“(c) For the foregoing purposes, the Comptroller or his duly authorized agent shall also have the right to remain upon said premises for such length of time as is necessary to determine fully whether a tax liability has been incurred and the amount thereof. If the taxpayer fails to keep the required records or refuses to allow their inspection, the taxpayer shall forfeit to the State of Texas as a penalty not more than One Thousand Dollars (\$1,000) for each violation, and each violation shall constitute a separate offense. The venue for the collection of such penalties shall be in Travis County, Texas.

“Article 26.05. Permit Required

“(a) From and after the effective date of this chapter, every person, firm, association, or corporation owning or operating, or who desires to own or operate, any place of business or venture which makes a charge for admission which is subject to tax under this chapter shall file with the Comptroller a duly acknowledged application for an owner's or operator's permit. The application shall be accompanied by an annual fee of Ten Dollars (\$10) to pay the expenses of administering and enforcing the provisions of this chapter. The permit shall be on the form prescribed by the Comptroller. An application shall be filed and a permit obtained for all places of business and ventures charging admission owned or operated by the applicant. The application form shall set forth the name or names under which such owner or operator transacts or intends to transact each business or venture, as well

as such owner's or operator's principal office, residence, or place of business in Texas, and if other than an individual, the principal officers of the corporation or the members of the partnership or association, as the case may be, and their office, street, or post office address, as well as such other information as the Comptroller may reasonably require. No one shall operate any such place of business or venture charging admission until the application has been filed and a permit issued. The permit shall not be assignable. Only one permit shall be required of an owner or operator for all places of business and ventures to be operated. The application for a permit and the permit issued shall designate each location of the place of business or venture to be operated, by street address and town, and the permit may be amended from time to time in order to designate additional locations without the payment of an additional fee. No place of business or venture subject to the tax imposed by this chapter shall be operated unless the location of such place of business or venture is designated on a permit. Each applicant shall be issued a permit for each place of business or venture and shall display the permit conspicuously at the place.

"(b) Upon receipt of the application and the posting of bond required by Article 26.07 of this chapter, the Comptroller shall issue to the owner or operator a nonassignable, consecutively-numbered permit authorizing the operation of a designated place or places of business or ventures charging admission in this state from the date of the issuance of said permit, until and including the following August 31. On or before September 1 of each year, and before any owner or operator shall operate a place of business or venture in this state after August 31 of that year, an application shall be filed, a bond posted, and a permit obtained for the succeeding fiscal year. Said permit shall provide that the same is revocable and shall be cancelled upon violation of any provisions of this chapter. If such permit is cancelled or suspended, said owner or operator shall not operate or allow to be operated any place of business or venture charging admission within the state until a new permit is granted

or the original permit is reinstated. However, no permit shall be issued or reinstated where it appears from a duly verified audit made as herein provided by an authorized representative of the Comptroller that the applicant is delinquent in the remittance or payment of any tax, penalty, or interest under the provisions of this chapter.

"(c) In the event that a place of business or a venture for which admission is charged is not held at a regular fixed place or establishment, then the owner or operator shall make application for a permit as required in Paragraph (a) of this Article within a period of twenty (20) days prior to the date contemplated for the event or contest for which admission is charged is scheduled to begin. The permit shall be effective for a period no longer than the period set forth in the application as being the period during which the event or contest will be held. Such application shall also set forth the location or locations, where the event or contest will be held and the permit shall disclose such location or locations.

"(d) A corporation or organization which is otherwise exempt from the application of this chapter may apply and receive from the Comptroller an exemption certificate on a form prescribed by the Comptroller upon submission of satisfactory evidence that such corporation or organization is exempt. The application for exemption shall designate the date or dates and place of the activity for which exemption is claimed. Issuance of an exemption certificate shall be presumptive only of the exempt nature of the activity for which the certificate was issued.

"(e) Upon receipt of an appropriate application for permit and bond, the Comptroller shall not refuse to issue a permit because the applicant is contesting in good faith an admission tax otherwise due for a period prior to the effective date of this chapter. However, nothing contained herein shall be construed as meaning that any such tax is forgiven. All admission or entertainment taxes, penalties, and interest accruing to the state by virtue of any of the reenacted or re-

pealed provisions set out in this chapter before the effective date of this chapter shall be and remain valid and binding obligations to the state for all taxes, penalties, and interest accruing under the provisions of all prior laws, and all such taxes, penalties, and interest now or hereafter becoming delinquent to the state are hereby expressly preserved and declared to be legal and valid obligations to the state.

“Article 26.06. Cancellation of Permit

“(a) The Comptroller, or any duly authorized agent of the Comptroller, is hereby authorized to cancel, or to refuse the issuance, extension, or reinstatement of, any owner's or operator's permit or exemption certificate as provided under the terms of this chapter to any person who has violated or has failed to comply with any of the provisions of this chapter, including any of the following offenses: (1) failure or refusal to remit or pay to the state any excise tax imposed by this chapter, which tax is shown to be owing to the state by a duly verified audit made by a duly authorized agent of the Comptroller from any report filed with the Comptroller or from any books or reports required to be kept or any books or records authorized to be audited by the provisions of this chapter; (2) failure to file any return or report required under the provisions of this chapter; (3) making and filing with the Comptroller of any false or incomplete application, return or report required under the provisions of this chapter; (4) failure to keep any books and records for the period and in the manner required to be kept; (5) falsifying, destroying, mutilating, removing from the state, or secreting any books and records, or any application, return, or report; (6) refusing to permit the Comptroller, Attorney General, or their duly authorized agents to inspect, audit, and examine any books and records required to be kept or to inspect any premises they are authorized to inspect; (7) engaging any business or venture requiring a permit under the provisions of this chapter without obtaining and possessing a valid permit.

“(b) Before any permit or exemption certificate may be cancelled, or the issuance, reinstatement, or ex-

tension thereof refused, the Comptroller shall give the applicant or permittee not less than fifteen (15) days' notice of a hearing at the office of the Comptroller in Austin granting the applicant or permittee an opportunity to show cause before the Comptroller, or his duly authorized agent, why such action should not be taken. The notice shall be in writing and may be mailed by United States registered mail to the applicant or permittee at his last known address, or may be delivered to him personally by a duly authorized agent of the Comptroller, and no other notice shall be necessary. The Comptroller may prescribe rules of procedure and evidence for such hearings.

“(c) In the event that the permit or exemption certificate is cancelled by the Comptroller, or his duly authorized agent after such hearing is held or opportunity to be heard has been given, all taxes which have been collected or which have accrued, although said taxes are not then due and payable to the state except by the provisions of this paragraph, shall become due and payable concurrently with the cancellation of the permit, and the permittee shall forthwith make a report covering the period of time not covered by the preceding reports he filed and ending with the date of cancellation, and shall pay to the state all taxes which have accrued under this chapter.

“After being given notice of cancellation, it shall be unlawful for any person to continue to operate a place of business or venture charging admission under the cancelled permit.

“(d) An appeal from any order of the Comptroller or his duly authorized agent cancelling or refusing the issuance, extension, or reinstatement of any permit or exemption certificate may be taken to a district court of Travis County by the aggrieved permittee or applicant. The trial shall be de novo under the same rules as ordinary civil suits except that the following exceptions shall be applicable: (1) all appeals shall be perfected and filed within thirty (30) days after the effective date of the order, decision, or ruling of the Comptroller or his duly authorized agent; (2) such proceedings shall have precedence over all other causes of a different nature; and (3) the order,

decision, or ruling of the Comptroller, or his duly authorized agent may for good cause shown be suspended or modified by the court pending a trial on the merits. Any suspension or modification shall not relieve the taxpayer or his surety of their obligations under this chapter or under any bond posted on behalf of such taxpayer.

"Article 26.07. Bond Required

"(a) Before any permit shall be issued and before engaging in the operation of a place of business or a venture charging admission on which a tax is required to be paid under this chapter every owner or operator shall execute and file with the Comptroller a good and sufficient surety bond in the amount of One Thousand Dollars (\$1,000), which shall run concurrently with the permit. The bond shall be signed by the owner or operator and a surety company or companies authorized to do business in this state. The bond shall be payable to the State of Texas and the conditions, and form of the bond shall be prescribed by the Comptroller. Each bond shall provide for the performance of all obligations, and the payment at Austin of all taxes due, and all costs, penalties, and interest provided in this chapter; provided, however, that in any event the total of all recoveries under such bond for any and all breaches of its conditions occurring at any time while it remains in force, shall not for any fiscal year exceed the penal sum named therein; provided further, that any such bond, continuous in form, may be, if sufficient and acceptable to the Comptroller, continued in effect, by a renewal certificate, and, if so continued in effect, shall be sufficient to support the issuance of any new permit; and provided further, that the said renewal certificate, when issued, shall have all the force and effect of the original bond for the fiscal year for which said renewal certificate is issued. After six (6) months from the effective date thereof, the amount of the bond shall be adjusted to a sum equal to no more than two (2) times the highest tax said owner or operator may be liable to the state for any quarter during the preceding six (6) months, or Ten Thousand Dollars (\$10,000), whichever is the lesser. The Comptroller is hereby given the authority, in the

appropriate case and upon submission of satisfactory evidence that the revenues will be protected, to reduce the amount of the bond below the maximums provided for herein; provided, however, that the amount of the bond shall never be less than One Hundred Dollars (\$100).

"(b) The Comptroller shall have the right, if the amount of any existing bond shall become insufficient, or any surety on a bond shall become unsatisfactory or unacceptable, to require the filing of a new or an additional bond within the maximums provided for herein. When said new bond has been furnished, the Comptroller shall cancel the bond for which said new bond is substituted. No recoveries or execution on any new bond may be demanded when any new permit is issued or revived, but no revocation or revival shall affect adversely to the Comptroller the validity of any bond. Should any owner or operator fail or refuse to supply a new or additional bond within thirty (30) days after his receipt of notice of the Comptroller's demand for a new or additional bond, the owner's or operator's permit shall be cancelled by the Comptroller.

"(c) Any surety on any bond furnished by any owner or operator under this Article shall be discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date on which the surety shall have lodged with the Comptroller a written request for discharge. Provided, however, that the request shall not operate to release the surety from any liability already accrued, or which shall accrue prior to the expiration of said thirty-day period. The Comptroller shall, promptly on the receipt of notice of such request by the surety, notify the owner or operator of the surety's request, and unless such owner or operator shall within thirty (30) days from the date of receipt of said notice file with the Comptroller a new bond with a surety duly authorized to do business in this state, in the amount and form required by this Article, the Comptroller shall proceed to cancel the permit of the owner or operator in the manner provided in this chapter. If the new bond shall be furnished by said owner or operator as above provided, the Comptroller shall cancel

the bond for which the new bond is substituted.

"(d) In lieu of giving a bond, any owner or operator may deposit in the suspense account of the State Treasury money in the amount of the bond that may be otherwise required by the terms of this article which shall not be released until a bond is executed in lieu thereof, or until the Comptroller has made an audit of the owner's or operator's records and authorized the same released.

"(e) Suit may be filed against any surety on any bond, without first resorting to or exhausting the assets of the owner or operator, or without making the owner or operator, as principal obligor in said bond, a party to the suit.

"Article 26.08. Penalties

"(a) If any taxpayer fails to pay the tax or file a report as required by this chapter when the same shall be due, he shall forfeit five percent (5%) of the amount of tax due as a penalty, and after the first thirty (30) days, he shall forfeit an additional five percent (5%) of the tax. Provided, however, that the penalty shall never be less than One Dollar (\$1). Delinquent taxes and accrued penalty shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due. Venue for the collection of penalties shall be in Travis County.

"(b) All taxes, penalties, and cost of auditing, as provided for herein, due, or that might become due by any taxpayer to the state, shall be and become a preferred lien, first and prior to all other existing liens, contract or statutory, legal or equitable, and regardless of the time the lien originated upon all the property devoted to or used in the business or venture of the taxpayer charging admission, which property includes land, buildings, fixtures, equipment, trucks, cars, or other motor vehicles, or any other equipment used in carrying on such business or venture. The Attorney General of the State of Texas may file suit for the collection of taxes, penalty and interest and for the foreclosure of the lien herein provided in any court of competent jurisdiction in Travis County, Texas. If

any person, firm, corporation, or association of persons are alleged to be liable for any tax imposed by this chapter and who fails or refuses to pay such tax and it becomes necessary to file suit or intervene in any manner for the establishment or collection of said taxes, claims or penalties, a claim showing the amount of the tax due the state certified to by the Comptroller of Public Accounts or his chief clerk shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided however that the incorrectness of said claim may be shown.

"The lien provided for herein shall not be valid or effective against any mortgagee, holder of a deed of trust, purchaser, pledgee, or judgment creditor acquiring title, lien, or other right or interest in the property covered by the lien provided for herein more than twelve (12) months immediately preceding the filing or recording of notice of the lien provided for herein.

"(c) Any taxpayer required to file a report or keep records as provided in this chapter, who fails or refuses to file the report on the dates provided in this chapter, or make and keep such records, or who violates any other provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100) and the fine is in addition to the civil penalties provided in Article 26.08 of this chapter. The venue for prosecutions under this paragraph shall be in Travis County.

"Article 26.09. Restraining Orders and Injunctions

"Any owner or operator of a place of business or venture charging admission who does not have an exemption certificate issued by the Comptroller as provided for in this chapter, and who fails to obtain a permit and post bond in accordance with the provisions of this chapter, may be restrained or enjoined by court order from operating the place of business or venture without a permit and bond, or, if the owner or operator is entitled to an exemption certificate, without having a certificate. Suits for

any restraining order or injunction shall be filed by the Attorney General in a court of competent jurisdiction in Travis County. In the event that the owner or operator has already commenced the business or venture, then the Attorney General may seek in his suit any taxes due under this chapter from the owner or operator as additional relief.

"This Article shall be cumulative of and in addition to any other provisions of law authorizing any kind of injunctive relief.

"Article 26.10. Promulgation of Rules and Regulations by Comptroller.

"The Comptroller is vested with authority to promulgate rules and regulations, not inconsistent with this chapter, to enforce the provisions of this chapter and to facilitate the collection of taxes imposed."

ARTICLE 8.

Section 1. Chapter 1, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Article 1.033 to read as follows:

"Article 1.033. Reports

"Notwithstanding the provisions of any Article of this title, the Comptroller may revise any report required by any article of this title so as to eliminate any specific information required by the provisions of any Article of this title. The requirement for the information which is eliminated may be reinstated by the Comptroller at any time."

Sec. 2. Section (1), Article 1.11A, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(1) This Article applies to any occupation, excise, gross receipts, gross production (as levied by Article 6032, Title 102, Revised Civil Statutes of Texas, 1925, as amended), franchise, license or other privilege tax or fee collected or administered by the Comptroller of Public Accounts. It does not apply to the State

ad valorem tax nor to refunds for nontaxable use of any motor fuel or special fuels."

Sec. 3. (a) Article 7150, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 22a to read as follows:

"Section 22a. All real and personal property owned by nonprofit corporations (as defined in the Texas Non-Profit Corporation Act), which property is reasonably necessary for, and used for, the promotion of any of the following purposes:

"(1) Libraries and archival institutions

"(2) Zoos

"(3) Restoration and preservation of historic houses, structures and landmarks

"(4) Symphony orchestras, choirs, and chorals

"(5) Theaters of the dramatic arts, historical pageants."

(b) Section 22, Article 7150, Revised Civil Statutes of Texas, 1925, as added by Section 1, Chapter 363, Acts of the 60th Legislature, Regular Session, 1967, is repealed. The only purpose of this section is to renumber Section 22 of Article 7150 as added by Section 1, Chapter 363, Acts of the 60th Legislature, Regular Session, 1967; and nothing in this section affects Section 22 of Article 7150 as added by Section 1, Chapter 152, Acts of the 60th Legislature, Regular Session, 1967.

Sec. 4. Chapter 1, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Article 1.15 to read as follows:

"Article 1.15 Where the Comptroller of Public Accounts or his deputy or employee in the performance of the function of his office has kept or recorded any memorandum, document, entry, or report, or has kept or recorded any information contained in such memorandum, document, entry or report, or otherwise recorded any action taken by him, and

has caused the same to be copied or reproduced by any photographic, photostatic, microfilm, magnetic or other process which accurately reproduces or forms a durable medium for so reproducing the original or information contained therein, such reproduction shall be, so far as relevant, admitted without further proof in any judicial or administrative proceeding in respect to the enforcement or administration of any tax imposed by this Title as evidence of the matters stated in such reproduction.

“The existence, nonexistence, availability or nonavailability of the original shall not effect the admissibility of the reproduction; provided that the original or other competent evidence is admissible in evidence to show the incorrectness of the reproduction or any information reflected thereon.”

ARTICLE 9.

Section 1. This Act takes effect January 1, 1970.

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. 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.

Mr. Harris moved that the Committee Amendment to H. B. No. 2 be taken up and considered Article by Article, and the motion prevailed without objection.

Mr. Solomon offered the following amendment to Article I of Committee Amendment No. 1:

Amendment No. 1 to Committee Amendment No. 1:

Amend Section 26 of Article 1 of Committee Amendment No. 1 to H. B. No. 2 by deleting Subsection (2), Section (D) of quoted Article 20.04 and adding to Subsection (2), Section (L) of quoted Article 20.04 the following new paragraph (d):

“(d) Alcoholic beverages of all types served or sold in any form, and any ingredients served or sold, mixed or to be mixed, with alcoholic beverages.”

Signed: **SOLOMON and HOWARD**

Mr. Cory moved to table the above amendment offered by Mr. Solomon.

A record vote was requested by Representatives Hinson, Howard, Solomon, Johnson, Jungmichel and Farenthold.

The motion to table prevailed by the following vote:

Yeas—99

- | | |
|-----------------|-----------------|
| Abraham | Hale |
| Allen of Harris | Harding |
| Allen of Gregg | Harris |
| Angly | Hawn |
| Archer | Haynes |
| Armstrong | Holland |
| Atwell | Hubenak |
| Atwood | Hull |
| Bass of Harris | Johnson |
| Bigham | Jones of Harris |
| Blaine | Jungmichel |
| Blanton | Kilpatrick |
| Braecklein | Knapp |
| Braun | Kothmann |
| Bray | Kubiak |
| Burnett | Lee |
| Carrillo | Lemmon |
| Clark of Harris | Ligarde |
| Cobb | Lombardino |
| Cory | Longoria |
| Craddick | McDonald |
| Cruz | McKissack |
| Cummings | McLaughlin |
| Davis of Harris | Moore of Hill |
| Dickson | Moore of Dallas |
| Doran | Moore |
| Dramberger | of McLennan |
| Earthman | Moreno |
| Evans | Moyer |
| Farenthold | Muniz |
| Finney | Murray |
| Floyd | Musgrove |
| Garcia | Neugent |
| Golman | of Galveston |
| Graves | Newman |

Nichols	Shannon, Joe, Jr.,
Niland	of Tarrant
Nowlin	Shannon, Tommy,
Ogg	of Tarrant
Parker	Sherman
of Jefferson	Slack
Pickens	Smith
Pickett	Stroud
Poerner	Swanson
Price	Traeger
Ratcliff	Truan
Ray	Uher
Salem	Vale
Sanchez	Vance
Santiesteban	Weldon
Schulle	Williams
Semos	Willis

Nays—48

Adams	Howard
Allred	Jones of Lubbock
Baker	Jones of Taylor
Bass of Van Zandt	Lovell
Beckham	McAlister
Burgess	Nabers
Caldwell	Nugent of Kerr
Calhoun	Orr
Cavness	Parker of Denton
Christian	Patterson
Clark of Dallas	Presnal
Clayton	Reed
Cole	Rosson
Daniel	Salter
Davis of Travis	Slider
Finnell	Solomon
Hannah	Stewart
Hawkins	Tarbox
Head	Thomas
Heatly	Ward
Hendricks	Wayne
Hinson	Wieting
Holmes of Hood	Williamson
Holmes of Dallas	Wright

Absent-Excused

Finck

Mr. Pickens offered the following amendment to Article I of Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Bill No. 2 by striking all of Article 1 and substituting the following:

ARTICLE 1.

Section 1. Section (A), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chap-

ter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(A) Person. ‘Person’ shall mean and include any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, assignee for the benefit of creditors, trustee, trustee in bankruptcy, syndicate, cooperative, assignee, or any other group or combination acting as a unit. ‘Person’ shall also include the United States or any agency thereof, this State, or any agency hereof, or any city, county, special district, or other political subdivision of this State to the extent engaged in the selling of items taxable under this Chapter.”

Sec. 2. Section (D), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(D) Receipts.

“(1) ‘Receipts’ means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of taxable items by retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

“(a) The cost of the taxable item sold. However, in accordance with such rules and regulations as the Comptroller may prescribe, a deduction may be taken if the retailer has purchased tangible personal property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the tangible personal property, and has resold the tangible personal property prior to making any use of the tangible personal property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the tangible personal property.

“(b) The cost of the materials used, labor or service costs, interest paid, losses or any other expenses.

“(c) The cost of transportation of the tangible personal property prior to its sale to the purchaser.

“(d) The cost of transportation incident to the performance of a taxable service.

“(2) ‘Receipts’ does not include any of the following:

“(a) Cash discounts allowed on sales.

“(b) Sales price of tangible personal property returned by customers when the full sales price is refunded either in cash or credit, or refunds on the sales price of taxable services.

“(c) The amount of any tax (not including, however, any manufacturers’ or importers’ excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

“(d) The amount charged for finance charges, carrying charges, service charges or interest from credit extended on sales of taxable items under conditional sale contracts or other contracts providing for deferred payments of the purchase price.

“(e) The value of tangible personal property taken by a seller in trade as all or a part of the consideration for a sale of tangible personal property of any kind or nature.

“(f) Charges for transportation of tangible personal property after sale.”

Sec. 3. Section (F), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(F) Occasional Sale. ‘Occasional Sale’ means:

“(1) One or two sales of taxable items at retail during any twelve-month period by a person who does not hold himself out as engaging (or who does not habitually engage) in the business of selling taxable items at retail.

“(2) The sale of the entire oper-

ating assets of a business or of a separate division, branch or identifiable segment of a business. For the purpose of this Subsection a ‘separate division, branch or identifiable segment’ shall be deemed to exist if prior to its sale the income and expenses attributable to such ‘separate division, branch or identifiable segment’ could be separately ascertained from the books of account or record. The purpose of this Subsection is to clarify existing law and merely expresses the original intention of the Legislature.

“(3) Any transfer of all or substantially all the property held or used by a person in the course of an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer. For the purposes of this Subsection, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the ‘real or ultimate ownership’ of the property of such corporation or other entity.”

Sec. 4. Section (G), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(G) Purchase. ‘Purchase’ means:

“(1) Any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

“(2) A transaction whereby the possession of tangible personal property is transferred but the seller retains the title as security for the payment of the price.

“(3) A transfer, for a consideration, of tangible personal property which has been produced, fabricated or printed to the special order of the customer.

“(4) The acceptance or utilization of any taxable service for a consideration.”

Sec. 5. Section (I), Article 20.01, Title 122A, Taxation-General, Revised

Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(1) Retail Sale or Sale at Retail, ‘Retail Sale’ or ‘Sale at Retail’ means:

“(1) Any sale of a taxable item.

“(2) The delivery in this State of tangible personal property by an owner or former owner thereof or by a factor or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this State. The person making the delivery in such cases shall include the retail selling price of the tangible personal property in his receipts.

“(3) The performance in this State of any taxable service.”

Sec. 6. Subsection (1), Section (J), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(1) ‘Retailer’ includes:

“(a) Every seller engaged in the business of making sales of tangible personal property for storage, use or other consumption or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use or other consumption.

“(b) Every person making more than two (2) retail sales of tangible personal property during any twelve-month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy.

“(c) Every person who leases or rents to another tangible personal property for storage, use or other consumption.

“(d) Every person selling taxable services.”

Sec. 7. Subsection (1), Section (K),

Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(1) (a) ‘Sale’ means and includes any transfer of title or possession, or segregation in contemplation of transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

“(b) ‘Sale’ includes the performance of a taxable service for a consideration.

“(c) ‘Sale’ when used in connection with amusement services means the sale of admission or the right to participate, whether by means of or through the purchase of a club or other membership card, subscription, dues, season or other ticket, lease for admission, or simply by the payment of cash without the delivery or use of any receipt, ticket or other instrument or device.”

Sec. 8. Section (L), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(L) Sales Price.

“(1) ‘Sales Price’ means the total amount for which taxable items are sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

“(a) The cost of the taxable items sold.

“(b) The cost of material used, labor or service costs, interest paid, losses, or any other expenses.

“(c) The cost of transportation of the tangible personal property prior to its sale or purchase.

“(d) The cost of transportation incident to the performance of a taxable service.

"(2) The total amount for which a taxable item is sold includes all of the following:

"(a) Any services which are a part of the sale.

"(b) Any amount for which credit is given to the purchaser by the seller.

"(3) 'Sales Price' does not include any of the following:

"(a) Cash discounts allowed on sales.

"(b) The amount charged for tangible personal property returned by customers when the entire amount charged therefor is refunded either in cash or credit, or refunds on the sales price of taxable services.

"(c) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

"(d) The amount charged for finance charges, carrying charges, service charges or interest from credit extended on sales of taxable items under conditional sale contracts or other contracts providing for deferred payments of the purchase price.

"(e) The value of tangible personal property taken by a seller in trade as all or a part of the consideration for a sale of a taxable item of any kind or nature.

"(f) Charges for transportation of tangible personal property after sale."

Sec. 9. Section (M), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(M) Seller. 'Seller' includes every person engaged in the business of selling, leasing or renting taxable items of a kind, the receipts from the retail sale, lease or rental of which are required to be included in the measure of the limited sales tax."

Sec. 10. Section (R), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(R) Use. 'Use' includes the exercise of any right or power over tangible personal property incident to the ownership of that tangible personal property except that it does not include the sale of that tangible personal property in the regular course of business or the transfer of tangible personal property as an integral part of a taxable service rendered in the regular course of business. 'Use' specifically includes the incorporation of tangible personal property into real estate or into improvements upon real estate without regard to the fact that such real estate and improvements may subsequently be sold as such except as provided in Article 20.01(T)(2)."

Sec. 11. Section (S), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(S) Sale for Resale. 'Sale for Resale' means:

"(1) A sale of tangible personal property to any purchaser who is purchasing said tangible personal property for the purpose of reselling it within the geographical limits of the United States of America, its territories and possessions in the normal course of business either in the form or condition in which it is purchased, or as an attachment to, or integral part of, other tangible personal property.

"(2) A sale of tangible personal property to a purchaser for the sole purpose of that purchaser's renting or leasing, within the geographical limits of the United States of America, its territories and possessions, the tangible personal property to another person, but not if incidental to the renting or leasing of real estate.

"(3) A sale of tangible personal property to any purchaser who is

purchasing the tangible personal property for the purpose of subsequently transferring it within the geographical limits of the United States of America, its territories and possessions, as an integral part of a taxable service.

"(4) A sale of a taxable service performed on any tangible personal property that is held by the purchaser of the taxable service for resale."

Sec. 12. Section (U), Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(U) Manufacturing. 'Manufacturing' shall mean and include every operation commencing with the first production stage of any article of tangible personal property and ending with the completion of tangible personal property having the physical properties (including packaging, if any) which it has when transferred by the manufacturer to another. 'Manufacturing' shall include the production of telephone and telegraph services."

Sec. 13. Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section (V) to read as follows:

"(V) Taxable Services. 'Taxable Services' means:

"(1) intrastate telephone service to a regular subscriber, including local and long distance calls whether furnished on a flat rate or measured basis, and including the lease or use of telephone lines, wires or equipment;

"(2) transmitting an intrastate message by telegraph;

"(3) laundry and dry cleaning services, including dyeing and storage of property;

"(4) repairs, maintenance, and other services performed on or for household appliances, including electrical appliances, major appliances, radios, television sets, refrigerators,

and washing and drying machines, and repairing and upholstering furniture;

"(5) repairs, maintenance, and all other services performed on clocks, watches, and jewelry; and

"(6) repairs, maintenance, and all other services performed on or for motor vehicles, including washing, polishing, waxing, lubricating, and parking, except metered parking and other parking services performed by any city, governmental agency, or political subdivision."

Sec. 14. Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Sections (W) and (X) to read as follows:

"(W) Taxable Items. 'Taxable Items' means tangible personal property, and taxable services.

"(X) Motor Vehicles. 'Motor Vehicle' means every self-propelled vehicle in or by which any person or property is or may be transported upon a public highway, including trailers and semitrailers. 'Motor Vehicle' does not include any device moved only by human power or used exclusively upon stationary rails or tracks and does not include farm machinery or farm trailers or road building machinery or any self-propelled vehicle used exclusively to move farm machinery or farm trailers or road building machinery.

Sec. 15. Article 20.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 4, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"Article 20.02. Imposition of Limited Sales Tax

"There is hereby imposed a limited sales tax at the rate of four and one-half per cent (4½%) on the receipts from the sale at retail of all taxable items within this State."

Sec. 16. Section (A), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 5, Chap-

ter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed FOB the seller’s place of business, and which shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed transportation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$.00 to \$.11	No Tax
.12 to .33	\$.01
.34 to .55	.02
.56 to .77	.03
.78 to .99	.04
1.00 to 1.22	.05
1.23 to 1.44	.06
1.45 to 1.66	.07
1.67 to 1.88	.08
1.89 to 2.11	.09

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying four and one-half per cent (4½%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax, equal to one-half of one cent (\$.005), or more shall be collected as a whole cent (\$.01) of tax.

“When several taxable items are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or items of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

“The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited.”

Sec. 17. Subsection (1), Section (B), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(1) It is unlawful for any retailer to advertise or to hold out or to state to the public or to any customer, either directly or indirectly, that the tax or any part thereof will be assumed or absorbed by him or that any part of it will be refunded or that it will not be added to the selling price of the taxable items sold. Provided, however, that this Section (B) does not prohibit any utility from billing its customers in one lump sum covering the utility sales price plus the tax imposed by this Chapter.”

Sec. 18. Section (F), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(F) Presumption of Taxability: Resale Certificate. For the purpose of the proper administration of this Chapter and to prevent evasion of the limited sales tax it shall be presumed that all gross receipts are subject to the tax until the contrary is established.

“The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the tangible personal property is purchased for the purpose of reselling, leasing or renting it in the regular course of business or for the purpose of subsequently transferring it as an integral part of a taxable service rendered in the regular course of business.”

Sec. 19. Section (G), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last

amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(G) Effect of Resale Certificate. The resale certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling, leasing or renting taxable items. A resale certificate may be given by a purchaser, who at the time of purchasing the tangible personal property, intends to sell, lease or rent it in the regular course of business, transfer it as an integral part of a taxable service in the regular course of business or is unable to ascertain at the time of purchase whether the tangible personal property will be resold, leased, rented, or transferred in the regular course of business or will be used for some other purpose.”

Sec. 20. Subdivision (1), Section (H), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(1) The certificate shall:

“(a) Be signed by and bear the name and address of the purchaser.

“(b) Indicate the number of the permit issued to the purchaser or that an application for such permit is pending before the Comptroller.

“(c) Indicate the general character of the tangible personal property sold, leased or rented by the purchaser in the regular course of business, or transferred as an integral part of a taxable service rendered in the regular course of business.”

Sec. 21. Section (I), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(I) Liability of Purchaser Giving Resale Certificate. If a purchaser who gives a resale certificate makes any use of the tangible personal property other than retention, demonstration or display while holding it for sale, lease or rental in the regular course

of business or for transfer as an integral part of a taxable service in the regular course of business, the use shall be taxable to the purchaser as of the time when the tangible personal property is first so used, and the sales price of the tangible personal property to him shall be deemed the measure of the tax.”

Sec. 22. Section (J), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(J) Improper Use of Resale Certificates. Any person who gives a resale certificate to the seller for tangible personal property which he knows, at the time of purchase, is purchased for the purpose of use rather than for the purpose of resale, lease or rental by him in the regular course of business or for transfer by him as an integral part of a taxable service rendered in the regular course of business is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(B) of this Chapter.”

Sec. 23. Section (M), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(M) Refunds and Allowances. Credit shall be allowed to the retailer for taxes paid on the amount of any refunds or credits allowed to a purchaser as a result of a bona fide renegotiation of a sales price. Such renegotiation shall include agreements by which the seller refunds or allows credit for any amount in satisfaction for an alleged breach of warranty with respect to taxable items previously sold by him to the person with whom said agreement is made.”

Sec. 24. Article 20.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 6, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“Article 20.03. Imposition and Rate of Use Tax

“(A) An excise tax is hereby imposed on the storage, use or other consumption in this State of tangible personal property purchased, leased or rented from any retailer on or after September 1, 1961, for storage, use or other consumption in this State at the rate of four and one-half per cent (4½%) of the sales price of the property, or in the case of leases or rentals, of said lease or rental prices.

“(B) An excise tax is hereby imposed on the use or consumption in this State of taxable services purchased on or after January 1, 1970, for use or consumption in this State at the rate of four and one-half per cent (4½%) of the sales price of the taxable service.”

Sec. 25. Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding an Article 20.031 to read as follows:

“Article 20.031. Administration and Enforcement of Use Tax

“(A) Liability for Use Tax: Extinguishment of Liability. Every person storing, using or otherwise consuming in this state taxable items purchased from a retailer or leased or rented from another person for such purpose is liable for the tax. His liability is not extinguished until the tax has been paid to this State, except that a receipt from a retailer engaged in business in this State or from a retailer who is authorized by the Comptroller, under such rules and regulations as he may prescribe, to collect the tax and who is, for the purposes of this Chapter relating to the use tax regarded as a retailer engaged in business in this State, given to the purchaser pursuant to paragraph (B) of this Article is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

“(B) Collection by Retailer: Purchaser's Receipt. Every retailer engaged in business in this State and selling, leasing or renting taxable items for storage, use, or other consumption in this State shall at the time of making the sale collect any use tax which may be due from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Comptroller.

“‘Retailer engaged in business in this State’ as used in this Section (B) and the preceding Section (A) means and includes any of the following:

“(1) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

“(2) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any taxable items.

“(C) Assumption, Absorption of Tax by Retailers. Unlawful Advertising. It is unlawful for any retailer to advertise or to hold out or to state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling, renting, or leasing price of the taxable item sold, rented or leased, or that it or any part thereof will be refunded.

“(D) Unlawful Acts. Any person convicted of violating paragraph (B) or (C) of this Article shall be guilty of a misdemeanor and shall suffer the penalties set forth in Article 20.12(D) of this Chapter.

“(E) Registration of Retailers. Every retailer selling, leasing or renting taxable items for storage, use or other consumption in this State shall register with the Comptroller and give:

“(1) The names and addresses of all agents operating in this State.

“(2) The location of all distribution or sales houses or offices or other places of business in this State.

“(3) Such other information as the Comptroller may require.

“(F) Presumption of Purchase for Use: Resale Certificate. For the purpose of the proper administration of this Chapter and to prevent evasion

of the use tax and of the duty to collect the use tax, it shall be presumed that tangible personal property sold, leased or rented by any person for delivery in this State is sold, leased or rented for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who sells, leases or rents the property unless he takes from the purchaser a certificate to the effect that the tangible personal property is purchased for resale, leasing, or renting.

“(G) Effect of Resale Certificate. The resale certificate relieves the seller from the burden of proof only if taken in good faith from a person who is engaged in the business of selling taxable items. A resale certificate may be given by a purchaser who, at the time of purchasing the tangible personal property, intends to sell, lease or rent it in the regular course of business, transfer it as an integral part of a taxable service rendered in the regular course of business or is unable to ascertain at the time of purchase whether the tangible personal property will be sold, leased or rented or will be used for some other purpose.

“(H) Form and Contents of Resale Certificate.

“(1) The certificate shall:

“(a) Be signed and bear the name and address of the purchaser.

“(b) Indicate the number of the permit issued to the purchaser or that an application for such permit is pending before the Comptroller.

“(c) Indicate the general character of the tangible personal property sold, leased or rented by the purchaser in the regular course of business or transferred as an integral part of a taxable service rendered in the regular course of business.

“(2) The certificate shall be substantially in such form as the Comptroller may prescribe.

“(I) Liability of Purchaser Giving Resale Certificate; Use of Article Bought for Resale. If a purchaser who gives a resale certificate makes

any use of the tangible personal property other than retention, demonstration or display while holding it for sale, lease or rental, in the regular course of business or for transfer as an integral part of a taxable service rendered in the regular course of business, the use shall be taxable to the purchaser as of the time when the tangible personal property is first so used, and the sales price of the property to him shall be deemed the measure of the tax.

“(J) Improper Use of Resale Certificates. Any person who gives a resale certificate to the seller for tangible personal property which he knows, at the time of purchase, is purchased for the purpose of use rather than for the purpose of resale, lease or rental by him in the regular course of business or for transfer as an integral part of a taxable service rendered in the regular course of business is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(B) of this Chapter.

“(K) Resale Certificate: Commingled Fungible Goods. If a purchaser gives a resale certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such a similarity that the identity of the constituent goods in the commingled mass cannot be determined, sale from the mass of commingled goods shall be deemed to be sales of the goods covered by the resale certificate until a quantity of commingled goods equal to the quantity of such goods so commingled has been sold.

“(L) Presumption of Purchase from Retailer. It shall be further presumed in the absence of evidence to the contrary, that tangible personal property shipped or brought to this State by the purchaser after the effective date of this Chapter was purchased from a retailer on or after the effective date of this Chapter for storage, use or other consumption in this State, and that taxable services consumed in this State after January 1, 1970, were purchased from a retailer on or after January 1, 1970, for use or consumption in this State.”

Sec. 26. Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 2, H. B. No. 129, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

"Article 20.04. Exemptions

"(A) 'Exempted from taxes imposed by this Chapter' means exempted from the computation of the amount of the taxes imposed.

"(B) Exemption Certificates. If a purchaser certifies in writing to a seller that the taxable items purchased will be used in a manner or for a purchase entitling the seller to regard the receipts from the sale as exempted by this Chapter from the computation of the amount of the limited sales tax, and if the purchaser then uses the taxable items in some other manner or for some other purpose, the purchaser shall be liable for payment of the limited sales tax as if he were a retailer making a retail sale of the taxable items at the time of the use, and the cost of the taxable items to him shall be deemed the receipts from such retail sale for the purpose of determining the amount of tax for which he is liable.

"Any person who gives an exemption certificate to the seller for taxable items which he knows, at the time of purchase, will be used in a manner other than that expressed in the exemption certificate is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(B) of this Chapter.

"(C) Constitution and Statutory Exemptions. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of and the storage, use or other consumption in this State of taxable items the gross receipts from the sale, lease or rental of which, or the storage, use or other consumption of which, this State is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this State.

"(D) Items Taxed Under Existing Statutes.

"(1) There are exempted from the

taxes imposed by this Chapter the receipts from the sale, lease or rental, production or distribution, or the storage, use or other consumption in this State of:

"(a) oil as taxed under the provisions of Chapter 4 of this Title;

"(b) sulphur as taxed under the provisions of Chapter 5 of this Title;

"(c) cigarettes as defined and taxed under the provisions of Chapter 7 of this Title;

"(d) cigars and tobacco products as defined and taxed under the provisions of Chapter 8 of this Title;

"(e) motor fuels as defined, taxed or exempted under the provisions of Chapter 9 of this Title;

"(f) special fuels as defined, taxed or exempted under the provisions of Chapter 10 of this Title;

"(g) cement as taxed under the provisions of Chapter 18 of this Title; and

"(h) motor vehicles, trailers and semitrailers as defined, taxed or exempted under the provisions of Chapter 6 of this Title.

"(2) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, production, distribution or the storage, use or other consumption in this State of alcoholic beverages; including distilled spirits, beer, ale and wine, subject to a tax imposed by the Texas Liquor Control Act, as amended; except that any such alcoholic beverages shall be taxable when, and only when, consumed with food as a part of a meal served on or off the premises of the vendor for consumption at tables, chairs or counters or from trays, glasses, dishes or other tableware provided by the vendor.

"(3) There are exempted from the taxes imposed by this Chapter the receipts from the sale, production, distribution, lease or rental of and the storage, use or other consumption in this State of water.

"(E) Property Used in Manufacturing, Packaging and Containers.

"(1) Tangible Personal Property Used in Manufacturing. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this State of:

"(a) tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed or fabricated for ultimate sale at retail within or without this State; and

"(b) tangible personal property used or consumed in or during any phase of such actual manufacturing, processing or fabricating operation, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operations. Chemicals, catalysts, and other materials which are used during such operation and which are used for the purpose of producing or inducing a chemical or physical change during such operations or for removing impurities or otherwise placing a product in a more marketable condition are included within the exemption, as are other articles of tangible personal property used in such a manner as to be necessary or essential in the actual manufacturing, processing, or fabricating operations. The exemption provided herein does not include the following:

"(i) machinery, equipment and replacement parts and accessories therefor, having a useful life when new in excess of six (6) months;

"(ii) machinery, equipment, materials and supplies used in a manner that is merely incidental to the manufacturing, processing or fabricating operation such as intraplant transportation equipment, and maintenance and janitorial equipment and supplies;

"(iii) hand tools such as hammers, wrenches, saws, etc.; and

"(iv) tangible personal property used by a manufacturer, processor or fabricator in any activities other than the actual manufacturing, processing or fabricating operation such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research and

development of new products, or in transportation activities.

"(2) Wrapping, Packing and Packaging Supplies.

"(a) There are exempted from the taxes imposed by this Chapter the receipts from sales of all internal and external wrapping, packing, and packaging supplies and materials to any person for use in wrapping, packing or packaging any tangible personal property for the purpose of expediting or furthering in any way the sale of that property.

"(b) For the purpose of this Section, wrapping, packing and packaging supplies shall include, but shall not be limited to:

"(1) Wrapping paper, wrapping twine, bags, cartons, crates, crating materials, tape, rope, labels, staples, glue and mailing tubes.

"(2) Property used inside a package in order to shape, form, preserve, stabilize or protect the contents, such as, but not limited to, excelsior, straw, cardboard fillers, separators, shredded paper, ice, dry ice, cotton batting, shirt boards, hay and laths.

"(3) Containers.

"(a) There are exempted from the taxes imposed by this Chapter the receipts of sales, leases, or rentals of, and the storage, use or other consumption in this State of:

"(1) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

"(2) Containers when sold with the contents if the sale price of the contents is not required to be included in the measure of the taxes imposed by this Chapter.

"(3) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

"(b) As used in this Article, the term 'returnable containers' means containers of a kind customarily returned by the buyer of the contents

for reuse. All other containers are 'nonreturnable containers.'

"(F) Certain Meals and Food Products. There are exempted from the taxes imposed by this Chapter the receipts from the sale of, and the storage, use or other consumption in this State of:

"(1) Meals and food products (including soft drinks and candy) for human consumption served by public or private schools, school districts, student organizations, or Parent-Teacher Associations pursuant to an agreement with the proper school authorities, in an elementary or secondary school during the regular school day.

"(2) Meals and food products (including soft drinks and candy) for human consumption when sold by a church or at a function of said church.

"(3) Meals and food products (including soft drinks and candy) for human consumption when served to patients and inmates of hospitals and other institutions licensed by the State for the care of human beings.

"(G) Interstate Shipments.

"(1) Property Shipped Outside State Pursuant to Sales Contract; Delivery by Retailer. There are exempted from the taxes imposed by this Chapter receipts from any sale of tangible personal property which, pursuant to the contract of sale, is shipped to a point outside this State by the retailer by means of:

"(a) facilities operated by the retailers;

"(b) delivery by the retailer to a carrier for shipment to a consignee at such point; or

"(c) delivery by the retailer to a customs broker or forwarding agent for shipment outside this State.

"(2) Common Carriers. There are exempted from the computation of the limited sales tax, the receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the ship-

ment is made freight charges collect, to a point outside this State and the tangible personal property is actually transported to the out-of-State destination for use by the carrier in the conduct of its business as a common carrier outside the State of Texas.

"(3) Special Use Tax Exemption. The use tax imposed herein shall not apply to:

"(a) The use, in this State, of tangible personal property which is acquired outside this State and which is moved into this State for use as a licensed and certificated carrier of persons or property.

"(b) The temporary storage in this State of tangible personal property which is acquired outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property which is used solely outside this State.

"(c) The storage, use or consumption of tangible personal property which is acquired outside this State, the sale, lease or rental or the storage, use or consumption of which tangible personal property would be exempt from the limited sales or use tax were it purchased within this State.

"(d) The storage and use, in this State, of tangible personal property acquired outside this State for use as a repair or replacement part for and actually affixed in this State to a self-propelled vehicle which is a licensed and certificated common carrier of persons or property.

"(H) United States, State; Political Subdivisions; Religious, Eleemosynary Organizations. There are exempted from the computation of the amount of the taxes imposed by this Chapter, the receipts from the sale, lease or rental of any taxable items to, or the storage, use or other consumption of taxable items by:

"(1) The United States, its unincorporated agencies and instrumentalities.

"(2) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

"(3) The State of Texas, its unincorporated agencies and instrumentalities.

"(4) Any county, city, special district or other political subdivision of this State.

"(5) Any organization created for religious, educational, charitable or eleemosynary purposes, provided that no part of the net earnings of any such organization inures to the benefit of any private shareholder or individual.

"(I) Occasional Sales. There are exempted from the taxes imposed by this Chapter the receipts from the occasional sales of taxable items and the storage, use or other consumption in this State of taxable items the sale of which to the consumer constitutes an occasional sale or the sale of which to the consumer is made by way of an occasional sale.

"(J) Use Tax: Reciprocal Credit for Similar Taxes Paid Elsewhere. There shall be allowed as a credit to any taxpayer against the use tax imposed by this Chapter upon any taxable item, the amount of any like tax paid by that taxpayer in another state, territory or possession of the United States of America with respect to the sale, purchase or use of the items; provided that such other states, territories, or possessions provide for a similar tax credit for taxpayers of this State.

"(K) Use Tax Inapplicable When Limited Sales Tax Applies or When Use Tax Previously Paid. The storage, use or other consumption in this State of taxable items, the receipts from the sale, lease, rental or use of which are required to be included in the measure of the limited sales tax, or taxable items upon which a use tax has been paid by the taxpayer using said taxable items, is exempted from the use tax imposed by this Chapter.

"(L) Food and Food Products for

Human Consumption. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of, food products for human consumption.

"(1) 'Food products' shall include, except as otherwise provided herein, but shall not be limited to, cereals and cereal products; milk and milk products, including ice cream; oleomargarine; meat and meat products; poultry and poultry products; fish and fish products; eggs and egg products; vegetables and vegetable products; fruit and fruit products; spices, condiments and salt; sugar and sugar products; coffee and coffee substitutes; tea, cocoa products; or any combination of the above.

"(2) 'Food products' shall not include:

"(a) Medicines, tonics, vitamins and medicinal preparations in any form.

"(b) Carbonated and noncarbonated packaged soft drinks and diluted juices where sold in liquid or frozen form; and ice and candy.

"(c) Foods and drinks (which include meals, milk and milk products, fruits and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared or sold ready for immediate consumption in or by restaurants, drug stores, lunch counters, cafeterias, hotels or like places of business or sold ready for immediate consumption from push carts, motor vehicles, or any other form of vehicle. Provided, however, that food and drinks purchased by a common carrier for the purpose of serving passengers traveling en route aboard such carriers shall be exempt.

"(M) Drugs, Medicines, Prosthetic Devices. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage use or other consumption of insulin and of drugs and medicines when prescribed or dispensed for humans or animals by a licensed practitioner of the healing arts. There are also exempted from the taxes imposed by this Chapter, the receipts from sales of and the storage, use or other

consumption of braces, spectacles, hearing aids, orthopedic and dental prosthetic appliances, and replacement parts designed specifically for such products.

“(N) Animal Life; Feed; Seeds; Plants; Fertilizer. There are exempted from the taxes imposed by this Chapter the receipts from sales of, and the storage, use or other consumption of:

“(1) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Horses, mules and work animals.

“(2) Feed for farm and ranch animals and for animals which are held for sale in the regular course of business.

“(3) Seeds and annual plants the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business.

“(4) Fungicides, insecticides, herbicides, defoliant and desiccants exclusively used or employed on farms or ranches in the production of food for human consumption, feed for any form of animal life, or other agricultural products to be sold in the regular course of business.

“(5) Fertilizer.

“(6) Machinery or equipment exclusively used or employed on farms or ranches in the production of food for human consumption, production of grass, the building or maintaining of roads and water facilities, feed for any form of animal life, or other agricultural products to be sold in the regular course of business.

“(O) Sale for Resale: Leasing or Renting.

“(1) There are exempted from the taxes imposed by this Chapter the receipts from all sales for resale, leasing, renting or for transfer as an integral part of a taxable service rendered in the regular course of business.

“(2) However, if a person purchases tangible personal property for the purpose of leasing or renting it to another person, and if he later sells

it by means of an occasional sale before he has collected and paid to this State as much tax on the rental or lease charges as would have been due and payable to this State had he not purchased the tangible personal property for the purpose of so renting and leasing it, he shall, at the time of his occasional sale of said tangible personal property include in his receipts from taxable sales the amount by which his purchase price exceeded the amount of rents collected by him on said tangible personal property.

“(3) When a lessor makes a retail sale of leased tangible personal property to a lessee of that tangible personal property under an agreement whereby certain rental payments are credited against the purchase price of that tangible personal property, he need not collect or pay any tax on the sale price to the extent that he has collected and paid on such rental payments.

“(P) Vessels.

“(1) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials, equipment and machinery which enter into and become component parts of ships, vessels, including commercial fishing vessels, or barges, of fifty (50) tons displacement and over, built in this State, and the receipts from the sale of such ships, vessels, or barges when sold by the builder thereof.

“(2) The taxes imposed by this Chapter shall not apply to the receipts from the sale, lease or rental of, or the storage, use or other consumption in this State of materials and supplies purchased by the owners or operators of ships or vessels operating exclusively in foreign or interstate coastwise commerce, where such materials and supplies are loaded upon the ship or vessel for use or consumption in the maintenance and operation thereof; or to materials and supplies used in the repair of such ships and vessels where such materials and supplies enter into and become a component part of such ships or vessels.

“(3) The taxes imposed by this Chapter shall not apply to the receipts

from the sale, lease or rental of, or the storage, use or other consumption in this State of drilling equipment used in the exploration for or production of oil, gas, sulphur, or other minerals when such equipment is built for exclusive use outside the boundaries of the State and is removed forthwith from the State upon completion.

“(Q) Certain Aircraft. There are exempted from the taxes imposed by this Chapter the receipts from the sale, use, storage, lease or other consumption of aircraft sold to persons using such aircraft as certificated or licensed carriers of persons or property, or sold to any foreign government or sold to persons who are not residents of this State.

“(R) Gas and Electricity. There are exempted from the taxes imposed by this Chapter the sale, production, distribution, lease or rental of and the storage, use or other consumption in this State of gas and electricity except when sold for residential use or commercial use.

“For the purpose of this subsection, the terms ‘residential use’ and ‘commercial use’ shall have the following meanings:

“‘Residential use’ means use in a family dwelling or building or portion thereof occupied as the home, residence, or sleeping place of one or more persons.

“‘Commercial use’ means use by persons engaged in selling, warehousing or distributing a commodity or service, either professional or personal.

“The term ‘commercial use’ specifically does not include use by persons engaged in: (1) processing tangible personal property for sale as tangible personal property; (2) exploration for or production and transportation of a material extracted from the earth; (3) agriculture, including dairy or poultry operations and pumping water for farm and ranch irrigation; or, (4) electrical processes such as electroplating, electrolysis and cathodic protection.

“(S) Rolling Stock. There are exempted from the taxes imposed by

this Chapter receipts from any sale, use, storage or other consumption of locomotives and rolling stock, including fuel or supplies essential to the operation of locomotives and trains.

“(T) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this State of books consisting wholly of writings sacred to any religious faith and religious periodicals published or distributed by any religious faith consisting wholly of writings promulgating the teachings of such faith.

“(U) Vending Machine Sales. (1) There are exempted from the taxes imposed by this Chapter the receipts from the sale of tangible personal property when sold through a coin-operated vending machine for a total consideration of sixteen cents (16¢) or less.

“(2) There are exempted from the taxes imposed by this Chapter the receipts from the sale of telephone service paid for by inserting coins in coin-operated telephones.

“(V) Transfers Without Substantial Change in Ownership. There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental of, and the storage, use or other consumption in this State, pursuant to the terms of a good faith bona fide contractual relationship, of an interest in tangible personal property to a partner, co-owner or other person who before or after such a sale owns a joint or undivided interest (with the seller) in such tangible personal property where the Texas Limited Sales, Excise and Use Tax has previously been paid on such tangible personal property.

“(W) Casing, Drill Pipe, Tubing, and Other Pipe. There are exempted from the taxes imposed by this Chapter, the receipts from the sale, lease, or rental in this State of casing, drill pipe, tubing, and other pipe to be used in exploration for or production of oil, gas, sulphur, and other minerals, offshore, outside the territorial limits of the State.

“(X) Property for Use in Offshore Exploration and Production.

(a) There are exempted from the taxes imposed by this Chapter the receipts from the sale, lease or rental in this State of tangible personal property for use exclusively in the exploration for or the production of oil, gas, sulphur, or other minerals offshore and outside the territorial limits of the State.

“(b) The property described in Subdivision (a) of this section may be delivered to the purchaser or lessee in this State and removed by means of his own facilities or by any other means beyond the territorial limits of the State.

“(c) Receipts from the sale, lease or rental of property described in Subdivision (a) of this section are exempt when the property is shipped to any place in the State for further assembly or fabrication, and receipts from the sale, lease or rental of such property made upon completion of the assembly or fabrication are exempt if the property is forthwith removed beyond the territorial limits of the State.

“(Y) Contracts with Exempt Organizations. There are exempted from the computation of the amount of taxes imposed by this Chapter, the receipts from the sale, lease or rental of any tangible personal property to, or the storage, use or other consumption of tangible personal property by, any contractor for the performance of a contract for the improvement of realty for an exempt organization as defined in Section 20.04 (H) of this Chapter or otherwise exempt from the taxes imposed by this Chapter to the extent of the value of the tangible personal property so used or consumed or both in the performance of such contract.”

Sec. 27. Section (B), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 7, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“(B) Method Retailer Is To Use in Computing Tax. The limited sales tax levied under Article 20.02 shall be computed and paid to the Comptroller on the basis of four and one-half per cent (4½%) of all receipts from the

total sales of taxable tangible personal property and taxable services sold by the retailer; provided any retailer who can establish to the satisfaction of the Comptroller that fifty per cent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is thirteen cents (13¢) or less may exclude the receipts from such sales when reporting and paying the tax imposed by Article 20.02 of this Chapter. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the Limited Sales, Excise and Use Tax and the retailer shall be subject to assessment for back taxes, penalties and interest as provided for in this Chapter.”

Sec. 28. Subsection 2, Section (C), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 770, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

“(2) For purposes of the limited sales tax a return shall be filed by every person subject to the tax. For purposes of the use tax a return shall be filed by every retailer engaged in business in the State and by every person who has purchased taxable items, the storage, use or other consumption of which is subject to the use tax, but who has not paid the use tax due to a retailer required to collect the tax.”

Sec. 29. Section (D), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

“(D) Contents of Return.

"(1) For the purposes of the limited sales tax, the return shall show the sale or receipts of the retailer or seller during the preceding reporting period. For purposes of the use tax, in case of a return filed by a retailer, the return shall show the total receipts from sales of taxable items sold by him during the preceding reporting period which was purchased for the purpose of storage, use or consumption in this State.

"(2) Gross proceeds from taxable rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the Comptroller may prescribe.

"(3) In case of a return filed by the purchaser, the return shall show the total sales price of the taxable items purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period.

"(4) The return shall also show the amount of the taxes for the period covered by the return and such other information as the Comptroller deems necessary for the proper administration of this Chapter."

Sec. 30. Subsection 2, Section (I), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(2) Notwithstanding any other provision of this Chapter, any vendor whose taxable receipts from the sale of taxable items are less than ten per cent (10%) of his total receipts may elect to report his taxable receipts from the sale of taxable items by the method set forth by paragraph (a) of subsection (1) of this Section (I) irrespective of the fact that such vendor may not fall within the definition of the term 'retail grocer' as that term is defined by paragraph (c) of subsection (1) of this Section (I)."

Sec. 31. Section (J), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 11, Chapter 2,

Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"(J) Commingled Tax and Receipts. Any retailer who establishes an accounting system under which the amount of tax collected pursuant to this Chapter is commingled with the receipts from the sale of taxable items may determine taxable receipts in the following manner:

"(1) He shall subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Chapter. The remainder shall consist of the receipts from the sale of taxable items plus the tax collected pursuant to the provisions of this Chapter.

"(2) This remainder shall then be divided by 1.04. The answer resulting shall be the taxable gross receipts of the retailer for reporting purposes as prescribed by Section (B) of this Article.

"The sole purpose of this Section is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the State a tax computed upon a base which already includes the tax imposed by this Chapter. Nothing herein shall be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by Article 20.021 of this Chapter."

Sec. 32. Section (K), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(K) Direct Payment Procedure Authorized. The Comptroller shall establish a system of direct payment which shall be applicable to those consumers who meet the qualifications set forth in this Section and who, after approval by the Comptroller, are issued a direct payment permit. The holder of a direct payment permit may issue to all of the vendors or sellers from whom purchases of taxable items are made a blanket exemption certificate covering all future purchases made by the direct payment permit holder and such certifi-

cate shall show the number of the direct payment permit and shall specify that the direct payment permit holder agrees to accrue and pay to the State of Texas all taxes which are or may in the future be due on taxable items purchased pursuant to exemption certificate.

“(1) Direct payment permits may be issued by the Comptroller after receipt of a written application for such a permit. The application shall be accompanied by:

“(a) Records establishing the fact that the applicant is a responsible person annually purchasing taxable items having a value when purchased equal to or in excess of Two Hundred Thousand Dollars (\$200,000) exclusive of any purchase for which a resale certificate authorized by Article 20.021(F) of this Chapter can be or could have been issued.

“(b) A description, in such detail as the Comptroller may require, of the accounting methods by which the applicant proposes to differentiate between taxable and exempt purchases.

“(c) An agreement, in a form prescribed by the Comptroller and signed by the applicant or, if a corporation, by a responsible officer thereof, under which the applicant agrees to accrue and pay all taxes imposed by Article 20.03 of this Chapter on all purchases not specifically exempted by Article 20.04 of this Chapter. The agreement shall stipulate that the applicant agrees to remit the taxes due quarterly on or before the last day of the month next succeeding each quarterly period. Such agreement shall also stipulate that the applicant agrees to waive any claim for the discount authorized by Article 20.05(E) of this Chapter on any tax paid by him pursuant to a direct payment permit, provided, however, that if the applicant holds a valid seller's permit issued under the provisions of Article 20.021(C) of this Chapter he shall continue to be entitled to claim the discounts authorized on sales made pursuant to such seller's permit.

“(2) A direct payment permit shall be issued to any applicant who meets, to the satisfaction of the Comptroller, the qualifications set forth in sub-

section (1) of this Section. The Comptroller shall be the sole judge of whether such qualifications have been met and refusal by the Comptroller to issue a direct payment permit shall not be appealable. Any applicant may, however, request an opportunity to submit an amended application or if denied a direct payment permit, after a reasonable length of time, he may submit a new application.

“(3) Persons holding direct payment permits hold them as a matter of revocable privilege and not as a matter of right and the Comptroller may, upon his own initiative and with reasonable notice, cancel any direct payment permit. A cancellation shall not be appealable. The Comptroller shall notify a direct payment permit holder that his permit has been cancelled by registered mail and, immediately upon receipt of such notification, the direct payment permit holder shall contact all of the vendors or sellers from whom purchases of taxable items are made and notify them that the exemption certificates issued to them pursuant to the direct payment permit are no longer valid. Failure of a person to so notify the vendors or sellers from whom purchases of taxable items are made of the cancellation of a direct payment permit shall be considered as a failure and refusal to pay the Limited Sales, Excise and Use Tax by the person required to issue such notices.

“(4) Any direct payment permit holder may voluntarily relinquish such permit by notifying the Comptroller of his desire to relinquish such permit. Such voluntary relinquishment of a direct payment permit shall not be effective until a termination notice is issued by the Comptroller. Immediately upon receipt of the Comptroller's termination notice, the direct payment permit holder shall contact all of the vendors or sellers from whom purchases of taxable items are made and notify them that the exemption certificates issued to them pursuant to the direct payment permit are no longer valid. Failure of a person to so notify the vendors or sellers from whom purchases of taxable items are made of the voluntary relinquishment of a direct payment permit shall be considered as a failure and refusal to pay the Limited Sales, Excise and

Use Tax by the person required to issue such notice."

Sec. 33. Section (C), Article 20.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(C) Notice of Comptroller's Determination; Service.

"(1) The Comptroller shall give to the retailer or person storing, using or consuming taxable items written notice of his determination.

"(2) The notice may be served personally or by mail; if by mail, the notice shall be addressed to the retailer or person storing, using or consuming taxable items at his address as it appears in the records of the Comptroller.

"(3) In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office."

Sec. 34. Subsection 2, Section (D), Article 20.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(2) The limitation specified in this Article does not apply in case of a limited sales tax proposed to be determined with respect to sales of taxable items for the storage, use or other consumption of which notice of a deficiency determination has been or is given pursuant to paragraphs (C), (D)(1) and (G) of this Article, and paragraph (B) of Article 20.07. The limitation specified in this Article does not apply in case of an amount of use tax proposed to be determined with respect to storage, use or other consumption of taxable items for the sale of which notice of a deficiency determination has been or is given pursuant to paragraphs (C), (D)(1), and (G) of this Article, and paragraph (B) of Article 20.07 and to subparagraph 1 of this paragraph."

Sec. 35. Subsection 1, Section (E), Article 20.06, Title 122A, Taxation-

General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(1) If any person fails to make a return, the Comptroller shall make an estimate of the receipts of the person, or, as the case may be, of the amount of the total sales, rent or lease price of taxable items sold, rented or leased or purchased, by the person, the storage, use or other consumption of which in this State is subject to the use tax. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the Comptroller's possession or may come into his possession upon the basis of this estimate, the Comptroller shall compute and determine the amount required to be paid to the State, adding to the sum thus arrived at a penalty equal to ten per cent (10%) thereof. One or more determinations may be made for one or for more than one period."

Sec. 36. Sections (C) and (D), Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(C) Records to be Kept by Sellers, Retailers and Others.

"(1) Every seller, every retailer, and every person storing, using or otherwise consuming in this State taxable items purchased from a retailer shall keep such records, receipts, invoices and other pertinent papers in such form as the Comptroller may reasonably require.

"(2) Every such seller, retailer or person shall keep such records for not less than four (4) years from the making of such records unless the Comptroller in writing sooner authorizes their destruction.

"(D) Examination of Records; Investigation of Business. The Comptroller, or any person authorized in writing by him, may examine the books, papers, records and equipment of any person selling taxable items and any person liable for the use

tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid."

Sec. 37. Section (F), Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(F) Reports for Administering Use Tax: Contents. In administration of the use tax, the Comptroller may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to sales of taxable items, the storage, use or other consumption of which is subject to the tax. The report shall:

"(1) Be filed when the Comptroller requires.

"(2) Set forth the names and addresses of purchasers of the tangible personal property, the sales price of the property, the date of sale, and such other information as the Comptroller may require."

Sec. 38. Section (B), Article 20.12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, 1963, is amended to read as follows:

"(B) Penalty for Improper Use of Resale Certificate. Any person who gives a resale certificate to the seller for property which he knows, at the time of purchase, is purchased for the purpose of use rather than the purpose of resale, lease or rental by him in the regular course of business or for transfer as an integral part of a taxable service in the regular course of business, is guilty of a misdemeanor and such person shall upon conviction be fined not more than Five Hundred Dollars (\$500) for each conviction."

Sec. 39. Article 20.13, Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read:

"Art. 20.13. Disposition of Proceeds.

"All fees, taxes, interest and penalties imposed, and all amounts of tax required to be paid to the State under this Chapter shall be paid to the Comptroller in the form of remittances payable to the Comptroller of Public Accounts of Texas.

The Comptroller shall remit all fees, taxes, interest and penalties collected to the State Treasurer to be deposited in the State Treasury to the credit of the General Revenue Fund subject to the following allocations:

"(A) To the credit of the State Highway Fund so much of the proceeds of the taxes imposed by this Chapter as the Comptroller shall certify arises from the application of the taxes imposed by this Chapter to the sale and use of lubricating oils and motor oils used to propel motor vehicles over the public roadways.

"The amount to be deposited to the credit of the State Highway Fund shall be determined by the Comptroller based on available statistical data indicating the estimated average or actual consumption or sales of lubricants used to propel motor vehicles over the public roadways. In the event that satisfactory statistical data as to such consumption or use of lubricants is not available the Comptroller may, at his discretion, require that taxpayers making taxable sales or use of such lubricants in this State furnish such information to the Comptroller as is necessary to make the appropriate allocations required under this Article.

"(B) To each eligible city of the State a share of the additional tax imposed by Articles 20.02 (B) and 20.03 (B) determined in accordance with the provisions of this Article. The amounts so transmitted shall be used by the recipient city for public health, safety and welfare, general administration or any other governmental function performed by the recipient city in furtherance of general law for the interest of the public at large. However, no city may pledge the anticipated revenue from this source to secure the payment of bonds or other indebtedness. For the purpose of this Article, the term 'city' means any city, town or village incorporated in accordance with

the provisions of the laws of this State.

"(1) The Comptroller shall determine the percentage of the additional tax to be paid to each eligible city based on the ratio of the population of that city to the population of the State as a whole, except as limited in subsections (a) and (b).

"(a) No eligible city which shall have enacted a sales tax under the provisions of the 'Local Sales and Use Tax Act' with an effective date precedent to the effective date of this Act shall receive less than the amount which they would have collected annually from such tax. The amount that each such city would have collected annually under the 'Local Sales and Use Tax Act' shall be computed as follows: (i) In the case of a city in which the local sales tax was effective January 1, 1968, the amount of actual collections for the period January 1 through June 30, 1968, multiplied by two (2); and (ii) in the case of a city in which the local sales tax was effective April 1, 1968, the amount of actual collections for the period April 1 through June 30, 1968, multiplied by four (4). The term 'actual collections' shall mean ninety eight percent (98%) of the amount actually remitted to the Comptroller on or before midnight of July 31, 1968, without any subsequent adjustment for bad checks, refunds, delinquent collections, penalty or interest.

"(b) Except for the limitation in subsection (a) above, no eligible city shall receive in any one calendar year an amount greater than ninety percent (90%) of the total amount of current and delinquent ad valorem property tax collected by that city in calendar year 1967 or in the latest calendar year, whichever is greater.

"(c) The population of the State and the population of cities included in the latest available statewide Federal Census shall be determined by that Census.

"(d) The population of cities not included in the latest statewide Federal Census shall be estimated by the Division of Planning Coordination established pursuant to the provisions

of Acts 1967, 60th Legislature, Chapter 417 (compiled as Article 4413 (32a), Sec. 4, (VACS) as of the date of incorporation and such population estimate shall be used in computing the percentage allocation to each such city until the next statewide Federal Census.

"(e) Payments under this Section shall be made quarterly at a date designated by the Comptroller, but prior to the expiration of the next prior succeeding quarter.

"(2) Eligibility of cities under the provisions of this Article shall be established as follows:

"(a) Any city included in the 1960 Federal Census shall file, within sixty (60) days of the effective date of this Act, with the Comptroller a report signed by a duly elected official of the city which shall state the date of the city's incorporation, and attest to the amount of current and delinquent ad valorem property tax collected by such city in the year ended December 31, 1967.

"(b) Any city not included in the 1960 Federal Census shall, in addition to filing the report required in (a) above with the Comptroller, file with the Division of Planning Coordination satisfactory evidence that such city was incorporated in accordance with the laws of this State and such other information as the Division may require in order to determine the estimated population of such city on the date of incorporation.

"Any city incorporated subsequent to the effective date of this Act shall include in its initial report to the Comptroller a statement of the amount of current and delinquent ad valorem property tax collected by such city in the latest calendar year.

"(c) Eligibility shall be renewed each year by the filing of a report which shall attest to the total amount of current and delinquent ad valorem property tax collected by such city in the latest calendar year. These annual reports shall be filed with the Comptroller prior to March 1 of each year.

"(d) Any city which fails to file the initial or any subsequent report

as required by this Article shall not be eligible to share in the additional taxes imposed by Articles 20.02 (B) and 20.03 (B) during the year in which the report was due.

“(3) In the event that two or more cities consolidate into one city, the larger city shall be entitled to the combined shares of the additional tax to which the constituent cities were entitled prior to consolidation.”

Sec. 40. Acts 1967, 60th Legislature, Chapter 36, page 62, (Local Sales and Use Tax Act), is amended by adding a new Section 17 to read:

“Sec. 17. Suspension of Act.

“This Act is hereby suspended for so long as Article 20.13 (B), Chapter 20, Title 122A, Taxation-General, is operative. In the event that Article 20.13 (B) is made inoperative, by either legislative or judicial action, then this Act shall again become operative and all actions taken by cities under the provisions of this Act shall likewise become operative after the lapse of one full calendar quarter following the final legislative or judicial action.”

Mr. Traeger moved to table the above amendment offered by Mr. Pickens.

The motion to table prevailed.

Mr. Pickens offered the following amendment to Article I of Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2, Article I, Section 42, by striking all of Section 42 and substituting in lieu thereof the following:

Section 42. Subdivisions (1) and (2), Subsection B, Section 6, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967 (Article 1066c, Vernon's Texas Civil Statutes), are amended to read as follows:

“(1) For the purposes of the local sales tax imposed by this Act, all retail sales, leases and rentals except sales of natural gas or electricity are consummated at the place of business of the retailer unless the tangible

personal property sold, leased, or rented is delivered by the retailer or his agent to an out-of-city or out-of-state destination or to a common carrier for delivery to an out-of-city or an out-of-state destination. In the event the retailer has no permanent place of business in the State, the place or places at which the retail sales, leases, or rentals are consummated for the purposes of the tax imposed by this Act shall be determined under rules and regulations prescribed by the Comptroller. If the retailer has more than one place of business in the State, the place or places at which retail sales, leases, and rentals are consummated shall be the retailer's place or places where the purchaser or lessee takes possession and removes from the retailer's premises the articles of tangible personal property to a point designated by the purchaser or lessee, then the sales, leases, or rentals are consummated at the retailer's place or places of business from which tangible personal property is delivered to the purchaser or lessee. The sale of natural gas or electricity is consummated at the point of delivery to the consumer.

“(2) For the purpose of the excise tax imposed by this Act on any retailer holding tangible personal property purchased on a Resale Certificate, and which property becomes subject to such excise tax by reason of use or other consumption of such property, such use or other consumption of such property is consummated at the place of business of the retailer, unless the tangible personal property is delivered by the retailer or his agent to an out-of-city destination or to a common carrier for delivery to an out-of-city destination. If the retailer has more than one place of business in the State, the place at which such use or consumption is consummated shall be the last place of business of such retailer where such property is stored or kept at the time of or just prior to its use or consumption.”

Mr. Traeger moved to table the above amendment offered by Mr. Pickens and the motion to table prevailed.

Mr. Williamson offered the follow-

ing amendment to Article I of Committee Amendment No. 1:

Amend the Committee Substitute to H. B. No. 2 by:

(1) Amending Section 15, Article 1, to read as follows:

Sec. 15. Article 20.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 4, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

“Article 20.02 Imposition of Limited Sales Tax

“(A) There is hereby imposed a limited sales tax at the rate of three percent (3%) on the receipts from sale at retail of all tangible personal property within this State.

“(B) There is hereby imposed an additional sales tax at the rate of one percent (1%) on the receipts from the sale at retail of all tangible personal property within this State. Unless otherwise indicated, for the purpose of collecting the taxes imposed and administering the provisions of this Chapter, the two taxes imposed by this Article shall be added together and applied as one tax at the combined rate.”

(2) Amending the quoted part of Section 16, Article 1, to read as follows:

(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed FOB the seller's place of business, and with transportation charges separately stated, the tax herein imposed shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed trans-

portation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale		Tax
\$.01 to	\$.12	No Tax
.13 to	.37	\$.01
.38 to	.62	.02
.63 to	.87	.03
.88 to	1.12	.04
1.13 to	1.37	.05
1.38 to	1.62	.06
1.63 to	1.87	.07

“Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying four percent (4%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half on one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

“When several articles or items of tangible personal property are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or item of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

“The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited.”

(3) Amending the quoted part of Section 24, Article 1, to read as follows:

“Article 20.03. Imposition and Rate of Use Tax

“(A) An excise tax is hereby imposed on the storage, use or other consumption in this State of tangible personal property purchased, leased or rented from any retailer on or after September 1, 1961, for storage, use or other consumption in this State, at the rate of three percent (3%) of the sales price of the prop-

erty, or in the case of leases or rentals, of said lease or rental prices.

"(B) An excise tax is hereby imposed on the use or consumption in this State of taxable services purchased on or after January 1, 1970, for use or consumption in this State at the rate of three per cent (3%) of the sales price of the taxable service."

"(C) An additional excise tax is hereby imposed on the storage, use or other consumption in this State of tangible personal property purchased, leased or rented from any retailer for storage, use or other consumption in this State, at the rate of one percent (1%) of the sales price of the property or, in the case of leases or rentals, of said lease or rental prices. Unless otherwise indicated, for purposes of collecting the tax and administering the provisions of this Chapter, the two taxes imposed by this Article shall be added together and applied as one tax at the combined rate.

"(D) An additional excise tax is hereby imposed on the use or consumption in this State of taxable services purchased on or after January 1, 1970, for use or other consumption in this State, at the rate of one percent (1%) of the sales price of the taxable service."

(4) Amending the quoted part of Section 27, Article 1, to read as follows:

(B) Method Retailer Is to Use in Computing Tax. The limited sales tax levied under Article 20.02 hereof shall be computed and paid to the Comptroller on the basis of four percent (4%) of all receipts from the total sales of taxable tangible personal property sold by such retailer; provided any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property arise from individual transactions where the total sales price is twelve cents (12¢) or less may exclude the receipts from such sales when reporting and paying the tax imposed by Article 20.02 of this Chapter. No retailer shall avail himself of this provision with-

out prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and a refusal to pay the Limited Sales, Excise and Use Tax and the retailer shall be subject to assessment for back taxes, penalties and interest as provided for in this Chapter."

(5) Deleting Sections 39, 40, 41, 42, 43, and 44 of Article 1 and adding a new Section 39 to read as follows:

Sec. 39. Article 20.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 138, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

"Article 20.13. Disposition of Proceeds

"(A) All fees, taxes, interest and penalties imposed, and all amounts of tax required to be paid to the State under this Chapter shall be paid to the Comptroller in the form of remittances payable to the Comptroller of Public Accounts of Texas. The Comptroller shall remit all fees, taxes, interest and penalties collected to the State Treasurer to be deposited in the State Treasury in the following manner:

"(1) The State Treasurer shall deposit all proceeds from the three percent (3%) limited sales tax and the three percent (3%) use tax imposed by this Chapter to the credit of the General Revenue Fund except that portion of the proceeds which the Comptroller of Public Accounts shall certify arises from the application of the taxes imposed by this Chapter to the sale and use of lubricating oils and motor oils consumed on the public roads, streets and highways of this State.

"(2) The State Treasurer shall deposit to the credit of the State Highway Fund so much of the proceeds from the three percent (3%) limited sales tax and the three percent (3%) use tax imposed by this Chapter as the Comptroller shall certify arises from the application of the taxes imposed by this Chapter to the sale and use of lubricating oils and motor oils used to propel motor vehicles over the public roadways.

"(3) The amount to be deposited to the credit of the State Highway Fund shall be determined by the Comptroller based on available statistical data indicating the estimated average or actual consumption or sales of lubricants used to propel motor vehicles over the public roadways. In the event that satisfactory statistical data as to such consumption or use of lubricants is not available the Comptroller may, at his discretion, require that taxpayers making taxable sales or use of such lubricants in this State furnish such information to the Comptroller as is necessary to make the appropriate allocations required under this Article.

"(B) The State Treasurer shall allocate from the proceeds of the additional sales and use tax imposed by this Chapter to each eligible city of the State a share of seventy percent (70%) the additional tax imposed by Articles 20.02 and 20.03 determined in accordance with the provisions of this Article. The amounts so transmitted shall be used by the recipient city for public health, safety and welfare, general administration or any other governmental function performed by the recipient city in furtherance of general law for the interest of the public at large. However, no city may pledge the anticipated revenue from this source to secure the payment of bonds or other indebtedness. For the purpose of this Article, the term 'city' means any city, town or village incorporated in accordance with the provisions of the laws of this State.

"(1) The Comptroller shall determine the percentage of seventy percent (70%) of the additional tax to be paid to each eligible city based on the ratio of the population of that city to the population of the State as

a whole, except as limited in Subsection (a).

"(a) No eligible city shall receive in any one calendar year an amount greater than ninety percent (90%) of the total amount of current and delinquent ad valorem property tax collected by that city in calendar year 1967 or in the latest calendar year, whichever is greater.

"(b) The population of the State and the population of cities included in the latest available statewide Federal Census shall be determined by that Census.

"(c) The population of cities not included in the latest statewide Federal Census shall be estimated by the Division of Planning Coordination established pursuant to the provisions of Section 4, Chapter 417, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413 (32a), Vernon's Texas Civil Statutes), as of the date of incorporation and such population estimate shall be used in computing the percentage allocation to each such city until the next statewide Federal Census.

"(d) Payments under this Section shall be made quarterly at a date designated by the Comptroller, but prior to the expiration of the next succeeding quarter.

"(2) Eligibility of cities under the provisions of this Article shall be established as follows:

"(a) Any city included in the 1960 Federal Census shall file, within sixty (60) days of the effective date of this Act, with the Comptroller a report signed by a duly elected official of the city which shall state the date of the city's incorporation, and attest to the amount of current and delinquent ad valorem property tax collected by such city in the year ended December 31, 1967.

"(b) Any city not included in the 1960 Federal Census shall, in addition to filing the report required in (a) above with the Comptroller, file with the Division of Planning Coordination satisfactory evidence that such city was incorporated in accordance with the laws of this State and such other information as the Division

may require in order to determine the estimated population of such city on the date of incorporation.

"Any city incorporated subsequent to the effective date of this Act shall include in its initial report to the Comptroller a statement of the amount of current and delinquent ad valorem property tax collected by such city in the latest calendar year.

"(c) Eligibility shall be renewed each year by the filing of a report which shall attest to the total amount of current and delinquent ad valorem property tax collected by such city in the latest calendar year. These annual reports shall be filed with the Comptroller prior to March 1 of each year.

"(d) Any city which fails to file the initial or any subsequent report as required by this Article shall not be eligible to share in the additional taxes imposed by Articles 20.02 and 20.03 during the year in which the report was due.

"(3) In the event that two or more cities consolidate into one city, the larger city shall be entitled to the combined share of the additional tax to which the constituent cities were entitled prior to consolidation.

"(C) The State Treasurer shall allocate from the proceeds of the additional sales and use tax imposed by this Chapter to each county of the State a share of seven and one-half percent ($7\frac{1}{2}\%$) of the additional tax imposed by Articles 20.02 and 20.03 determined in accordance with the provisions of this Article. The amount so transmitted shall be used by the recipient county for public health, safety and welfare, general administration or any other governmental function performed by the recipient county in furtherance of general law for the interest of the public at large. However, no county may pledge the anticipated revenue from this source to secure the payment of bonds or other indebtedness.

"(1) The Comptroller shall determine the percentage of seven and one-half percent ($7\frac{1}{2}\%$) of the additional tax to be paid to each eligible county based on the ratio of the population

of that county to the population of the State as a whole.

"(2) The population of the State and the population of counties included in the latest available statewide Federal Census shall be determined by that Census.

"(3) Payments under this Section shall be made quarterly at a date designated by the Comptroller, but prior to the expiration of the next succeeding quarter. Payments shall be made to the general fund of the county.

"(D) The State Treasurer shall allocate from the additional sales and use tax imposed by this Chapter to each independent school district of the State a share of twelve and one-half percent ($12\frac{1}{2}\%$) of the additional tax imposed by Articles 20.02 and 20.03 determined in accordance with the provisions of this Article. The amounts transmitted shall be used by the recipient independent school district for the maintenance and support of primary and secondary education in the district. However, no independent school district may pledge the anticipated revenue from this source to secure the payment of bonds or other indebtedness. For the purpose of this Article, the term 'independent school district' means any independent school district created according to the law of this State.

"(1) The Comptroller shall determine the percentage of twelve and one-half percent ($12\frac{1}{2}\%$) of the additional tax to be paid to each independent school district based on the ratio of the number of scholastics in the independent school district to the total number of scholastics in independent school districts in the State.

"(2) The number of scholastics of the State in independent school districts and of the independent school districts shall be determined by the Texas Education Agency. The Texas Education Agency shall report all necessary information upon request of the Comptroller.

"(3) Payments under this Section shall be made quarterly at a date designated by the Comptroller, but prior to the expiration of the next succeeding quarter.

“(E) All sums of the additional tax imposed by Articles 20.02 and 20.03 remaining after distribution under the provisions of Sections (B), (C), and (D) of this Article shall be paid to the State as provided in Section (A) of this Article.”

(6) Renumbering Section 45 as Section 40 and adding a new Section 41 to read as follows:

Sec. 41. Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c Vernon’s Texas Civil Statutes), is repealed.

(7) Deleting Articles 2 and 3.

(8) Amending Section 2 of Article 6 by inserting the words “automobile racing,” between “to” and “horse” in Section (2) of quoted Article 21.02.

(9) Amending Section 1 of Article 7 by amending Subdivision (2) of Section (a) of quoted Article 26.01 by inserting between the words “charge” and “to” a comma and the words “or any other minimum or cover charge.”

(10) Deleting Section 4 of Article 8.

(11) Renumbering Articles 4, 5, 6, 7, 8, and 9 as Articles 2, 3, 4, 5, 6, and 7.

Mr. Traeger moved to table the above amendment offered by Mr. Williamson to Article I of Committee Amendment No. 1, and the motion to table prevailed.

Mr. Williamson offered the following amendment to Article I of Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by striking the word “therefor” found in Section 26, Article 1, in the quoted part of Subparagraph (i), Paragraph (b), Subsection (1), Section (E), of quoted Article 20.04 (p. 14, line 4, Second Printing).

Mr. Atwell moved to table the above amendment offered by Mr. Williamson to Article I and the motion to table prevailed.

Mr. Poerner offered the following

amendment to Article I of Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by deleting Subdivisions (3), (4), (5) and (6) of quoted Section (V) on page 6.

Mr. Atwell moved to table the above amendment offered by Mr. Poerner to Article I of Committee Amendment No. 1.

A record vote was requested on the motion to table.

The motion to table was lost by the following vote:

Yeas—57

Atwell	McKissack
Blaine	McLaughlin
Blanton	Moore of Dallas
Braecklein	Moyer
Burnett	Musgrove
Calhoun	Nabers
Carrillo	Ogg
Cavness	Orr
Cobb	Parker of Denton
Cole	Pickens
Cory	Pickett
Cummings	Presnal
Davis of Harris	Price
Dickson	Salter
Finney	Schulle
Golman	Shannon, Joe, Jr.,
Hale	of Tarrant
Harding	Shannon, Tommy,
Hawkins	of Tarrant
Heatly	Sherman
Hinson	Slack
Hull	Solomon
Jones of Lubbock	Swanson
Jones of Taylor	Tarbox
Jungmichel	Traeger
Knapp	Ward
Lemmon	Wayne
Longoria	Wieting
McAlister	Wright
McDonald	

Nays—87

Abraham	Bass of Harris
Adams	Bass of Van Zandt
Allen of Harris	Beckham
Allen of Gregg	Bigham
Allred	Braun
Angly	Bray
Archer	Burgess
Armstrong	Caldwell
Atwood	Christian
Baker	Clark of Harris

Clayton	Moreno
Craddock	Muniz
Cruz	Murray
Daniel	Neugent
Davis of Travis	of Galveston
Dramberger	Newman
Earthman	Nichols
Evans	Niland
Farenthold	Nowlin
Finnell	Nugent of Kerr
Floyd	Parker
Garcia	of Jefferson
Graves	Patterson
Hannah	Poerner
Harris	Ratcliff
Hawn	Ray
Haynes	Reed
Head	Rosson
Hendricks	Salem
Holland	Sanchez
Holmes of Hood	Santiesteban
Holmes of Dallas	Semos
Howard	Slider
Hubenak	Smith
Johnson	Stewart
Jones of Harris	Stroud
Kothmann	Thomas
Kubiak	Truan
Lee	Uher
Ligarde	Vale
Lombardino	Vance
Lovell	Weldon
Moore of Hill	Williams
Moore	Williamson
of McLennan	Willis

Present—Not Voting

Clark of Dallas

Absent

Doran Kilpatrick

Absent-Excused

Finck

REASON FOR VOTE

August 7, 1969

On Record Vote No. 3 Representative James H. Clark, Jr., voted "Present-Not Voting" due to a conflict of interest under Art. 3, Sec. 22 of the Constitution of the State of Texas.

Signed: JAMES H. CLARK, JR.

RECESS

Mr. Jones of Lubbock moved that the House recess until 1:30 o'clock p.m. today.

A record vote was requested on the motion to recess.

The vote of the House was taken on the motion to recess until 1:30 o'clock p.m. today and the vote was announced Yeas 76, Nays 69.

A verification of the vote was requested and was granted.

The roll of those voting Yea was again called and the verified vote resulted as follows:

Yeas—77

Allen of Gregg	McAlister
Atwell	McDonald
Blaine	McKissack
Blanton	McLaughlin
Braecklein	Moore of Hill
Burnett	Moore of Dallas
Calhoun	Moyer
Carrillo	Murray
Clayton	Musgrove
Cobb	Nabers
Cole	Neugent
Cory	of Galveston
Cummings	Nugent of Kerr
Davis of Harris	Ogg
Davis of Travis	Orr
Dickson	Parker of Denton
Doran	Presnal
Finney	Price
Floyd	Ray
Garcia	Rosson
Golman	Salter
Hale	Sanchez
Harding	Schulle
Hawkins	Semos
Hawn	Shannon, Joe, Jr.,
Head	of Tarrant
Heatly	Shannon, Tommy,
Hendricks	of Tarrant
Hinson	Sherman
Holland	Slack
Hubenak	Slider
Hull	Solomon
Jones of Lubbock	Tarbox
Jones of Taylor	Traeger
Jungmichel	Uher
Knapp	Ward
Lemmon	Wayne
Ligarde	Wieting
Longoria	Willis
Lovell	Wright

Nays—69

Abraham	Archer
Adams	Armstrong
Allen of Harris	Atwood
Allred	Baker
Angly	Bass of Harris

Bass of Van Zandt	Lombardino
Beckham	Moore
Bigham	of McLennan
Braun	Moreno
Bray	Muniz
Burgess	Newman
Caldwell	Nichols
Cavness	Niland
Christian	Nowlin
Clark of Harris	Parker
Craddick	of Jefferson
Cruz	Patterson
Daniel	Pickens
Dramberger	Pickett
Earthman	Poerner
Evans	Ratcliff
Farenthold	Reed
Finnell	Salem
Graves	Santiesteban
Hannah	Smith
Harris	Stewart
Haynes	Stroud
Holmes of Hood	Swanson
Holmes of Dallas	Thomas
Howard	Truan
Johnson	Vale
Jones of Harris	Vance
Kilpatrick	Weldon
Kothmann	Williams
Kubiak	Williamson
Lee	

Absent

Clark of Dallas

Absent-Excused

Finck

By unanimous consent, the House dispensed with the verification of those voting Nay.

The Speaker stated that the motion to recess until 1:30 o'clock p.m. today prevailed by the above vote.

The House accordingly, at 11:57 o'clock a.m., took recess until 1:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 1:30 o'clock p. m. and was called to order by the Speaker.

HOUSE AT EASE

The Speaker stated that the House would stand at ease temporarily.

(Mr. Nugent of Kerr in the Chair)

The Chair called the House to order at 1:34 o'clock p. m.

RESOLUTIONS SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 7, Commending Postmaster Granville W. Elder and the Houston Post Office for instituting a training program for deaf applicants.

S. C. R. No. 8, Congratulating John Worth Cloud of Albany, Texas.

(Speaker in the Chair)

HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment, H. B. No. 2, raising revenue for the support of state government; amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended.

The bill was read second time on this morning. Committee Amendment No. 1 and an amendment offered by Mr. Poerner to Committee Amendment No. 1, are pending at this time.

Mr. Nugent of Kerr offered the following substitute amendment for the pending amendment offered by Mr. Poerner to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by striking out of Section 13V(4), on Page 6, the words "refrigerators and washing and drying machines."

Signed: NUGENT of Kerr and CLAYTON

Mr. Poerner moved to table the above substitute amendment offered by Mr. Nugent of Kerr.

A record vote was requested on the motion to table.

The motion to table was lost by the following vote:

Yeas—67

Abraham	Angly
Adams	Archer
Allen of Harris	Armstrong
Allred	Atwood

Bass of Harris	Lombardino
Bass of Van Zandt	Moore
Beckham	of McLennan
Bigham	Moreno
Braun	Muniz
Bray	Neugent
Caldwell	of Galveston
Clark of Harris	Nichols
Craddick	Niland
Cruz	Nowlin
Daniel	Parker
Dramberger	of Jefferson
Earthman	Patterson
Evans	Poerner
Farenthold	Ratcliff
Graves	Reed
Hale	Salem
Hannah	Santiesteban
Harris	Semos
Haynes	Smith
Head	Solomon
Hendricks	Stewart
Holmes of Hood	Stroud
Holmes of Dallas	Swanson
Howard	Thomas
Johnson	Truan
Jones of Harris	Vale
Kilpatrick	Vance
Kothmann	Weldon
Kubiak	Williams
Lee	Williamson

Nays—80

Mr. Speaker	Holland
Allen of Gregg	Hubenak
Atwell	Hull
Baker	Jones of Lubbock
Blaine	Jones of Taylor
Blanton	Jungmichel
Braecklein	Knapp
Burgess	Lemmon
Burnett	Ligarde
Calhoun	Longoria
Carrillo	Lovell
Cavness	McAlister
Christian	McDonald
Clayton	McKissack
Cobb	McLaughlin
Cole	Moore of Hill
Cory	Moore of Dallas
Cummings	Moyer
Davis of Harris	Murray
Davis of Travis	Musgrove
Dickson	Nabers
Doran	Newman
Finnell	Nugent of Kerr
Finney	Ogg
Floyd	Orr
Garcia	Parker of Denton
Golman	Pickens
Harding	Pickett
Hawkins	Presnal
Hawn	Price
Heatly	Ray
Hinson	Rosson

Salter	Slider
Sanchez	Tarbox
Schulle	Traeger
Shannon, Joe, Jr.,	Uher
of Tarrant	Ward
Shannon, Tommy,	Wayne
of Tarrant	Wieting
Sherman	Willis
Slack	Wright

Absent

Clark of Dallas

Absent-Excused

Finck

The substitute amendment offered by Mr. Nugent of Kerr was then adopted.

RECORD OF VOTE

Mr. Kubiak requested to be recorded as voting "Nay" on the adoption of the above substitute amendment offered by Mr. Nugent of Kerr.

CONSIDERATION OF

H. B. NO. 2

(Continued)

Mr. Smith moved that further consideration of H. B. No. 2 be postponed until next Monday, August 11, at 11:00 o'clock a.m.

Mr. Traeger moved to table the above motion by Mr. Smith to postpone further consideration of H. B. No. 2.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—98

Abraham	Cobb
Allen of Gregg	Cole
Angly	Cory
Archer	Craddick
Armstrong	Cummings
Atwell	Davis of Harris
Baker	Davis of Travis
Bass of Harris	Dickson
Blaine	Doran
Blanton	Dramberger
Braecklein	Earthman
Burgess	Finnell
Burnett	Finney
Caldwell	Floyd
Calhoun	Garcia
Carrillo	Golman
Cavness	Hale
Christian	Harding
Clark of Dallas	Hawkins
Clayton	Hawn

Head	Orr
Heatly	Parker of Denton
Hendricks	Patterson
Hinson	Pickens
Holland	Pickett
Holmes of Hood	Presnal
Hubenak	Price
Hull	Ray
Jones of Lubbock	Rosson
Jones of Taylor	Salter
Jungmichel	Sanchez
Knapp	Santiesteban
Lee	Schulle
Lemmon	Semos
Ligarde	Shannon, Joe, Jr., of Tarrant
Lombardino	Shannon, Tommy, of Tarrant
Longoria	Sherman
Lovell	Slack
McAlister	Slider
McDonald	Solomon
McLaughlin	Swanson
Moore of Hill	Tarbox
Moore of Dallas	Traeger
Moyer	Ward
Murray	Wieting
Musgrove	Williamson
Nabers	Willis
Newman	Wright
Nugent of Kerr	
Ogg	

Nays—48

Adams	Moore
Allen of Harris	of McLennan
Allred	Moreno
Atwood	Muniz
Bass of Van Zandt	Neugent
Beckham	of Galveston
Bigham	Nichols
Braun	Niland
Bray	Nowlin
Clark of Harris	Parker
Cruz	of Jefferson
Daniel	Ratcliff
Evans	Reed
Farenthold	Salem
Graves	Smith
Hannah	Stewart
Harris	Stroud
Haynes	Thomas
Holmes of Dallas	Truan
Howard	Uher
Johnson	Vale
Jones of Harris	Vance
Kilpatrick	Wayne
Kothmann	Weldon
Kubiak	Williams
McKissack	

Absent

Poerner

Absent-Excused

Finck

The amendment offered by Mr. Poerner, as substituted, was then adopted.

Mr. Cory offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Bill No. 2 as follows:

1. Strike the figures "1.04" on line 1 of page 22 of the Second Printing and insert the figures "1.035."

2. Strike the words "four percent (4%)" on line 47 of Page 25 of the Second Printing and insert the words "three and one-half percent (3.5%)."

The amendment offered by Mr. Cory was adopted without objection.

Mr. Atwell offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Hill No. 2 by adding after the word "property" on line 3, Page 6, the following:

" , except such services obtained through self-service coin-operated laundry and dry cleaning devices;"

The amendment offered by Mr. Atwell to Committee Amendment No. 1 was adopted without objection.

Mr. Musgrove offered the following amendment to Committee Amendment No. 1:

Amend Section 16 of Committee Amendment No. 1 to H. B. No. 2 to read as follows:

Sec. 16. Section (A), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as last amended by Section 5, Chapter 2, Acts of the 60th Legislature, 1st Called Session, 1968, is amended to read as follows:

"(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase

price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed FOB the seller's place of business, and with transportation charges separately stated, the tax herein imposed shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed transportation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$.01 to \$.13	No Tax
.14 to .41	.01
.42 to .69	.02
.70 to .97	.03
.98 to 1.25	.04
1.26 to 1.53	.05
1.54 to 1.81	.06
1.82 to 2.14	.07

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying three and one-half percent (3½%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one-half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one-half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

"When several taxable items are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or item of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

"The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited."

The above amendment offered by Mr. Musgrove to Committee Amendment No. 1 was adopted without objection.

Mr. Smith offered the following

amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by striking out all of lines 10 through 14 of Page 6, Second Printing.

Mr. Nugent of Kerr moved to table the above amendment offered by Mr. Smith.

A record vote was requested on the motion to table.

The motion to table prevailed by the following vote:

Yeas—81

Mr. Speaker	McKissack
Atwell	McLaughlin
Baker	Moore of Hill
Bass of Harris	Moore of Dallas
Blaine	Moyer
Blanton	Murray
Braecklein	Musgrove
Burgess	Nabers
Burnett	Newman
Calhoun	Nugent of Kerr
Carrillo	Ogg
Cavness	Orr
Clark of Dallas	Parker of Denton
Clayton	Pickens
Cobb	Pickett
Cory	Presnal
Cummings	Price
Davis of Harris	Ray
Davis of Travis	Rosson
Dickson	Salter
Doran	Sanchez
Finnell	Schulle
Finney	Semos
Floyd	Shannon, Joe, Jr., of Tarrant
Golman	Shannon, Tommy, of Tarrant
Harding	Sherman
Hawkins	Slack
Hawn	Slider
Heatly	Solomon
Hinson	Swanson
Holland	Tarbox
Hull	Traeger
Jones of Lubbock	Uher
Jones of Taylor	Ward
Jungmichel	Wayne
Knapp	Wieting
Lemmon	Williamson
Ligarde	Willis
Longoria	Wright
Lovell	
McAlister	
McDonald	

Nays—67

Abraham	Adams
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Allen of Harris	Hubenak
Allen of Gregg	Johnson
Allred	Jones of Harris
Angly	Kilpatrick
Archer	Kothmann
Armstrong	Kubiak
Atwood	Lee
Bass of Van Zandt	Lombardino
Beckham	Moore
Bigham	of McLennan
Braun	Moreno
Bray	Muniz
Caldwell	Neugent
Christian	of Galveston
Clark of Harris	Nichols
Cole	Niland
Craddick	Nowlin
Cruz	Parker
Daniel	of Jefferson
Dramberger	Patterson
Earthman	Poerner
Evans	Ratcliff
Farenthold	Reed
Garcia	Salem
Graves	Santiesteban
Hale	Smith
Hannah	Stewart
Harris	Stroud
Haynes	Thomas
Head	Truan
Hendricks	Vale
Holmes of Hood	Vance
Holmes of Dallas	Weldon
Howard	Williams

Absent-Excused

Finck

Mr. Smith offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by striking out all of lines 3 and 4 on Page 6 of the Second Printing of the bill.

Signed: SMITH and ALLRED

Mr. Traeger moved to table the above amendment offered by Mr. Smith.

A record vote was requested on the motion to table.

The motion to table prevailed by the following vote:

Yeas—81

Mr. Speaker	Blaine
Atwell	Blanton
Bass of Harris	Braecklein

Burgess	Murray
Burnett	Musgrove
Calhoun	Nabers
Carrillo	Newman
Cavness	Niland
Clark of Dallas	Nugent of Kerr
Cobb	Ogg
Cole	Orr
Cory	Parker of Denton
Cummings	Patterson
Davis of Harris	Pickens
Dickson	Pickett
Doran	Presnal
Finney	Price
Floyd	Ray
Garcia	Rosson
Golman	Salter
Harding	Sanchez
Hawkins	Santiesteban
Heatly	Schulle
Hinson	Semos
Holland	Shannon, Joe, Jr.,
Hubenak	of Tarrant
Hull	Shannon, Tommy,
Jones of Lubbock	of Tarrant
Jones of Taylor	Sherman
Jungmichel	Slack
Knapp	Solomon
Lemmon	Swanson
Ligarde	Tarbox
Longoria	Traeger
Lovell	Uher
McAlister	Ward
McDonald	Wayne
McKissack	Wieting
McLaughlin	Williamson
Moore of Hill	Willis
Moore of Dallas	Wright
Moyer	

Nays—64

Abraham	Evans
Adams	Farenthold
Allen of Harris	Finnell
Allen of Gregg	Graves
Allred	Hale
Angly	Hannah
Archer	Harris
Armstrong	Hawn
Atwood	Head
Baker	Hendricks
Bass of Van Zandt	Holmes of Hood
Beckham	Holmes of Dallas
Bigham	Howard
Braun	Johnson
Bray	Jones of Harris
Caldwell	Kilpatrick
Clark of Harris	Kothmann
Craddick	Kubiak
Cruz	Lee
Daniel	Lombardino
Davis of Travis	Moore
Dramberger	of McLennan
Earthman	Moreno

Muniz	Slider
Neugent	Smith
of Galveston	Stewart
Nichols	Stroud
Nowlin	Thomas
Parker	Truan
of Jefferson	Vale
Poerner	Vance
Ratcliff	Weldon
Reed	Williams
Salem	

Absent

Christian	Haynes
Clayton	

Absent-Excused

Finck

Mr. Lee offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by deleting Subdivisions (1) (2) (3) (5) and (6) of quoted Section 13 on Pages 5 and 6.

Mr. Atwell moved to table the above amendment offered by Mr. Lee.

A record vote was requested on the motion to table.

The motion to table prevailed by the following vote:

Yeas—90

Mr. Speaker	Doran
Allen of Gregg	Finnell
Angly	Finney
Armstrong	Floyd
Atwell	Garcia
Baker	Golman
Blaine	Hale
Blanton	Harding
Braecklein	Hawkins
Burgess	Hawn
Burnett	Haynes
Calhoun	Heatly
Carrillo	Hinson
Cavness	Holland
Clark of Dallas	Hubenak
Clayton	Hull
Cobb	Jones of Lubbock
Cole	Jones of Taylor
Cory	Jungmichel
Cummings	Kilpatrick
Davis of Harris	Knapp
Davis of Travis	Lemmon
Dickson	Ligarde

Longoria	Salter
Lovell	Sanchez
McAlister	Santiesteban
McDonald	Schulle
McKissack	Semos
McLaughlin	Shannon, Joe, Jr.,
Moore of Hill	of Tarrant
Moore of Dallas	Shannon, Tommy,
Moyer	of Tarrant
Murray	Sherman
Musgrove	Slack
Nabers	Slider
Newman	Solomon
Niland	Stewart
Nugent of Kerr	Swanson
Ogg	Tarbox
Orr	Traeger
Parker of Denton	Uher
Pickett	Ward
Presnal	Wayne
Price	Wieting
Ray	Williamson
Rosson	Wright

Nays—56

Abraham	Kothmann
Adams	Kubiak
Allen of Harris	Lee
Allred	Lombardino
Archer	Moore
Atwood	of McLennan
Bass of Harris	Moreno
Bass of Van Zandt	Muniz
Beckham	Neugent
Bigham	of Galveston
Braun	Nichols
Bray	Nowlin
Caldwell	Parker
Clark of Harris	of Jefferson
Craddick	Patterson
Cruz	Pickens
Daniel	Poerner
Dramberger	Ratcliff
Earthman	Reed
Evans	Salem
Farenthold	Smith
Graves	Stroud
Hannah	Thomas
Harris	Truan
Head	Vale
Holmes of Hood	Vance
Holmes of Dallas	Weldon
Howard	Williams
Johnson	Willis
Jones of Harris	

Absent

Christian	Hendricks
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Absent-Excused

Finck

Mr. Traeger moved to limit the consideration of amendments to H. B. No. 2 to those amendments on the Speaker's Desk at present.

The motion was not seconded.

Mr. Smith offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by adding the following between line 14 and line 15 of the Second Printing of the bill:

"No sales tax shall be charged on service or repairs unless the total cost of the service or repair exceeds ten dollars (\$10.00)."

Mr. Nugent of Kerr moved to table the above amendment offered by Mr. Smith and the motion to table prevailed.

Mr. Traeger moved to reconsider the vote by which the motion to table the amendment offered by Mr. Smith prevailed.

The motion to reconsider the vote prevailed without objection.

A record vote was requested on the motion to table the amendment offered by Mr. Smith.

The motion to table the amendment offered by Mr. Smith prevailed by the following vote:

Yeas—93

Mr. Speaker	Cory
Allen of Gregg	Cummings
Angly	Davis of Harris
Archer	Davis of Travis
Armstrong	Dickson
Atwell	Doran
Baker	Earthman
Bass of Harris	Finnell
Blaine	Finney
Blanton	Floyd
Braecklein	Garcia
Burgess	Golman
Burnett	Hale
Calhoun	Harding
Carrillo	Hawkins
Cavness	Hawn
Clark of Dallas	Heatly
Clayton	Hendricks
Cobb	Hinson
Cole	Holland

Hull	Presnal
Jones of Lubbock	Price
Jones of Taylor	Ray
Jungmichel	Rosson
Knapp	Salter
Lee	Sanchez
Lemmon	Santiesteban
Longoria	Schulle
Lovell	Semos
McAlister	Shannon, Joe, Jr.,
McDonald	of Tarrant
McKissack	Shannon, Tommy,
McLaughlin	of Tarrant
Moore of Hill	Sherman
Moore of Dallas	Slack
Moyer	Slider
Murray	Solomon
Musgrove	Swanson
Nabers	Tarbox
Newman	Traeger
Niland	Uher
Nugent of Kerr	Ward
Ogg	Wayne
Orr	Wieting
Parker of Denton	Williamson
Patterson	Willis
Pickens	Wright
Pickett	

Nays—54

Abraham	Jones of Harris
Adams	Kilpatrick
Allen of Harris	Kothmann
Allred	Kubiak
Atwood	Lombardino
Bass of Van Zandt	Moore
Beckham	of McLennan
Bigham	Moreno
Braun	Muniz
Bray	Neugent
Caldwell	of Galveston
Christian	Nichols
Clark of Harris	Nowlin
Craddick	Parker
Cruz	of Jefferson
Daniel	Poerner
Dramberger	Ratcliff
Evans	Reed
Farenthold	Salem
Graves	Smith
Hannah	Stewart
Harris	Stroud
Haynes	Thomas
Head	Truan
Holmes of Hood	Vale
Holmes of Dallas	Vance
Howard	Weldon
Hubenak	Williams
Johnson	

Absent

Ligarde

Absent-Excused

Finck

There being no further amendments to Article I of Committee Amendment No. 1 to H. B. No. 2, Article I was then adopted.

Mr. Cory moved to reconsider the vote by which Article I of Committee Amendment No. 1 was adopted and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

Mr. Speaker:

I would like to place the following statement in the House Journal:

If a record vote had been had on the adoption of Section I of the tax bill, to increase the sales tax, I would have voted "No" because I feel that at this time sufficient funds can be raised by other tax measures than by raising the sales tax.

Signed: JOHN WRIGHT

RECORD OF VOTES

Mr. Archer, Mr. Lee, Mr. Pickens, Mr. Nugent of Kerr and Mr. Adams requested to be recorded as voting "Nay" on the adoption of Article I of Committee Amendment No. 1 to H. B. No. 2.

CONSIDERATION OF H. B. NO. 2
(Continued)

The House proceeded to the consideration of Article II.

Mr. Williamson offered the following amendment to Article II of Committee Amendment No. 1 to H. B. No. 2:

Amend the Committee Substitute to H. B. No. 2 by: (1) deleting Article II, and renumbering the remaining Articles accordingly.

Mr. Atwell moved to table the above amendment offered by Mr. Williamson and the motion to table prevailed.

A record vote was requested on the adoption of Article II of Committee Amendment No. 1 to H. B. No. 2.

Article II was adopted by the following vote:

Yeas—104

Mr. Speaker	Longoria
Adams	Lovell
Allen of Gregg	McAlister
Allred	McDonald
Angly	McKissack
Armstrong	McLaughlin
Atwell	Moore of Hill
Baker	Moore of Dallas
Beckham	Moyer
Bigham	Murray
Blaine	Musgrove
Blanton	Nabers
Braecklein	Neugent
Burgess	of Galveston
Burnett	Newman
Caldwell	Niland
Calhoun	Nowlin
Carrillo	Nugent of Kerr
Cavness	Ogg
Christian	Orr
Clark of Dallas	Parker
Clayton	of Jefferson
Cobb	Parker of Denton
Cole	Patterson
Cory	Pickett
Cummings	Poerner
Daniel	Presnal
Davis of Harris	Price
Davis of Travis	Ratcliff
Dickson	Ray
Doran	Salem
Dramberger	Salter
Finnell	Sanchez
Floyd	Santiesteban
Garcia	Schulle
Golman	Semos
Hannah	Shannon, Joe, Jr.,
Harding	of Tarrant
Hawkins	Shannon, Tommy,
Hawn	of Tarrant
Heatly	Sherman
Hendricks	Slack
Hinson	Slider
Holland	Solomon
Howard	Stewart
Hubenak	Stroud
Hull	Tarbox
Jones of Taylor	Thomas
Jungmichel	Uher
Kilpatrick	Ward
Knapp	Wayne
Kubiak	Wieting
Lemmon	Willis
Lombardino	Wright

Nays—37

Abraham	Johnson
Allen of Harris	Jones of Harris
Archer	Kothmann
Atwood	Lee
Bass of Harris	Moore
Braun	of McLennan
Bray	Moreno
Clark of Harris	Muniz
Craddick	Nichols
Cruz	Pickens
Earthman	Reed
Evans	Rosson
Farenthold	Smith
Graves	Swanson
Hale	Truan
Harris	Vale
Haynes	Weldon
Head	Williams
Holmes of Hood	Williamson

Absent

Bass of Van Zandt	Ligarde
Finney	Traeger
Holmes of Dallas	Vance
Jones of Lubbock	

Absent-Excused

Finck

The House proceeded to the consideration of Article III.

Mr. Williamson offered the following amendment to Article III:

Amend the committee substitute to H. B. No. 2 by (1) deleting Article 3 and renumbering the remaining Articles accordingly.

Mr. Atwell moved to table the above amendment offered by Mr. Williamson.

A record vote was requested on the motion to table.

The motion to table the above amendment offered by Mr. Williamson was lost by the following vote:

Yeas—45

Allen of Harris	Braecklein
Archer	Bray
Armstrong	Clark of Dallas
Atwell	Dickson
Blaine	Earthman
Blanton	Garcia

Golman	Moyer
Hale	Nowlin
Harding	Ogg
Hawn	Orr
Head	Parker of Denton
Heatly	Ratcliff
Hull	Schulle
Jones of Lubbock	Semos
Jones of Harris	Shannon, Tommy,
Jungmichel	of Tarrant
Kothmann	Sherman
Lee	Slider
Lemmon	Stroud
Lombardino	Tarbox
McKissack	Traeger
McLaughlin	Wieting
Moore of Dallas	Willis

Nays—99

Adams	Holmes of Dallas
Allen of Gregg	Howard
Allred	Hubenak
Angly	Johnson
Atwood	Jones of Taylor
Baker	Kilpatrick
Bass of Harris	Knapp
Bass of Van Zandt	Kubiak
Beckham	Ligarde
Bigham	Longoria
Braun	Lovell
Burgess	McAlister
Burnett	McDonald
Caldwell	Moore of Hill
Calhoun	Moore
Carrillo	of McLennan
Cavness	Moreno
Christian	Muniz
Clark of Harris	Murray
Clayton	Musgrove
Cole	Nabers
Cory	Neugent
Craddick	of Galveston
Cruz	Newman
Cummings	Nichols
Daniel	Niland
Davis of Harris	Nugent of Kerr
Davis of Travis	Parker
Doran	of Jefferson
Dramberger	Patterson
Evans	Pickens
Farenthold	Pickett
Finnell	Poerner
Finney	Presnal
Floyd	Price
Graves	Ray
Hannah	Reed
Harris	Rosson
Hawkins	Salem
Haynes	Salter
Hendricks	Sanchez
Hinson	Santiesteban
Holland	Shannon, Joe, Jr.,
Holmes of Hood	of Tarrant

Slack	Vale
Smith	Vance
Solomon	Ward
Stewart	Weldon
Swanson	Williams
Thomas	Williamson
Truan	Wright
Uher	

Absent

Abraham	Wayne
Cobb	

Absent-Excused

Finck

The amendment offered by Mr. Williamson to Article III was then adopted.

Mr. Williamson moved to reconsider the vote by which the above amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

The House then proceeded to the consideration of Article IV.

Article IV was adopted without objection.

The House proceeded to the consideration of Article V.

There were no amendments offered to Article V.

A record vote was requested on the adoption of Article V.

Article V was adopted by the following vote:

Yeas—88

Mr. Speaker	Cobb
Angly	Cole
Archer	Cory
Atwell	Craddick
Baker	Cummings
Blaine	Davis of Harris
Blanton	Davis of Travis
Braecklein	Dickson
Burnett	Dramberger
Calhoun	Earthman
Cavness	Finnell
Christian	Finney
Clark of Dallas	Floyd
Clayton	Golman

Harding	Ogg
Hawn	Orr
Head	Parker of Denton
Heatly	Patterson
Hinson	Presnal
Holland	Price
Holmes of Hood	Ratcliff
Howard	Ray
Hubenak	Rosson
Hull	Sanchez
Jones of Lubbock	Santiesteban
Jones of Harris	Schulle
Jones of Taylor	Semos
Jungmichel	Shannon, Joe, Jr., of Tarrant
Knapp	Shannon, Tommy, of Tarrant
Kothmann	Sherman
Lee	Slack
Lemmon	Slider
Lombardino	Solomon
McAlister	Stroud
McDonald	Swanson
McKissack	Tarbox
McLaughlin	Traeger
Moore of Hill	Ward
Moore of Dallas	Wayne
Moyer	Wieting
Murray	Williamson
Musgrove	Willis
Nabers	Wright
Neugent of Galveston	
Newman	

Nays—57

Adams	Kilpatrick
Allen of Harris	Kubiak
Allen of Gregg	Ligarde
Allred	Longoria
Armstrong	Lovell
Atwood	Moore of McLennan
Bass of Harris	Moreno
Bass of Van Zandt	Muniz
Beckham	Nichols
Bigham	Nowlin
Braun	Nugent of Kerr
Bray	Parker of Jefferson
Caldwell	Pickens
Carrillo	Pickett
Clark of Harris	Poerner
Cruz	Reed
Doran	Salem
Evans	Salter
Farenthold	Smith
Finck	Stewart
Garcia	Thomas
Graves	Truan
Hale	Uher
Hannah	Vale
Harris	Vance
Hawkins	Weldon
Haynes	Williams
Hendricks	
Holmes of Dallas	
Johnson	

Absent

Abraham Daniel
Burgess Niland

Mr. Traeger moved to reconsider the vote by which Article V was adopted and to table the motion to reconsider.

The motion to table prevailed.

The House proceeded to the consideration of Article VI.

There were no amendments offered to Article VI.

A record vote was requested on the adoption of Article VI.

Article VI was adopted by the following vote:

Yeas—115

Mr. Speaker	Golman
Adams	Hale
Allen of Gregg	Hannah
Allred	Harding
Angly	Hawkins
Archer	Hawn
Armstrong	Heatly
Atwell	Hendricks
Atwood	Hinson
Baker	Holland
Bass of Harris	Holmes of Hood
Bass of Van Zandt	Holmes of Dallas
Beckham	Howard
Blaine	Hubenak
Braecklein	Hull
Burgess	Jones of Lubbock
Burnett	Jones of Taylor
Calhoun	Jungmichel
Carrillo	Knapp
Cavness	Kothmann
Christian	Kubiak
Clayton	Lemmon
Cobb	Lombardino
Cole	Longoria
Cory	Lovell
Cruz	McAlister
Cummings	McDonald
Davis of Harris	McKissack
Davis of Travis	McLaughlin
Dickson	Moore of Hill
Doran	Moore of Dallas
Dramberger	Moyer
Earthman	Muniz
Evans	Murray
Finck	Musgrove
Finnell	Nabers
Finney	Neugent
Floyd	of Galveston
Garcia	Newman

Nugent of Kerr	Shannon, Joe, Jr., of Tarrant
Ogg	Shannon, Tommy, of Tarrant
Orr	Sherman
Parker	Slack
of Jefferson	Slider
Parker of Denton	Solomon
Patterson	Stewart
Pickens	Stroud
Pickett	Tarbox
Poerner	Thomas
Presnal	Traeger
Price	Uher
Ratcliff	Ward
Ray	Wayne
Reed	Wieting
Rosson	Williamson
Salter	Willis
Sanchez	Wright
Santiesteban	
Schulle	
Semos	

Nays—29

Allen of Harris	Lee
Bigham	Ligarde
Braun	Moore
Bray	of McLennan
Caldwell	Moreno
Clark of Harris	Nichols
Clark of Dallas	Niland
Craddick	Nowlin
Farenthold	Salem
Graves	Swanson
Harris	Truan
Haynes	Vale
Head	Vance
Jones of Harris	Weldon
Kilpatrick	Williams

Absent

Abraham	Johnson
Blanton	Smith
Daniel	

Mr. Traeger moved that further consideration of amendments to H. B. No. 2 be limited to those amendments now on the Speaker's Desk.

The motion was seconded.

The motion to limit the consideration of amendments to H. B. No. 2 then prevailed.

Mr. Traeger moved to reconsider the vote by which the above motion to limit the consideration of amendments to H. B. No. 2 prevailed and to table the motion to reconsider.

The motion to table prevailed.

The House proceeded to the consideration of Article VII.

Mr. Williamson offered the following amendment to Article VII:

Amend the committee substitute to H. B. No. 2 by amending Section 1 of Article 7 by amending Subdivision (2) of Section (a) of quoted Article 26.01 by inserting between the words "charge" and "to" a comma and "or any other minimum or cover charge,"

Mr. Cory moved to table the above amendment offered by Mr. Williamson, and the motion to table prevailed.

A record vote was requested on the adoption of Article VII.

Article VII was adopted by the following vote:

Yeas—107

Mr. Speaker	Hannah
Adams	Harding
Allen of Gregg	Hawkins
Allred	Hawn
Angly	Haynes
Armstrong	Heatly
Atwell	Hinson
Baker	Holland
Bass of Harris	Holmes of Hood
Bass of Van Zandt	Holmes of Dallas
Beckham	Howard
Blaine	Hubenak
Blanton	Hull
Burgess	Jones of Lubbock
Burnett	Jungmichel
Calhoun	Knapp
Carrillo	Kubiak
Cavness	Lemmon
Christian	Ligarde
Clark of Dallas	Longoria
Clayton	Lovell
Cobb	McAlister
Cole	McDonald
Cory	McKissack
Cummings	McLaughlin
Daniel	Moore of Hill
Davis of Harris	Moyer
Davis of Travis	Murray
Dickson	Musgrove
Doran	Nabers
Finck	Neugent
Finnell	of Galveston
Finney	Newman
Floyd	Niland
Golman	Nugent of Kerr
Hale	Ogg

Orr	Shannon, Tommy, of Tarrant
Parker of Denton	Sherman
Patterson	Slack
Pickens	Slider
Pickett	Solomon
Poerner	Stewart
Presnal	Stroud
Price	Swanson
Ratcliff	Tarbox
Ray	Thomas
Reed	Traeger
Rosson	Uher
Salter	Ward
Sanchez	Wayne
Santiesteban	Wieting
Schulle	Williamson
Semos	Willis
Shannon, Joe, Jr., of Tarrant	Wright

Nays—36

Allen of Harris	Johnson
Archer	Jones of Harris
Atwood	Kilpatrick
Bigham	Kothmann
Braecklein	Lee
Braun	Lombardino
Bray	Moore
Caldwell	of McLennan
Clark of Harris	Moreno
Craddick	Muniz
Cruz	Nichols
Dramberger	Nowlin
Earthman	Parker
Evans	of Jefferson
Farenthold	Salem
Garcia	Truan
Graves	Vale
Harris	Weldon
Head	Williams

Present—Not Voting

Abraham

Absent

Jones of Taylor	Smith
Moore of Dallas	Vance

Absent-Excused

Hendricks

PAIRED

Mr. Abraham (present), who would vote "nay" with Mr. Hendricks (absent) who would vote "yea."

LEAVE OF ABSENCE GRANTED

Mr. Hendricks was granted leave of absence for the remainder of the

day on account of illness, on motion of Mr. Beckham.

CONSIDERATION OF H. B. NO. 2
(Continued)

The House proceeded to the consideration of Article VIII.

Mr. Williamson offered the following amendment to Article VIII:

Amend the Committee Substitute to H. B. No. 2 by deleting Section 4 of Article 8, and

Mr. Cory moved to table the above amendment offered by Mr. Williamson, and the motion to table prevailed.

Article VIII was then adopted without objection.

The House proceeded to the consideration of Article IX.

There were no amendments offered to Article IX.

Article IX was adopted without objection.

Mr. Truan offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to H. B. No. 2 by adding a new article to be numbered appropriately and to read as follows:

ARTICLE _____ .

Section ____ Section 1, Chapter 620, Acts of the 51st Legislature, Regular Session, 1949, as amended by Section XVIII, Chapter 402, Acts of the 52nd Legislature, 1951 (Article 7064a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Every group of individuals, society, association, group hospital service plan, or corporation (all of which shall be deemed included in the term 'insurance organization' wherever used in this Act) organized under the laws of this State and transacting the business of life insurance, personal accident insurance, life and accident insurance, or health and accident insurance for profit or otherwise, or for mutual benefit, or protection in this State shall on or

before the first day of March of each year file its annual statement showing the gross amount of premiums collected during the year ending December 31st, preceding, from persons residing or domiciled in this State on policies of insurance, and showing in separate columns the first-year premiums and the renewal premiums collected on such Texas policies, and each such insurance organization, except local mutual aid associations, fraternal benefit societies, and fraternal insurance associations or societies that limit their membership to one (1) occupation, shall pay an annual tax of 1.1% of the gross amount of premiums collected during such year from persons residing or domiciled in the State of Texas on policies of insurance. Each such insurance organization shall also report to the Board of Insurance Commissioners on or before the first day of March of each year the amount that it had invested on the 31st day of December, preceding, in Texas securities as defined by Article 4766 of the Revised Civil Statutes of Texas, 1925, as amended; provided, however, that all such insurance companies whose gross premium receipts are less than Four Hundred and Fifty Thousand Dollars (\$450,000) for the preceding year ending December 31st, wherever and irrespective of from whom collected, according to its annual statement which shall disclose such information, shall pay a tax of 55/80 of 1% of the gross amount of premiums collected during such year from persons residing or domiciled in the State of Texas except as to first-year premiums as provided herein; provided, however, that the gross premium taxes herein imposed shall not be applicable to first-year premiums; and provided further that where any policy is written on a term plan only the premium collected during the first year shall be deducted on such policy or any renewal, extension or substitution thereof by the company issuing such term policy, and providing further that the amount of all examination and valuation fees paid in such taxable year to or for the use of the State of Texas by any insurance organization hereby affected shall be allowed as a credit on the amount of premium taxes to be paid by any such insurance organization for such taxable

year. Such gross premium receipts so reported shall not include premiums received from other licensed companies for reinsurance of business in Texas and there shall be no deduction for premiums paid for reinsurance. If any such insurance organization does more than one (1) kind of insurance business, then it shall pay the tax herein levied upon the gross premiums on each kind of insurance written. The report of the gross premium receipts and the invested assets shall be made upon the sworn statement of two (2) principal officers.

"Upon receipt by it of the sworn statement above provided, the Board of Insurance Commissioners shall certify to the State Treasurer the amount of taxes due by such insurance organization which shall be paid to the State Treasurer on or before the 15th day of March, following, and the State Treasurer shall issue his receipt therefor as evidence of the payment of such tax. Such taxes shall be for and on account of business transacted within this State during the calendar year ending December 31st, in which such premiums were collected, or for that portion of the year during which the insurance organization transacted business in this State. The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State from any such insurance organization, organized under the laws of this State, except, and only except unemployment compensation taxes levied under Senate Bill No. 5, passed at the Third Called Session of the Forty-fourth Legislature and amendments thereto; and the fees provided for under Article 3920 of the Revised Civil Statutes of Texas, 1925, the deposit fees prescribed by that Article and amendments thereto; and in case of companies writing workman's compensation insurance, the taxes otherwise provided by law on account of such business; and no other taxes shall be levied or collected by the State or any county, city or town except State, county, and municipal ad valorem taxes upon real or personal properties of such insurance organization."

Mr. Cory moved to table the above amendment offered by Mr. Truan.

A record vote was requested on the motion to table.

The motion to table the above amendment offered by Mr. Truan prevailed by the following vote:

Yeas—84

Abraham	Jungmichel
Adams	Kothmann
Allen of Gregg	Lee
Angly	Lombardino
Archer	Longoria
Armstrong	Lovell
Atwell	McAlister
Atwood	McDonald
Bass of Harris	McKissack
Blaine	Moore of Hill
Blanton	Moore of Dallas
Braecklein	Moyer
Burgess	Murray
Burnett	Nabers
Cavness	Neugent
Christian	of Galveston
Clark of Dallas	Newman
Clayton	Niland
Cobb	Nowlin
Cory	Nugent of Kerr
Craddick	Ogg
Cummings	Pickens
Davis of Harris	Presnal
Davis of Travis	Ray
Dickson	Rosson
Doran	Sanchez
Dramberger	Shannon, Joe, Jr.,
Evans	of Tarrant
Finck	Shannon, Tommy,
Finney	of Tarrant
Garcia	Sherman
Golman	Slack
Harding	Slider
Hawkins	Solomon
Hawn	Tarbox
Head	Traeger
Heatly	Uher
Hinson	Vale
Holmes of Hood	Ward
Howard	Wayne
Hull	Wieting
Johnson	Willis
Jones of Lubbock	Wright
Jones of Taylor	

Nays—57

Allen of Harris	Carrillo
Allred	Clark of Harris
Baker	Cole
Beckham	Cruz
Bigham	Daniel
Braun	Earthman
Bray	Farenthold
Caldwell	Finnell

Floyd	Orr
Graves	Parker
Hale	of Jefferson
Hannah	Patterson
Harris	Pickett
Haynes	Poerner
Holland	Price
Holmes of Dallas	Ratcliff
Hubenak	Reed
Jones of Harris	Salem
Kilpatrick	Santiesteban
Knapp	Schulle
Kubiak	Semos
Lemmon	Smith
Ligarde	Stewart
McLaughlin	Stroud
Moore	Swanson
of McLennan	Thomas
Moreno	Truan
Muniz	Weldon
Musgrove	Williams
Nichols	

Absent

Bass of Van Zandt	Salter
Calhoun	Vance
Parker of Denton	Williamson

Absent-Excused

Hendricks

Mr. Williamson offered the following amendment to Committee Amendment No. 1 to H. B. No. 2:

Amend Committee Amendment No. 1 to H. B. No. 2 by adding a new Article to be numbered appropriately to read as follows and renumbering other Articles as necessary:

ARTICLE_____.

Section 21, Article I, Texas Liquor Control Act, as last amended by Section 2(1), Chapter 1, Acts of the 56th Legislature, 3rd Called Session, 1959 (Article 666-21, Vernon's Texas Penal Code), is amended to read as follows:

"Section 21. (1) There is hereby levied and imposed on the first sale in addition to the other fees and taxes levied by this Act the following:

"(a) A tax of Two Dollars (\$2) per gallon on each gallon of distilled spirits, providing the minimum tax on any package of distilled spirits shall be \$0.20.

"(b) A tax of \$0.132 on each gallon of vinous liquor that does not contain over fourteen per cent (14%) of alcohol by volume.

"(c) A tax of \$0.264 on each gallon of vinous liquor containing more than fourteen per cent (14%) and not more than twenty-four per cent (24%) of alcohol by volume.

"(d) A tax of \$0.330 on each gallon of artificially carbonated and natural sparkling vinous liquor.

"(e) A tax of \$0.660 on each gallon of vinous liquor containing alcohol in excess of twenty-four per cent (24%) by volume.

"(f) A tax of \$0.165 on each gallon of malt liquor containing alcohol in excess of four per cent (4%) by weight.

"(2) The term 'first sale' as used in Article I of this Act shall mean and include the first sale, possession, distribution, or use in this State of any and all liquor refined, blended, manufactured, imported into, or in any other manner produced or acquired, possessed, or brought into this State.

"(3) The tax herein levied shall be paid by affixing a stamp or stamps on each bottle or container of liquor, except malt liquor; said stamps shall be affixed in strict accordance with any rule or regulation promulgated in pursuance of this Act; provided, however, any holder of a permit as a retail dealer as that term is defined herein shall be held liable for any tax due on any liquor sold on which the tax has not been paid.

"(4) It shall be the duty of each person who makes a first sale of any liquor in this State, except malt liquor, to affix said stamps on each bottle or container of liquor and to cancel the same in accordance with any rule and regulation of the Board. The Board shall have power to relax the foregoing provision when in its judgment it would be impracticable to require the affixing of such stamp on the bottle or container, irrespective of any other provision of this Act. And any person,

persons, or association who violates any portion of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year. Every holder of a permit authorizing the wholesaling of liquor, upon receipt of a shipment of liquor for sale within this State, under the provisions of this Act, shall prepare and furnish such information and such reports as may be required by rules and regulations of the Board. Any person authorized to export liquor from this State having in his possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment without the State a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped, no tax on account thereof shall be charged. For defraying the expenses thereof, a charge of twenty-five cents (25¢) shall be made for every such stamp, except that a charge of ten cents (10¢) shall be made for each such stamp placed on vinous or malt liquors of twenty-four per cent (24%) alcoholic content or less. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish to the Board duplicate copies of all invoices for the sale of such liquors, within twenty-four (24) hours after such liquors have been removed from their place of business."

Mr. Hale moved to table the above amendment offered by Mr. Williamson.

A record vote was requested on the motion to table.

The motion to table prevailed by the following vote:

Yeas—86

Abraham Allen of Harris

Allen of Gregg	McDonald
Archer	McKissack
Armstrong	McLaughlin
Atwell	Moore of Dallas
Atwood	Moreno
Bass of Harris	Moyer
Blaine	Muniz
Blanton	Murray
Braecklein	Neugent
Braun	of Galveston
Bray	Newman
Burnett	Nichols
Carrillo	Niland
Cobb	Nowlin
Cory	Nugent of Kerr
Craddick	Ogg
Cruz	Parker
Cummings	of Jefferson
Davis of Harris	Patterson
Dickson	Pickens
Dramberger	Pickett
Earthman	Poerner
Farenthold	Price
Finck	Ratcliff
Finney	Salem
Floyd	Sanchez
Garcia	Santiesteban
Golman	Schulle
Hale	Semos
Harding	Shannon, Joe, Jr.,
Harris	of Tarrant
Haynes	Shannon, Tommy,
Hubenak	of Tarrant
Hull	Sherman
Johnson	Slack
Jones of Harris	Smith
Jungmichel	Stroud
Kilpatrick	Swanson
Kothmann	Truan
Lee	Uher
Lemmon	Vale
Ligarde	Vance
Lombardino	Weldon
Longoria	Willis

Nays—58

Adams	Evans
Allred	Finnell
Angly	Graves
Baker	Hannah
Bass of Van Zandt	Hawkins
Beckham	Hawn
Bigham	Head
Caldwell	Heatly
Calhoun	Hinson
Cavness	Holland
Christian	Holmes of Hood
Clark of Harris	Holmes of Dallas
Clark of Dallas	Howard
Clayton	Jones of Lubbock
Cole	Jones of Taylor
Daniel	Knapp
Davis of Travis	Kubiak

Lovell	Slider
McAlister	Solomon
Moore of Hill	Stewart
Moore	Tarbox
of McLennan	Thomas
Musgrove	Traeger
Nabers	Ward
Orr	Wayne
Presnal	Wieting
Ray	Williams
Reed	Williamson
Rosson	Wright
Salter	

Absent

Burgess	Parker of Denton
Doran	

Absent-Excused

Hendricks

Mr. Doran offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Bill No. 2 by adding a new Article appropriately numbered to read as follows:

ARTICLE _____

Section 1. Subsection A, Section 21½, Article I, Texas Liquor Control Act, as added by Section 17, Chapter 38, Acts of the 61st Legislature, Regular Session, 1969 (Article 666-21½, Vernon's Texas Penal Code), is amended to read as follows:

"A. The power granted to the Texas Liquor Control Board by Section 21, Article I, Texas Liquor Control Act, as heretofore amended, the same being that provision codified as Article 666-21 of Vernon's Texas Penal Code, to relax the provisions requiring the affixing of a stamp or stamps on each bottle or container of liquor at the time of 'first sale' as means of payment of the taxes levied, is hereby clarified and restricted to the extent that such power shall hereafter be exercised in conformity with the following provisions:

"1. Unless the Board by specific order requires the payment of taxes by the affixing of stamps to bottles or containers, any holder of a permit authorizing the importation into this state of any liquor, other than ale

or malt liquor, shall pay the tax or taxes levied thereon by the laws of this state by the reporting system under bond in compliance with the following provisions:

"(a) The Board shall require of each holder of a permit authorizing the importation into this state of liquor a bond or bonds executed by the permit holder as principal and a surety company duly qualified and doing business in this state as surety, and said bond or bonds shall be made payable to the State of Texas and conditioned as the Board may require and approved by the Attorney General of Texas as to form. Said bond or bonds shall be in such amount as will adequately protect the State of Texas against the anticipated tax liability of the principal during any six (6) weeks' period.

"(b) The tax on liquor, other than ale or malt liquor, imported into this state, shall become due and payable and shall be paid by the permit holder on or before the 15th day of the month following that month in which the liquor was imported into this state.

"(c) The tax shall be computed in accordance with the applicable provision or provisions in Section 21, Article I, Texas Liquor Control Act, and remittance therefor made payable to the State Treasurer shall be due at the office of the Texas Liquor Control Board in Austin, Travis County, Texas, on or before the 15th day of the month due less two per cent (2%) of the amount due which shall be withheld by the permit holder for the keeping of records, furnishing of bonds, and properly accounting for the remittance of the tax due; provided, however, that no allowance shall be granted or permitted when the tax is delinquent at the time of payment.

"(d) Such sworn statements of taxes due as may be required by the Board, and remittances therefor made payable to the State Treasurer, shall be forwarded to the Board each month not later than the due date set out herein. All such remittances shall be turned over by the Board to the State Treasurer for allocation in conformity with the terms of Section 46, Article I, Texas Liquor Control Act.

"(e) If any permit holder, in computing and paying the tax due, through oversight, mistake, error, or miscalculation, has paid more tax than is legally due, the permit holder who paid such excess tax shall be entitled to a refund thereof, and a claim for such refund may be made at the time and in the manner prescribed by the Board or Administrator, and such excess tax shall be refunded to the permit holder who has paid the same, or credit may be allowed on future tax payment. Refunds for overpayments of tax may be made by the Board from the revenues derived from the collection of the tax before the same has been allocated, and so much of such funds as may be necessary is hereby appropriated for that purpose.

"(f) The permit holder shall report to the Board each receipt of shipment of liquor, other than ale and malt liquor, for sale within this state, under the provisions of this Act, and shall prepare and furnish any such further information and such reports as may be required by rules and regulations of the Board.

"(g) In any suit brought to enforce the collection of any tax owed by a permit holder, a certificate by the Board or Administrator showing the deficiency shall be prima facie evidence of the levy of tax or the delinquency of the amount of tax and penalty set forth therein and compliance by the Board with all provisions of this Act in relation to the computation and levy of the tax.

"2. It is not intended that the tax levied in Section 21 of Article I of the Texas Liquor Control Act shall be collected on liquor shipped out of this state for consumption outside this state or sold aboard ship for ship's supplies, and the Board shall provide forms for obtaining exemption from or credit for such taxes and shall provide by rule and regulation for equitable and final disposition of any tax credit brought about by such payment of any such unintended or excess tax.

"3. Every Wholesaler's Permit holder converting to payment of taxes by the reporting system under bond as specified in paragraph 1 above, shall on the effective date of

this Act or at such date as may be specified by the Board, render and submit to the Texas Liquor Control Board at Austin, Travis County, Texas, a true and correct inventory of all liquors, other than ale or malt liquor, within his possession, setting forth in detail the size of the containers and the quantity thereof and stating therein whether or not stamps have been affixed to the containers. The inventory shall also contain a statement as to the number of stamps which the permit holder may have on hand which have not been affixed to bottles or containers. The sworn inventory shall be rendered upon a form to be prescribed and furnished by the Texas Liquor Control Board. The value of any unused stamps may be refunded by the Board in the same manner as refunds are made under the circumstances specified in Section 45(d) of Article I of the Texas Liquor Control Act."

Mr. Hale moved to table the above amendment offered by Mr. Doran.

A record vote was requested on the motion to table.

The motion to table prevailed by the following vote:

Yeas—93

Allen of Harris	Golman
Allred	Graves
Angly	Hale
Archer	Harris
Armstrong	Hawn
Atwell	Haynes
Atwood	Holland
Bass of Harris	Holmes of Dallas
Beckham	Hubenak
Bigham	Hull
Blaine	Johnson
Blanton	Jones of Lubbock
Braecklein	Jones of Harris
Braun	Jungmichel
Bray	Kilpatrick
Burnett	Kothmann
Carrillo	Kubiak
Cobb	Lee
Cory	Lemmon
Craddick	Ligarde
Cruz	Lombardino
Cummings	Longoria
Davis of Harris	McAlister
Earthman	McDonald
Farenthold	McKissack
Finck	McLaughlin
Finney	Moore of Dallas

Moreno	Semos
Muniz	Shannon, Joe, Jr., of Tarrant
Murray	Shannon, Tommy, of Tarrant
Musgrove	Sherman
Neugent of Galveston	Slack
Newman	Smith
Nichols	Stewart
Niland	Stroud
Nowlin	Swanson
Ogg	Truan
Orr	Vale
Parker of Jefferson	Vance
Patterson	Ward
Pickens	Wayne
Price	Weldon
Ratcliff	Wieting
Reed	Williams
Salem	Willis
Sanchez	Wright
Santiesteban	

Nays—46

Abraham	Hawkins
Adams	Head
Allen of Gregg	Hinson
Baker	Holmes of Hood
Bass of Van Zandt	Howard
Burgess	Jones of Taylor
Caldwell	Knapp
Calhoun	Lovell
Cavness	Moore of Hill
Clark of Harris	Nabers
Clark of Dallas	Nugent of Kerr
Clayton	Pickett
Cole	Poerner
Daniel	Presnal
Davis of Travis	Rosson
Dickson	Salter
Doran	Schulle
Dramberger	Solomon
Evans	Tarbox
Finnell	Thomas
Floyd	Traeger
Garcia	Uher
Hannah	Williamson

Absent

Christian	Moyer
Harding	Parker of Denton
Heatly	Ray
Moore of McLennan	Slider

Absent-Excused

Hendricks

Mr. Jones of Taylor offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Bill No. 2 by adding a new article to be numbered appropriately to read as follows:

ARTICLE_____.

Section 1. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to add a new Chapter 27 to read as follows:

“Chapter 27. Documentary Stamp Tax

“Article 27.01 Imposition of Documentary Stamp Tax. From and after the effective date of this chapter, there is hereby imposed on each deed, instrument, or writing by which any lands, tenements or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons by his or their direction, when a consideration or value of the interest of property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds \$100, a tax at the rate of 55 cents, for each \$500, or fractional part thereof.

“Article 27.02 Exemptions. (a) The tax imposed herein shall not apply to any instrument:

“(1) or writing given to secure a debt;

“(2) to or from the United States of America, this State, or any instrumentality, agency, or subdivision thereof;

“(3) executed solely in order to provide or release security for a debt or obligation; or executed to or by a trustee or receiver for the benefit of creditors;

“(4) which conforms or corrects a deed previously recorded;

“(5) between husband and wife, or parent and child with only nominal actual consideration therefor;

“(6) of sale for delinquent taxes or assessments, or trustee's sale under foreclosure;

“(7) of partition;

“(8) from agent to principal or from trustee to beneficiary for the purpose of placing record title in the real owner;

“(9) transferring title to oil, gas, or other minerals, or any interests therein, including but not limited to, oil and gas leases, mineral leases, mineral interests, royalty and overriding royalty interests, and production payments payable out of oil, gas, or other minerals or the proceeds thereof, which transfers do not include the transfer of an estate or interest in the surface of the property other than such interest in the surface as is an incident of the oil, gas, or other mineral interest which is transferred;

“(10) pursuant to mergers of corporations; corporate reorganizations; transfers between parent and subsidiary corporations; and transfers whereby the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.

“(b) For the purposes of this chapter, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity, are regarded as having the ‘real or ultimate ownership’ of the property of such corporation or other entity.

“Article 27.03 Powers and Duties of the Comptroller of Public Accounts. The Comptroller of Public Accounts shall prescribe rules and regulations reasonably necessary to facilitate and expedite the imposition, collection, and administration of the tax imposed by this chapter; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, and stamps; and shall provide proper and sufficient adhesive stamps.

“Article 27.04 Powers and Duties of Local Officials. Any officer, agent, official, or employee of any political subdivision of this State, is hereby authorized, empowered, and required to exercise and carry out the provisions and regulations imposed by the Comptroller of Public Accounts of the State of Texas pursuant to the administration of this chapter.

“Article 27.05 Liability for Tax. The taxes imposed by this chapter shall be paid by any person or persons who make, sign, issue, or sell any of the documents and instruments subject to the taxes imposed herein, or for whose use or benefit the same are made, signed, issued, or sold.

“Article 27.06 Allocation of Tax. All revenue collected from the taxes imposed herein shall be allocated to the General Revenue Fund of the State of Texas.

“Article 27.07 Penalties. Any person, required under this chapter to pay any tax or conform to any rule or regulation or who shall wilfully understate the value of the property or interest conveyed in paying the tax shall be guilty of a misdemeanor and upon conviction thereof, fined not more than \$1,000 or confined in the county jail for not more than one year, or by both such fine and imprisonment for each offense.”

Mr. Ogg moved to table the above amendment offered by Mr. Jones of Taylor.

A record vote was requested on the motion to table.

The motion to table the above amendment offered by Mr. Jones of Taylor prevailed by the following vote:

Yeas—92

Abraham	Daniel
Allen of Harris	Davis of Harris
Allred	Davis of Travis
Angly	Dickson
Archer	Dramberger
Armstrong	Earthman
Baker	Evans
Bass of Harris	Finck
Beckham	Finnell
Blaine	Finney
Blanton	Garcia
Braecklein	Hannah
Bray	Harding
Burgess	Hawn
Burnett	Head
Caldwell	Heatly
Carrillo	Holland
Cavness	Holmes of Dallas
Christian	Hull
Clark of Dallas	Johnson
Cobb	Jones of Harris
Craddick	Jungmichel
Cummings	Kilpatrick

Kothmann	Ratcliff
Lee	Ray
Lemmon	Salter
Ligarde	Sanchez
Lombardino	Santiesteban
Lovell	Shannon, Joe, Jr., of Tarrant
McAlister	Shannon, Tommy, of Tarrant
McDonald	Sherman
McKissack	Slack
McLaughlin	Smith
Moore of Hill	Stewart
Moore of Dallas	Stroud
Musgrove	Swanson
Nabers	Tarbox
Neugent of Galveston	Thomas
Nowlin	Truan
Ogg	Uher
Orr	Vale
Patterson	Vance
Pickens	Ward
Pickett	Williams
Poerner	Wright
Presnal	
Price	

Nays—52

Adams	Jones of Taylor
Allen of Gregg	Knapp
Atwell	Kubiak
Atwood	Longoria
Bass of Van Zandt	Moreno
Bigham	Moyer
Braun	Muniz
Calhoun	Murray
Clark of Harris	Newman
Clayton	Nichols
Cole	Niland
Cory	Nugent of Kerr
Cruz	Parker of Jefferson
Doran	Reed
Farenthold	Rosson
Floyd	Salem
Golman	Schulle
Graves	Semos
Hale	Slider
Harris	Solomon
Hawkins	Wayne
Haynes	Weldon
Hinson	Wieting
Holmes of Hood	Williamson
Howard	Willis
Hubenak	
Jones of Lubbock	

Absent

Moore of McLennan	Parker of Denton Traeger
----------------------	-----------------------------

Absent-Excused

Hendricks

Mr. Lemmon offered the following

amendment to Committee Amendment No. 1 to H. B. No. 2:

Amend Committee Amendment No. 1 to House Bill No. 2 by striking all below the enacting clause and substituting the following:

Section 1. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Chapter 16 to read as follows:

“Chapter 16. Stock, Bond, and Security Transaction Tax.

“Article 16.01. Definitions. In this Act, unless the context requires a different definition:

“(1) ‘Transaction’ means a sale or purchase of or agreement to sell or buy shares, certificates, bonds, or securities issued by a particular company or governmental entity, originating in the State of Texas.

“(2) ‘Shares’ or ‘certificates’ means any shares or certificates of stock, certificates of rights to subscribe or receive stock, certificates of deposit representing any interest in taxable shares or certificates, certificates of interest in any business conducted by trustee or trustees, and certificates of indebtedness.

“Article 16.02. Imposition of Tax; Exceptions. (a) There is imposed a tax of \$2.00 on each transaction as that term is defined in Article 16.01 of this chapter, if either the seller or buyer is domiciled in Texas.

“(b) The tax imposed by this Article does not apply to:

“(1) the initial issue of stocks by a corporation;

“(2) the sale of stocks owned by a mutual fund so long as it is not the stocks of the mutual fund itself which are sold;

“(3) a sale or purchase on which the tax has already been paid as a tax on an agreement to sell or buy those same shares, certificates, bonds, or securities; or

“(4) bonds or securities issued by the United States government, a

state or local government, a county, or any political subdivision.

"Article 16.03. Liability To Pay Tax. If, in a transaction covered by this chapter, the seller and the buyer are both domiciled in Texas both shall pay the tax imposed by this chapter. If only the seller or only the buyer is domiciled in Texas, that party so domiciled is liable for the tax. A corporate buyer or seller is liable for the tax on the same basis as an individual.

"Article 16.04. Initial Collection. The tax imposed by Article 16.02 of this chapter shall be collected by the broker. If there is no broker involved in the transaction, the seller of the stock, bond, or security shall collect the tax. If the person collecting the tax is a broker, he may retain 10 per cent of the amount collected as payment for collecting the tax.

"Article 16.05. Payment to Comptroller. The person collecting the tax shall pay the tax, less his reimbursement of 10 percent if applicable, to the Comptroller of Public Accounts, within thirty days after the transaction.

"Article 16.06. Comptroller's Regulations. The Comptroller of Public Accounts shall issue necessary regulations providing for collection of the transactions tax and for keeping of records.

"Article 16.07. Allocation of Revenue. Revenues received from the tax imposed by this chapter shall be paid into the General Revenue Fund.

"Article 16.08. Penalty. Any broker who fails to collect the tax imposed by this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$100 nor more than \$200."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect Oct. 1, 1969, and be in force

from and after that date, and it is so enacted.

Mr. Cory offered the following substitute amendment for the above amendment offered by Mr. Lemmon to Committee Amendment No. 1:

Amend the Lemmon Amendment to the Committee Amendment to House Bill No. 2 by striking all of the Lemmon amendment and inserting a new article to be known as Article 3 to be inserted in its proper numerical order as follows:

ARTICLE 3

Section 1. Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Chapter 16 to read as follows:

"Chapter 16. Stock, Bond, and Security Transaction Tax.

"Article 16.01. Definitions. In this Act, unless the context requires a different definition:

"(1) 'Transaction' means a sale or purchase of, or agreement to sell or buy shares, certificates, bonds, or securities issued by a particular company or governmental entity originating in the State of Texas.

"(2) 'Shares' or 'certificates' means any shares or certificates of stock, certificates of rights to subscribe or receive stock, certificates of deposit representing any interest in taxable shares or certificates, certificates of interest in any business conducted by trustee or trustees, and certificates of indebtedness.

"Article 16.02. Imposition of Tax; Exceptions. (a) There is imposed a tax of \$0.10 on each transaction as that term is defined in Article 16.01 of this chapter, if either the seller or buyer is domiciled in Texas.

"(b) The tax imposed by this Article does not apply to:

"(1) the initial issue of stocks by a corporation;

"(2) the sale of stocks owned by a mutual fund so long as it is not the stocks of the mutual fund itself which are sold;

“(3) a sale or purchase on which the tax has already been paid as a tax on an agreement to sell or buy those same shares, certificates, bonds, or securities; or

“(4) bonds or securities issued by the United States government, a state or local government, a county, or any political subdivision.

“Article 16.03. Liability To Pay Tax. If, in a transaction covered by this chapter, the seller and the buyer are both domiciled in Texas both shall pay the tax imposed by this chapter. If only the seller or only the buyer is domiciled in Texas, that party so domiciled is liable for the tax. A corporate buyer or seller is liable for the tax on the same basis as an individual.

“Article 16.04. Initial Collection. The tax imposed by Article 16.02 of this chapter shall be collected by the broker. If there is no broker involved in the transaction, the seller of the stock, bond, or security shall collect the tax. If the person collecting the tax is a broker, he may retain 10 percent of the amount collected as payment for collecting the tax.

“Article 16.05. Payment to Comptroller. The person collecting the tax shall pay the tax, less his reimbursement of 10 percent if applicable, to the Comptroller of Public Accounts, within 30 days after the transaction.

“Article 16.06. Comptroller’s Regulations. The Comptroller of Public Accounts shall issue necessary regulations providing for collection of the transactions tax and for keeping of records.

“Article 16.07. Allocation of Revenue. Revenues received from the tax imposed by this chapter shall be paid into the General Revenue Fund.

“Article 16.08. Penalty. Any broker who fails to collect the tax imposed by this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than \$100 nor more than \$200.”

A record vote was requested on the adoption of the substitute amendment offered by Mr. Cory.

The substitute amendment offered

by Mr. Cory was adopted by the following vote:

Yeas—91

- | | |
|------------------|--------------------|
| Mr. Speaker | McLaughlin |
| Allen of Gregg | Moore of Hill |
| Angly | Moore of Dallas |
| Atwell | Moyer |
| Baker | Murray |
| Blaine | Nabers |
| Blanton | Neugent |
| Braecklein | of Galveston |
| Burgess | Newman |
| Burnett | Niland |
| Calhoun | Nowlin |
| Carrillo | Nugent of Kerr |
| Cavness | Ogg |
| Christian | Orr |
| Clark of Dallas | Patterson |
| Clayton | Pickens |
| Cole | Pickett |
| Cory | Poerner |
| Cummings | Presnal |
| Davis of Harris | Price |
| Davis of Travis | Ray |
| Dickson | Rosson |
| Finck | Salem |
| Finnell | Sanchez |
| Garcia | Santiesteban |
| Golman | Schulle |
| Hale | Semos |
| Harding | Shannon, Joe, Jr., |
| Hawkins | of Tarrant |
| Hawn | Shannon, Tommy, |
| Heatly | of Tarrant |
| Hinson | Sherman |
| Holland | Slack |
| Howard | Slider |
| Hubenak | Solomon |
| Hull | Stewart |
| Jones of Lubbock | Stroud |
| Jones of Taylor | Swanson |
| Jungmichel | Tarbox |
| Knapp | Traeger |
| Lemmon | Uher |
| Ligarde | Ward |
| Longoria | Wayne |
| Lovell | Wieting |
| McAlister | Williamson |
| McDonald | Willis |
| McKissack | Wright |

Nays—55

- | | |
|-------------------|-----------------|
| Abraham | Bigham |
| Adams | Braun |
| Allen of Harris | Bray |
| Allred | Caldwell |
| Archer | Clark of Harris |
| Armstrong | Cobb |
| Atwood | Craddick |
| Bass of Harris | Cruz |
| Bass of Van Zandt | Daniel |
| Beckham | Dramberger |

Earthman	Moore
Evans	of McLennan
Farenthold	Moreno
Finney	Muniz
Floyd	Musgrove
Graves	Nichols
Hannah	Parker
Harris	of Jefferson
Haynes	Ratcliff
Head	Reed
Holmes of Hood	Salter
Holmes of Dallas	Smith
Johnson	Thomas
Jones of Harris	Truan
Kilpatrick	Vale
Kothmann	Vance
Kubiak	Weldon
Lee	Williams
Lombardino	

Absent

Doran Parker of Denton

Absent-Excused

Hendricks

The amendment offered by Mr. Lemmon, as substituted, was then adopted.

Mr. Cory moved to reconsider the vote by which the amendment offered by Mr. Lemmon, as substituted, was adopted and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTES

Mr. Archer and Mr. Lee requested to be recorded as voting "Nay" on the adoption of the amendment offered by Mr. Lemmon, as substituted, to the Committee Amendment No. 1 to H. B. No. 2.

CONSIDERATION OF H. B. NO. 2
(Continued)

Committee Amendment No. 1, as amended, was then adopted.

RECORD OF VOTES

Mr. Archer and Mr. Lee requested to be recorded as voting "Nay" on the adoption of Committee Amendment No. 1 to H. B. No. 2.

CONSIDERATION OF H. B. NO. 2
(Continued)

Mr. Parker of Jefferson moved to

recommit H. B. No. 2 to the Committee on Penitentiaries.

(Mr. Stewart occupied the Chair temporarily.)

(Speaker in the Chair)

Mr. Atwell moved to table the motion to recommit H. B. No. 2.

A record vote was requested on the motion to table.

The motion to table the motion to recommit H. B. No. 2 to the Committee on Penitentiaries prevailed by the following vote:

Yeas—116

Mr. Speaker	Hawn
Abraham	Haynes
Allen of Gregg	Head
Angly	Heatly
Archer	Hinson
Armstrong	Holland
Atwell	Holmes of Hood
Atwood	Holmes of Dallas
Baker	Howard
Bass of Harris	Hubenak
Beckham	Hull
Blaine	Jones of Lubbock
Blanton	Jones of Harris
Braecklein	Jones of Taylor
Burgess	Jungmichel
Burnett	Knapp
Calhoun	Kothmann
Carrillo	Kubiak
Cavness	Lee
Christian	Lemmon
Clark of Dallas	Lombardino
Clayton	Longoria
Cobb	Lovell
Cole	McAlister
Cory	McDonald
Craddick	McKissack
Cummings	McLaughlin
Daniel	Moore of Hill
Davis of Harris	Moore of Dallas
Davis of Travis	Moyer
Dickson	Murray
Doran	Musgrove
Dramberger	Nabers
Earthman	Neugent
Evans	of Galveston
Finck	Newman
Finnell	Niland
Finney	Nowlin
Floyd	Nugent of Kerr
Garcia	Ogg
Golman	Orr
Hale	Patterson
Harding	Pickens
Hawkins	Pickett

Poerner	Slack
Presnal	Slider
Price	Solomon
Ratcliff	Stewart
Ray	Stroud
Reed	Swanson
Rosson	Tarbox
Salter	Traeger
Sanchez	Uher
Schulle	Ward
Semos	Wayne
Shannon, Joe, Jr., of Tarrant	Wieting
Shannon, Tommy, of Tarrant	Williamson
Sherman	Willis
	Wright

Nays—31

Adams	Moore
Allen of Harris	of McLennan
Allred	Moreno
Bass of Van Zandt	Muniz
Bigham	Nichols
Braun	Parker
Bray	of Jefferson
Caldwell	Salem
Clark of Harris	Santiesteban
Cruz	Smith
Farenthold	Thomas
Graves	Truan
Hannah	Vale
Harris	Vance
Johnson	Weldon
Kilpatrick	Williams
Ligarde	

Absent

Parker of Denton

Absent-Excused

Hendricks

A record vote was requested on the passage of H. B. No. 2 to engrossment.

H. B. No. 2 was passed to engrossment by the following vote:

Yeas—87

Mr. Speaker	Carrillo
Allen of Gregg	Cavness
Angly	Christian
Atwell	Clayton
Baker	Cobb
Blaine	Cole
Blanton	Cory
Braecklein	Cummings
Burgess	Davis of Harris
Burnett	Davis of Travis
Calhoun	Dickson

Doran	Newman
Finck	Niland
Finnell	Nugent of Kerr
Floyd	Ogg
Garcia	Orr
Golman	Pickens
Harding	Pickett
Hawkins	Poerner
Hawn	Presnal
Heatly	Price
Hinson	Ray
Holland	Rosson
Holmes of Hood	Salter
Howard	Sanchez
Hubenak	Schulle
Hull	Semos
Jones of Lubbock	Shannon, Joe, Jr., of Tarrant
Jones of Taylor	Shannon, Tommy, of Tarrant
Jungmichel	Sherman
Knapp	Slack
Lemmon	Slider
Longoria	Solomon
Lovell	Stewart
McAlister	Tarbox
McDonald	Traeger
McKissack	Uher
McLaughlin	Ward
Moore of Hill	Wayne
Moore of Dallas	Wieting
Moyer	Williamson
Murray	Willis
Nabers	Wright
Neugent of Galveston	

Nays—59

Adams	Haynes
Allen of Harris	Head
Allred	Holmes of Dallas
Archer	Johnson
Armstrong	Jones of Harris
Atwood	Kilpatrick
Bass of Harris	Kothmann
Bass of Van Zandt	Kubiak
Beckham	Lee
Bigham	Ligarde
Braun	Lombardino
Bray	Moore
Caldwell	of McLennan
Clark of Harris	Moreno
Clark of Dallas	Muniz
Craddick	Musgrove
Cruz	Nichols
Daniel	Nowlin
Dramberger	Parker
Earthman	of Jefferson
Evans	Patterson
Farenthold	Ratcliff
Finney	Reed
Graves	Salem
Hale	Santiesteban
Hannah	Smith
Harris	Stroud

Swanson
Thomas
Truan
Vale

Vance
Weldon
Williams

Present—Not Voting

Abraham

Absent

Parker of Denton

Absent-Excused

Hendricks

PAIRED

Mr. Abraham (present) who would vote "Nay" with Mr. Hendricks (absent) who would vote "Yea."

Mr. Atwell moved to reconsider the vote by which H. B. No. 2 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REMARKS OF REPRESENTATIVE
RAUL MUNIZ

On motion of Mr. Johnson, and by unanimous consent, the following remarks of Mr. Muniz, made on today in addressing the House on the passage of H. B. No. 2 to engrossment, were ordered printed in the Journal:

"Today was a sad one in my personal life.

My ancestors have known no other citizenship but the American.

We know no other history but the American History — one that has great heritage and has developed the greatest nation ever known to man in this world.

During our colonial period, our vast land was abundant in riches and resources, but the greatest resource was the human element; men like Patrick Henry who loved liberty so dearly that he was willing to die for it.

I oppose this bill on the basis of an historical fact that is almost 200 years old.

The thought came to my mind during the lunch period when approximately 24 Members switched their votes on the Poerner amendment. I am not criticizing the tactics; I understand this is the name of the ball game.

The greatest argument between the colonies and England was 'taxation without representation.' Today I feel that the public of Texas has no million dollar lobby; their lobby is you and I. When 24 votes switch, the common public is left unprotected, and we have faltered in our responsibility.

Can you imagine the King's lieutenants changing convictions in the colonies? If they had, the Declaration of Independence would have never been written.

On the basis of taxation without representation, I oppose this bill.

Thank you."

Signed: RAUL MUNIZ

REMARKS ORDERED PRINTED
IN THE JOURNAL

Mr. Cummings moved that the remarks of Mr. Hinson, made on today in addressing the House on H. B. No. 2, be reduced to writing and be printed in the Journal

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, August 7, 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:

S.C.R. No. 9, By Brooks: In Memory of South Houston Police Chief Ike F. Genzer.

S.C.R. No. 10, By Bernal: Commending Jose Francisco Ruiz.

S.C.R. No. 11, By Watson: In tribute to Mr. Vernie C. Marshall.

Respectfully,
CHARLES A. SCHNABEL
 Secretary of the Senate

ADJOURNMENT

Mr. Atwell moved that the House adjourn until 6:20 o'clock p.m. today.

Mr. Graves moved that the House adjourn until 11:00 o'clock a.m. next Monday.

A record vote was requested on the motion to adjourn until 6:20 o'clock p.m. today.

The motion to adjourn until 6:20 o'clock p.m. today prevailed by the following vote:

Yeas—116

Mr. Speaker	Floyd
Adams	Garcia
Allen of Gregg	Golman
Angly	Harding
Archer	Hawkins
Armstrong	Hawn
Atwell	Haynes
Atwood	Head
Baker	Heatly
Bass of Harris	Hinson
Beckham	Holland
Blaine	Holmes of Hood
Blanton	Howard
Braecklein	Hubenak
Bray	Hull
Burgess	Jones of Lubbock
Burnett	Jones of Harris
Calhoun	Jones of Taylor
Carrillo	Jungmichel
Cavness	Kilpatrick
Christian	Knapp
Clark of Dallas	Kubiak
Clayton	Lee
Cobb	Lemmon
Cole	Ligarde
Cory	Lombardino
Craddick	Longoria
Cummings	Lovell
Daniel	McAlister
Davis of Harris	McDonald
Davis of Travis	McKissack
Dickson	McLaughlin
Doran	Moore of Hill
Dramberger	Moore of Dallas
Earthman	Moyer
Evans	Murray
Finck	Musgrove
Finnell	Nabers
Finney	

Neugent	Shannon, Joe, Jr.,
of Galveston	of Tarrant
Newman	Shannon, Tommy,
Niland	of Tarrant
Nugent of Kerr	Sherman
Ogg	Slack
Orr	Slider
Patterson	Smith
Pickens	Solomon
Pickett	Stewart
Poerner	Stroud
Presnal	Swanson
Price	Tarbox
Ratcliff	Traeger
Ray	Uher
Rosson	Ward
Salter	Wayne
Sanchez	Wieting
Santiesteban	Williamson
Schulle	Willis
Semos	Wright

Nays—30

Allen of Harris	Moore
Allred	of McLennan
Bass of Van Zandt	Moreno
Bigham	Muniz
Braun	Nichols
Caldwell	Nowlin
Clark of Harris	Parker
Cruz	of Jefferson
Farenthold	Reed
Graves	Salem
Hale	Thomas
Hannah	Truan
Harris	Vale
Holmes of Dallas	Vance
Johnson	Weldon
Kothmann	Williams

Absent

Abraham	Parker of Denton
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Absent-Excused

Hendricks

The House accordingly, at 6:06 o'clock p.m., adjourned until 6:20 o'clock p.m. today.

SEVENTH DAY

(Thursday, August 7, 1969)

The House met at 6:20 o'clock p.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called

and the following Members were present:

Mr. Speaker	Hinson
Abraham	Holland
Adams	Holmes of Hood
Allen of Harris	Holmes of Dallas
Allen of Gregg	Howard
Allred	Hubenak
Angly	Hull
Archer	Johnson
Armstrong	Jones of Lubbock
Atwell	Jones of Harris
Atwood	Jones of Taylor
Baker	Jungmichel
Bass of Harris	Kilpatrick
Bass of Van Zandt	Knapp
Beckham	Kothmann
Bigham	Kubiak
Blaine	Lee
Blanton	Lemmon
Braecklein	Ligarde
Braun	Lombardino
Bray	Longoria
Burgess	Lovell
Burnett	McAlister
Caldwell	McDonald
Calhoun	McKissack
Carrillo	McLaughlin
Cavness	Moore of Hill
Christian	Moore of Dallas
Clark of Harris	Moore
Clark of Dallas	of McLennan
Clayton	Moreno
Cobb	Moyer
Cole	Muniz
Cory	Murray
Craddick	Musgrove
Cruz	Nabers
Cummings	Neugent
Daniel	of Galveston
Davis of Harris	Newman
Davis of Travis	Nichols
Dickson	Niland
Doran	Nowlin
Dramberger	Nugent of Kerr
Earthman	Ogg
Evans	Orr
Farenthold	Parker
Finck	of Jefferson
Finnell	Patterson
Finney	Pickens
Floyd	Pickett
Garcia	Poerner
Golman	Presnal
Graves	Price
Hale	Ratcliff
Hannah	Ray
Harding	Reed
Harris	Rosson
Hawkins	Salem
Hawn	Salter
Haynes	Sanchez
Head	Santiesteban
Heatly	Schulle

Semos	Thomas
Shannon, Joe, Jr., of Tarrant	Traeger
Shannon, Tommy, of Tarrant	Truan
Sherman	Uher
Slack	Vale
Slider	Vance
Smith	Ward
Solomon	Wayne
Stewart	Wieting
Stroud	Williams
Swanson	Williamson
Tarbox	Willis
	Wright

Absent-Excused

Hendricks Parker of Denton

A quorum of the House was announced present.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Parker of Denton on motion of Mr. Dramberger.

The following Member was granted leave of absence for today on account of illness:

Mr. Hendricks on motion of Mr. Heatly.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

S. C. R. No. 9, In memory of South Houston Police Chief Ike F. Genzer.

PROVIDING FOR THE HANGING IN THE STATE CAPITOL OF AN OFFICIAL PORTRAIT OF VERNIE C. MARSHALL

The Speaker laid before the House the following resolution:

S. C. R. No. 11

Whereas, The State of Texas is unsurpassed in its abundance of natural resources, but without a state-wide program of soil conservation our great state would soon become a veri-

table wasteland and our agricultural production would be in imminent danger; and

Whereas, A truly great Texan, Vernie C. Marshall, envisioned the need for a program to conserve the soil and through his efforts to organize Texas into soil conservation districts practically all of Texas land has been saved from waste and destruction; and

Whereas, As a farmer and rancher in Heidenheimer in Bell County, Texas, Mr. Marshall began his crusade to save Texas soil in the early 1900's; he led the campaign in the 1930's to pass a state conservation districts law and to harmonize the conflicting interests in agriculture; and

Whereas, As a tribute to his leadership Mr. Marshall became the first chairman of the State Soil Conservation Board, and he traveled throughout the state, coordinating the needs of farmers with agricultural agencies and demonstrating the various soil conservation programs; and

Whereas, He later became executive director of the board, and his dedicated and zealous leadership gained converts from all professions for soil conservation; and he is appropriately called "The Father of Soil Conservation in Texas"; and

Whereas, Although Mr. Marshall retired as executive director of the State Soil Conservation Board in 1955, he remained with the board as a field representative, and until his death in 1968, at the age of 82, he remained an influential and articulate spokesman for the needs of Texas farmers and for the programs of soil conservation; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that the 61st Legislature, 1st Called Session, honor Vernie C. Marshall for his great vision and outstanding leadership by placing his portrait in the State Capitol; and, be it further

Resolved, That the Board of Control, by this Resolution, be authorized

to make all necessary arrangements for hanging in the State Capitol an official portrait of Vernie C. Marshall, a great Texas leader, whose contributions to agriculture progress in Texas are immeasurable.

The resolution was adopted without objection.

PROVIDING FOR THE OFFICIAL CELEBRATION OF THE BIRTH DATE OF JOSE FRANCISCO RUIZ, PATRIOT OF THE REPUBLIC OF TEXAS

The Speaker laid before the House the following resolution:

S. C. R. No. 10

Whereas, The history of Texas, like an intricate and beautiful fabric, is richly interwoven with the contributions of individuals from various ethnic backgrounds; and

Whereas, Those earliest citizens of what is now the State of Texas were a courageous and freedom-loving people, whose indelible imprint is reflected in the culture and Spanish surnames that bind together in friendship the Southwestern States of this nation and the 28 states of the Republic of Mexico; and

Whereas, A great number of those first Texas-born liberals were in the forefront of the revolutionary movement which carried the Texas forces through the turbulent and bloody struggle against the tyrannical forces of General Antonio de Santa Anna and culminated in victory and the formation of the Republic of Texas; and

Whereas, Distinguished among those valiant Texians was Jose Francisco Ruiz, who, throughout his lifetime, fought for right, justice, and truth for the people of Texas in dedication to his belief in and desire to live under a democratic system of government; and

Whereas, Educated in Spain, he was exposed to the enlightenment philosophy that was sweeping Europe at the time, and when he returned home, he was one of the two

native San Antonians to sign the Texas Declaration of Independence from Mexico; and

Whereas, He was the elected delegate from Bexar at Washington-on-the-Brazos, and again represented Bexar as Senator to the first Congress of the Republic of Texas; and

Whereas, He continued his devotion to liberty and his service to his people until his death on January 20, 1840, and he was at last laid to rest in the land he knew and loved as Texas; and

Whereas, The Texas Legislature wishes to recognize this illustrious and courageous Texian, Jose Francisco Ruiz, who lived and died by the principles that founded the Republic of Texas and made the United States of America the symbol of freedom throughout the world; now, therefore, be it

Resolved, by the Senate of the 61st Legislature, 1st Called Session, the House of Representatives concurring, That the Texas Legislature hereby pay tribute to Jose Francisco Ruiz, a great Texas patriot and liberator; and, be it further

Resolved, That the birthday of Jose Francisco Ruiz, September 1, 1969, be celebrated officially by appropriate observances throughout the State of Texas in recognition of this distinguished Texian, whose significant role in Texas history is an inspiration to all who love liberty.

The resolution was adopted un-animously.

CONGRATULATING MRS. RUBY MANESS ON HER NOTABLE SERVICE TO THE STATE OF TEXAS

Mr. Wright offered the following resolution:

H. S. R. No. 28

Whereas, The House of Representatives today wishes to congratulate an outstanding resident of Dallas, Mrs. Ruby Maness; and

Whereas, Mrs. Maness served as Democratic Chairman of Precinct 222

in Dallas for over 25 years until her retirement early in 1969; and

Whereas, This gracious lady, who will celebrate her 80th birthday in November, always served the Democratic Party as a dedicated and conscientious official, always rendering capable service to the citizens of Dallas; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, extend congratulations to Mrs. Ruby Maness on her notable service to the State of Texas and wish her many happy years of retirement; and, be it further

Resolved, That a copy of this Resolution be prepared for Mrs. Ruby Maness as an expression of appreciation from the House of Representatives for her distinguished achievements, and that all necessary rules be suspended and this resolution be printed in full in the House Journal.

Signed: Wright, Golman, Hawn, Atwell, McKissack, Holmes of Dallas, Reed, Braecklein, Blanton, Clark of Dallas, Moore of Dallas, Semos, Orr, Ratcliff and Stroud.

The resolution was adopted un-animously.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 30, By Orr: Commending the Jaycees of De Soto, Texas for outstanding civic endeavor evidenced by the PAL Project.

H. S. R. No. 31, By Orr: Congratulating the Texas Trial Lawyers Association upon the award of merit the organization has received from the American Trial Lawyers Association.

On motion of Mr. Ray the names of all the Members of the House were added to H. S. R. No. 31 as signers thereof.

HOUSE BILL NO. 2 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

H. B. No. 2, A bill to be entitled An Act raising revenue for the support of State Government, amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the rate on limited sales, excise, and use tax; amending the collection schedule to conform to the new rate; removing exemptions on alcoholic beverages; making conforming amendments to the Local Sales and Use Tax (Article 1066c, Vernon's Texas Civil Statutes); amending Chapter 6, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the tax rate on the retail sale of motor vehicles; amending Chapter 7, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by levying an additional tax on cigarettes; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to levy additional corporate franchise taxes for a two year period; providing an effective date; and declaring an emergency.

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

Yeas—87

Mr. Speaker	Hawn
Allen of Gregg	Heatly
Angly	Hinson
Atwell	Holland
Baker	Holmes of Hood
Blaine	Howard
Blanton	Hubenak
Braecklein	Hull
Burgess	Jones of Lubbock
Burnett	Jones of Taylor
Calhoun	Jungmichel
Carrillo	Knapp
Cavness	Lemmon
Christian	Longoria
Clayton	Lovell
Cobb	McAlister
Cole	McDonald
Cory	McKissack
Cummings	McLaughlin
Davis of Harris	Moore of Hill
Davis of Travis	Moore of Dallas
Dickson	Moyer
Doran	Murray
Finck	Nabers
Finnell	Neugent
Floyd	of Galveston
Garcia	Newman
Golman	Niland
Harding	Nugent of Kerr
Hawkins	Ogg

Orr	Sherman
Pickens	Slack
Pickett	Slider
Poerner	Solomon
Presnal	Stewart
Price	Tarbox
Ray	Traeger
Rosson	Uher
Salter	Ward
Sanchez	Wayne
Schulle	Wieting
Semos	Williamson
Shannon, Joe, Jr., of Tarrant	Willis
Shannon, Tommy, of Tarrant	Wright

Nays—58

Adams	Johnson
Allen of Harris	Jones of Harris
Allred	Kilpatrick
Archer	Kothmann
Armstrong	Kubiak
Atwood	Lee
Bass of Harris	Ligarde
Bass of Van Zandt	Lombardino
Beckham	Moreno
Bigham	Muniz
Braun	Musgrove
Bray	Nichols
Caldwell	Nowlin
Clark of Harris	Parker
Clark of Dallas	of Jefferson
Craddick	Patterson
Cruz	Ratcliff
Daniel	Reed
Dramberger	Salem
Earthman	Santiesteban
Evans	Smith
Farenthold	Stroud
Finney	Swanson
Graves	Thomas
Hale	Truan
Hannah	Vale
Harris	Vance
Haynes	Weldon
Head	Williams
Holmes of Dallas	

Present—Not Voting

Abraham

Absent

Moore
of McLennan

Absent-Excused

Hendricks Parker of Denton

PAIRED

Mr. Abraham (present), who would

vote "Nay" with Mr. Hendricks (absent) who would vote "Yea."

Mr. Wayne moved to reconsider the vote by which H. B. No. 2 was passed and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Heatly moved that the House adjourn until 2:00 o'clock p.m. next Monday.

The motion prevailed without objection.

The Benediction was offered by Chaplain Clinton Kersey, as follows:

"The following words are found in Scripture:

'Humble yourselves in the sight of the Lord, and he shall lift you up.

Speak not evil one of another, brethren. He that speaketh evil of his brother, and judgeth his brother, speaketh evil of the law, and judgeth the law: but if thou judge the law, thou art not a doer of the law, but a judge.

There is one lawgiver, who is able to save and to destroy: who art thou that judgest another?"

James 4: 10-11-12

In accordance with the motion to adjourn, the House, at 6:33 o'clock p.m., adjourned until 2:00 o'clock p.m. next Monday.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 7, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. B. No. 2,

has carefully compared same and finds it correctly engrossed.

WARD, Chairman

EIGHTH DAY

(Monday, August 11, 1969)

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

The roll of the House was called and the following Members were present:

Mr. Speaker	Finney
Abraham	Floyd
Adams	Garcia
Allen of Gregg	Golman
Angly	Hale
Archer	Hannah
Armstrong	Harding
Atwell	Harris
Atwood	Hawkins
Baker	Hawn
Bass of Harris	Haynes
Bass of Van Zandt	Head
Beckham	Heatly
Bigham	Hendricks
Blaine	Hinson
Blanton	Holland
Braecklein	Holmes of Hood
Braun	Holmes of Dallas
Bray	Howard
Burnett	Hubenak
Caldwell	Hull
Calhoun	Johnson
Carrillo	Jones of Harris
Cavness	Jones of Taylor
Christian	Jungmichel
Clark of Harris	Kilpatrick
Clark of Dallas	Knapp
Clayton	Kothmann
Cobb	Kubiak
Cole	Lee
Cory	Lemmon
Craddick	Ligarde
Cruz	Lombardino
Cummings	Longoria
Daniel	Lovell
Davis of Harris	McDonald
Davis of Travis	McKissack
Dickson	McLaughlin
Doran	Moore of Hill
Dramberger	Moore of Dallas
Earthman	Moore
Evans	of McLennan
Farenthold	Moreno
Finck	Moyer
Finnell	Muniz

Murray	Semos
Musgrove	Shannon, Joe, Jr., of Tarrant
Nabers	Shannon, Tommy, of Tarrant
Neugent of Galveston	Sherman
Newman	Short
Nichols	Slack
Niland	Slider
Nowlin	Smith
Nugent of Kerr	Solomon
Ogg	Stewart
Orr	Stroud
Parker of Jefferson	Swanson
Parker of Denton	Tarbox
Patterson	Thomas
Pickens	Traeger
Pickett	Truan
Poerner	Uher
Presnal	Vale
Price	Vance
Ratcliff	Ward
Ray	Wayne
Reed	Weldon
Rosson	Wieting
Salem	Williams
Salter	Williamson
Sanchez	Willis
Santiesteban	Wright
Schulle	

Absent

Allen of Harris Graves

Absent-Excused

Allred Jones of Lubbock
Burgess McAlister

A quorum of the House was announced present.

The Invocation was offered by the Reverend Thomas H. Swygert, Pastor of St. Paul's Evangelical Lutheran Church of Brenham, Texas, as follows:

Almighty and Merciful God, to Whom belong the Kingdom, and the Power, and the Glory, for ever and ever, yet Who has ordained human government for the temporal welfare of mankind: we thank You for the succession of legislators who have sought the common good for our State. We pray that You will continually raise up men and women who have been taught the wisdom of the Kingdom of Christ and who will serve in public life the general welfare of all peoples. Let Your benediction be upon the Members of this Legislature as You endow each with a

right understanding, a pure purpose and sound speech; enable them to rise above all self-seeking and party zeal into the sentiments of public good and human brotherhood. Grant them to seek those things which belong to our peace that our State may indeed be to the praise of Your Name and the good of all mankind; through Him Who is our Peace, even Jesus Christ, Your Son, our Lord. Amen.

LEAVES OF ABSENCE GRANTED

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

Mr. McAlister on motion of Mr. Tommy Shannon of Tarrant.

Mr. Jones of Lubbock on motion of Mr. Tommy Shannon of Tarrant.

The following Member was granted leave of absence for today on account of illness:

Mr. Burgess on motion of Mr. Adams.

The following Member was granted leave of absence for today on account of illness in his family:

Mr. Allred on motion of Mr. Thomas.

(Mr. Nugent of Kerr in the Chair)

RESOLUTIONS SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 9, In memory of South Houston Police Chief, Ike F. Genzer.

S. C. R. No. 10, Providing for the official celebration of the birth date of Jose Francisco Ruiz, Patriot of the Republic of Texas.

S. C. R. No. 11, Providing for the hanging in the State Capitol of an official portrait of Vernie C. Marshall.

**MEMORIAL RESOLUTION
ADOPTED**

The following Memorial Resolution was adopted unanimously by a rising vote:

H. C. R. No. 9, By Earthman, Cummings, Jones of Harris, Archer and Lee: In memory of George W. Strake of Houston, Texas.

(Speaker in the Chair)

**OATH OF OFFICE
ADMINISTERED**

Speaker Mutscher stated that the Honorable E. L. Short of Lynn County, Representative-elect of District 73, who was present in the House, would now take the Constitutional Oath of Office.

Mr. Short then took the Constitutional Oath of Office as a Member of the House of Representatives of the 61st Legislature, the Oath being administered by the Honorable G. F. (Gus) Mutscher, Speaker of the House of Representatives.

Speaker Mutscher then introduced Mr. Short to the House.

Mr. Short addressed the House briefly.

**CONGRATULATORY
RESOLUTIONS ADOPTED**

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 32, By Speaker Mutscher: Commending Mr. Frank W. Sharp, of Houston, Texas, for his religious leadership toward ecumenical brotherhood and to congratulate him as a Jesuit "Founder."

H. S. R. No. 33, By Parker of Jefferson: Commending Madison Monroe, President of Port Arthur College.

H. S. R. No. 34, By McLaughlin, Tommy Shannon of Tarrant, Joe Shannon, Jr., of Tarrant, Sherman and Burnett: Commending Mr. H. E. (Eddie) Chiles of Fort Worth, Texas, for his distinguished contributions to the State of Texas.

**EXPLAINING THE PURPOSE OF
H. B. NO. 579, ENACTED BY THE
61ST LEGISLATURE, RELATING
TO COIN-OPERATED MACHINES**

Mr. Clark of Dallas offered the following resolution:

H. C. R. No. 7

Whereas, The 61st Legislature, at its Regular Session, enacted H. B. No. 579, which added Article 13.17 to Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, relating to licensing and regulation of businesses dealing in coin-operated machines; and

Whereas, It is the stated purpose of the Article to provide comprehensive regulation of music and skill or pleasure coin-operated machines and businesses dealing in these machines, and to prevent persons in these businesses from having concurrent financial interests in certain alcoholic beverage businesses; and

Whereas, Due to the ambiguity of some of the language in the Article considerable confusion exists concerning the necessity of obtaining a license, as required by Sections 8(1) and 16(1) of Article 13.17, by one who owns and operates a music or skill or pleasure coin-operated machine used exclusively in the operation of other businesses that are not required to be licensed by the Article; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, the Senate concurring, That in enacting H. B. No. 579 it was not the legislative intent to require a licensee or permittee under the Texas Liquor Control Act, or the owner of a restaurant, store, or other retail service establishment, to obtain a license under Section 8(1) of Article 13.17 merely because he owns coin-operated machines, so long as they are used exclusively on premises owned or leased by him in connection with that business.

The resolution was referred to the Committee on Judiciary.

CREATING AN INTERIM COMMITTEE TO INVESTIGATE ALL MATTERS PERTAINING TO THE TAXATION OF FARM, RANCH AND FOREST LANDS

Mr. Burgess offered the following resolution:

H. C. R. No. 8

Whereas, Senate Joint Resolution No. 15 was adopted by both Houses of the 61st Legislature of Texas proposing that the Constitution be amended so as to permit the taxation of farm, ranch and forest lands on a fair, just and equitable basis; and

Whereas, It is appropriate for the Legislature to consider all pertinent factors relating to the establishment of a uniform method of assessment of farm, ranch and forest lands which should include such vital factors as, but not limited to, cost of production, all relevant taxes, and reasonable profit; and

Whereas, The owners and operators of farm, ranch and timber lands have unique and pressing problems under current tax practices which should be considered promptly; and

Whereas, Thorough consideration should be given to any new method of assessment of such property in order that the interest not only of the taxpayers but also of the various taxing jurisdictions in the State will be fairly and reasonably protected; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That a special interim committee be created to investigate and study all matters pertaining to the taxation of farm, ranch and forest lands, on the basis of their capability to support the raising of livestock and/or to produce farm and forest crops, including without limitation the proper classification of lands which shall be taxed on such basis and all matters incident to the mechanics of evaluating or assessing such lands on said basis; and, be it further

Resolved, That the membership of such committee shall consist of five (5) Members of the House of Representatives to be appointed by the

Speaker of the House, five (5) Members of the Senate to be appointed by the Lieutenant Governor and five (5) members of the public to be appointed by the Governor, including one each from the farm industry, the ranch industry and the timber industry; and, be it further

Resolved, That the terms of all members shall commence immediately upon their appointment, and shall terminate on the convening of the next Regular Session of the Legislature following adoption of this Resolution and that any vacancies occurring after appointment for any cause may be filled by the respective appointing officers; and, be it further

Resolved, That from the Contingent Expense Funds of the House and the Senate equally, the members of the committee shall be reimbursed for their actual and necessary expenses incurred in carrying out the purposes of this Resolution, that other necessary expenses of the Committee shall be paid from the Contingent Expense Funds of the House and Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for its operating expenses and shall submit the budget to the Contingent Expense Committee of the Senate and to the House Administration Committee, and before any payment may be made from the Contingent Expense Fund of either House, the budget must be approved by the Contingent Expense Committee of the Senate and the House Administration Committee, and that before any nonbudgeted expense may be paid, prior approval must be obtained from both the Contingent Expense Committee of the Senate and the House Administration Committee; and, be it further

Resolved, That for consideration by the next Regular Session of the Legislature, the Committee shall make such recommendations for the enactment of such laws, if any, and shall prepare drafts of such legislation as it may deem appropriate to carry into effect the assessment of the farm, ranch and forest lands on the basis authorized by the aforesaid constitutional amendment in a manner which shall be fair, just and equitable to all concerned; and, be it further

Resolved, That in the conduct of such investigation and study, such committee shall have the right to hold public hearings and, in the manner provided by law, shall have the right to compel the attendance of witnesses and production of instruments and documents, and that representatives of such state agencies or departments and officials of such municipal corporations and political subdivisions of the State which levy ad valorem taxes as may be deemed necessary by the committee are hereby authorized and directed to cooperate fully and completely with the committee in the making of the study and preparation of any report; and, be it further

Resolved, That the Committee is authorized to accept grants and donations of funds from any source in order to complete this study; and, be it further

Resolved, That the Committee shall report in writing and file a signed copy of the same with the Governor of Texas, the Lieutenant Governor of Texas and the Speaker of the House not later than thirty (30) days after the convening of the next Regular Session of the Legislature, but copies of such report shall be distributed to each Member of the Senate and of the House and that testimony given at any hearing conducted pursuant to this Resolution shall be reduced to writing and shall be given under oath subject to the penalties of perjury; and, be it further

Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the Committee in this study.

The resolution was referred to the Committee on Interim Activities.

TO GRANT PERMISSION TO SUE HARRIS COUNTY

Mr. Dickson offered the following resolution:

H. C. R. No. 10

Whereas, Fredrick P. Adams, alleges that on or about March 26, 1967, the County of Harris, Texas, acting through its agents and employees suddenly without warning or

necessity raised the drawbridge across Cedar Bayou on the Tri-City Road and thereafter lowered a barricade onto and in front of Fredrick P. Adams, who at that time was traveling by motorcycle on and crossing the bridge in a safe and careful manner, causing Fredrick P. Adams to strike the barricade and thereby suffer grievous physical and mental injury resulting in part in paralysis of limbs; and

Whereas, The said Fredrick P. Adams alleges that the injuries suffered are compensable under the laws of the State of Texas; and

Whereas, The said Fredrick P. Adams alleges that Harris County, Texas, has a duty imposed by law to exercise care and caution in the operation of its bridge machinery, and by the conduct here alleged the County has breached its duty and acted in a negligent and imprudent manner, thereby causing injury and damage to the said Fredrick P. Adams; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That Fredrick P. Adams be and is hereby granted permission to bring suit in any court of competent jurisdiction in Harris County, Texas, against Harris County, Texas, and that the case shall be tried as other civil cases reserving to either party the right of appeal; and be it further

Resolved, That in the event such a suit is filed, service of citation or any other necessary process shall be had upon the Commissioners Court of Harris County of any member thereof; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the County of Harris, Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations or claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other civil cases.

Signed: DICKSON and OGG.

The resolution was referred to the Committee on State Affairs.

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 Schulle:

H. B. No. 36, A bill to be entitled An Act relating to sale of hospitals and hospital facilities by certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Joe Shannon, Jr., of Tarrant:

H. B. No. 37, A bill to be entitled An Act relating to the creation of the 238th Judicial District in Tarrant County; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Joe Shannon, Jr., of Tarrant:

H. B. No. 38, A bill to be entitled An Act relating to the establishment of the Criminal District Court No. 4 of Tarrant County; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Graves:

H. B. No. 39, A bill to be entitled An Act relating to reports by manufacturers and wholesalers of certain drugs; amending Subsections (2) and (3), Section 9, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); amending Section 5, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 726d, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Moore of Hill and Poerner:

H. B. No. 40, A bill to be entitled An Act amending Chapter 21, Texas Insurance Code, by adding a new Article 21.49 authorizing and directing the State Board of Insurance to prescribe, adopt, promulgate, and enforce

notice requirements for cancellation and nonrenewal of policies for general casualty insurance, fire insurance, and motor vehicle insurance, homeowners policies; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Ligarde:

H. B. No. 41, A bill to be entitled An Act constituting a local law for the maintenance of public roads and highways in Webb County by authorizing the County to issue certificates of indebtedness for the purpose of acquiring rights-of-way for designated state highways, including farm-to-market highways, or for federal highways, or for acquiring rights-of-way for county roads, or for the construction, maintenance, or improvement of the county roads in Webb County, Texas; stating the terms and conditions of issuance of such certificates of indebtedness; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the effect thereof; providing for and authorizing the refunding of said certificates; enacting other provisions relating to the subject; making the Act cumulative; providing a severability clause; and declaring an emergency.

Referred to Committee on Counties.

By Cory:

H. B. No. 42, A bill to be entitled An Act relating to certain motor vehicle liability insurance policies involving vehicles owned or held for sale or repair by a person engaged in such business and the applicability of such policies to persons other than the named insured; amending the Texas Insurance Code by adding Article 5.06-2; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Lemmon:

H. B. No. 43, A bill to be entitled An Act imposing an occupation tax

on securities dealers and securities registered representatives; requiring certain reports by those dealers and representatives; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Nugent of Kerr:

H. B. No. 44, A bill to be entitled An Act extending to September 1, 1971, the date for filing claims to water rights with the Texas Water Rights Commission; amending Subsection (c), Section 4, Chapter 45, Acts of the 60th Legislature, Regular Session, 1967 (Article 7542a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Smith:

H. B. No. 45, A bill to be entitled An Act relating to the establishment of an advisory council for the study and research of the problems of children with learning disabilities and defining the duties of the Texas Education Agency and the Commissioner of Education concerning study and research into the problems of children with learning disabilities, and the development and carrying out of diagnostic and treatment programs for such children; and declaring an emergency.

Referred to Committee on Appropriations.

By Jones of Taylor:

H. B. No. 46, A bill to be entitled An Act amending Article 21.07, Texas Insurance Code, same being S. B. No. 236, Acts of the 52nd Legislature, Regular Session, 1951, page 868, Chapter 491, as amended, by amending Article 21.07, and enacting a new Article 21.07; providing applicability of Article 21.07 to all persons acting or seeking authority to act as an agent of any local mutual aid association, local mutual burial association, statewide mutual assessment corporation, stipulated premium company, county mutual insurance company, casualty company writing accident and health insurance or any other type of insurance carrier licensed to do business in the State

of Texas and which insurance carrier's agents are required to be licensed under the provisions of Article 21.07, Texas Insurance Code, 1951, as amended, on the date that this Act shall become effective; providing that each such person prior to acting as an agent shall obtain a license under the provisions of Article 21.07 and be appointed to act as an agent by some duly authorized insurance carrier designated by the provisions of Article 21.07; permitting any person desiring to act as an agent of any insurance carrier licensed in the State of Texas and writing health and accident insurance to obtain a separate license to write health and accident insurance under the provisions of Article 21.07; prescribing the procedures for each person making application for a license and requiring completion of forms prescribed and furnished by the State Board of Insurance accompanied with a certificate of insurance carrier setting forth therein certain required information; providing that the State Board of Insurance shall issue such a license if such person is found to be of good character and trustworthy, except that such person shall not be authorized to write health and accident insurance unless such person shall have first passed a written examination as provided for in Article 21.07 or such person will act only as a ticket-selling agent of a public carrier with respect to accident life insurance covering risks of travel or as an agent selling credit life, health and accident insurance issued exclusively in connection with credit transactions or will write policies or riders to policies providing only lump sum cash benefits in the event of accidental death, or death by accidental means, or dismemberment or providing only ambulance expense benefits in event of accident or sickness; prescribing for a written examination for persons desiring to write health and accident insurance, excepting that no written examination shall be required of an applicant for renewal of a license which is currently in force at the effective date of this Act or to an applicant whose license expired less than one year prior to the date of application may, in discretion of State Board of Insurance, be issued a license without written examination; requiring State Board of Insurance to within sixty days of effective date of this Act adopt rules

and regulations with respect to scope, type and conduct of such written examination and times and places within State where same will be held and such rules and regulations shall designate textbooks, manuals and other materials in connection with such examinations and provides that the same shall be available for purchase; limiting the questions to be asked, and requiring a fee of \$10.00 for the privilege of taking examination; permitting State Board of Insurance to authorize any insurance carrier to conduct written examinations to persons or its agents subject to such reasonable conditions, requirements and standards as the State Board of Insurance shall require and establish but also providing authority to revoke such authority if the State Board of Insurance shall find that such insurance carrier has violated the conditions, requirements and standards required to conduct written examinations; requiring the State Board of Insurance to license any person authorizing such person to write health and accident insurance after passing such examination and complying with the other provisions of Article 21.07; authorizing the State Board of Insurance in its sole discretion to establish an Advisory Board; providing that the State Board of Insurance may, under certain circumstances, require any agent who held a license authorizing such agent to write health and accident insurance at the effective date of this Act to take such written examination as authorized by Article 21.07 within ninety days thereafter and upon failure of such agent to take such examination or upon failure of such agent to pass such examination, the State Board of Insurance may terminate such agent's license; providing for return of fees charged a person under certain circumstances if such license is not issued; authorizing agents to represent additional insurance carriers and prescribing the procedures for appointment by insurance carriers and the fees to be charged; prescribing that each license so issued shall expire one year from date; permitting renewal of each license not revoked or suspended from year to year; prescribing the license fee of \$10.00 and an annual renewal license fee of \$10.00; providing that appointments by insurance carriers of agents shall be continuous unless otherwise terminated, and effect

thereof, except that on or before April 1 of each year, commencing on April 1, 1970, each insurance carrier shall file with the State Board of Insurance on prescribed forms a list of its appointed agents and failure to so file shall be deemed and considered as termination of such appointment; providing for issuance by State Board of Insurance of ninety day temporary licenses to agents selling health and accident insurance and all other applicable insurance coverage without passing written examination, and prescribing the methods, procedures and requirements for the obtaining of such temporary licenses and precluding the writing of insurance upon certain specified individuals while such agent holds a temporary license and limiting certain commissions thereon; requiring notification to State Board of Insurance by each insurance carrier of termination of any appointment of any agent and authorizing State Board of Insurance to terminate license but providing that any such information required to be or furnished to the State Board of Insurance relating to any such termination of a license shall be deemed a privileged communication and limited to introduction in court; prescribing for the denial, refusal, suspension or revocation of licenses issued pursuant to Article 21.07 under certain circumstances and based upon certain reasons; providing for notice and hearing before denial, suspension or revocation of license and filing of findings of facts if license denied, revoked or suspended; limiting the right to receive a new license for a period of one year following denial, refusal or revocation of license (except for failure to pass a required written examination) unless good cause be shown to waive the same; providing for judicial review of all acts of the State Board of Insurance and prescribing the methods, procedure and precedence therefor and that such review shall be by trial de novo; establishing a penalty of not more than \$500.00 or imprisonment not more than six months, or both, for violations of the provisions of Article 21.07; authorizing the State Board of Insurance to establish, and from time to time amend, reasonable rules and regulations for administration of Article 21.07; prescribing an annual license fee of \$10.00 for each agent and for each initial appointment of \$4.00; establishing that all

fees shall constitute a fund to be used by State Board of Insurance for administration of Article 21.07, State Board of Insurance is authorized to use such funds to employ persons it may deem necessary to make investigations and report upon alleged violations of Article 21.07 and further granting to the State Board of Insurance additional authority; providing the method for use of any residue of said funds; requiring that said fund be deposited with the State Treasurer at least once each week; providing further for termination and disposition of such fund at the end of each biennium; providing any person who holds a license under the provisions of Article 21.07-1 shall be entitled to receive a license under Article 21.07 to write health and accident insurance without being required to pass written examination; providing any person who holds a license under Article 21.14, Texas Insurance Code, 1951, as amended, shall be entitled to certain exemptions; providing that any license authorizing the agent to write health and accident insurance shall have stamped thereon the words "Health and Accident Insurance"; providing that each license issued prior to the effective date of this Act under the provisions of Article 21.07 and re-

maining in force at the effective date of this Act shall continue in full force and effect until such license would otherwise expire and each such license so expiring shall be subject to renewability in accordance with the provisions of this Act upon each respective license expiration date but may be revoked as otherwise provided in this Act; providing that this Act shall be cumulative of all other existing laws but in event of any conflict the provisions of this Act shall prevail and all laws or parts of laws in conflict with this Act are repealed to the extent of such conflict; providing a severability clause; and declaring an emergency.

Referred to Committee on Insurance.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 11:00 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 2:35 o'clock p. m., adjourned until 11:00 o'clock a. m. tomorrow.

In Memory of the

Honorable Lon E. Alsup

Mr. Ray offered the following resolution:

H. C. R. No. 11

Whereas, The life of one of the outstanding public servants in the history of Texas ended on Thursday, August 7, with the death of Lon E. Alsup in San Antonio; and

Whereas, This courageous leader was born on April 25, 1898, in Carthage, Texas, the son of Eric Elmer and Carrie Alsup; and

Whereas, Blind from birth, he entered the Texas School for the Blind at the age of seven, and was graduated in 1918; and

Whereas, Having studied piano tuning at the school, upon graduation he borrowed money to establish himself as a piano tuner and later operated the Alsup Music Company in Carthage until the onset of the depression in 1930; and

Whereas, In 1930 he campaigned successfully for a seat in the Texas Legislature against an incumbent representative by carrying his Model T Bandwagon, highlighted by a string band, through the piney woods of East Texas, thereby setting a standard for many future Texas political campaigns; and

Whereas, The Honorable Lon E. Alsup and Miss Zela Jordan, also of Carthage, were married in 1932, and the couple had one daughter, Juanita; and

Whereas, Representative Alsup cosponsored the bill creating the State Commission for the Blind during his freshman term in the House: he became known as the "watchdog of the treasury" due to his keen insight into appropriation bills; and

Whereas, Resigning from the Legislature in 1941, he became executive Secretary-Director of the State Commission for the Blind in 1942, a position which he held for 22 years until his retirement on August 31, 1964; and

Whereas, His public service also included a term as president of the Texas Rehabilitation Association and active membership in the State's Vocational Council, the American Association of Workers for the Blind, and the Council of Executives of Agencies for the Blind; and

Whereas, Among his many honors is a 1960 Citation of Merit from the National Rehabilitation Association, an Award of Merit from the Counseling Service for the Blind, and a listing in "Who's Who in the South and Southwest"; and

Whereas, It is appropriate that the Texas Legislature and all the people of Texas pay tribute to Lon E. Alsup for his 34 years of dedicated public service, and extend sympathy to his family; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, the Senate concurring, That this Resolution stand in memory of Lon E. Alsup, courageous leader, outstanding citizen, and devoted public servant; and, be it further

Resolved, That official copies of this Resolution be prepared for his wife, Mrs. Zela Alsup, and his daughter, Mrs. Juanita Krause; and, be it further

Resolved, That when the House of Representatives and the Senate adjourn this day, they do so in memory of and in tribute to Lon E. Alsup.

The resolution was unanimously adopted by a rising vote.

NINTH DAY

(Tuesday, August 12, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Harris
Abraham	Hawkins
Adams	Hawn
Allen of Harris	Haynes
Allen of Gregg	Head
Angly	Heatly
Archer	Hendricks
Armstrong	Hinson
Atwell	Holland
Atwood	Holmes of Hood
Bass of Harris	Holmes of Dallas
Bass of Van Zandt	Howard
Beckham	Hubenak
Bigham	Hull
Blaine	Johnson
Blanton	Jones of Harris
Braecklein	Jones of Taylor
Braun	Jungmichel
Bray	Kilpatrick
Burnett	Knapp
Caldwell	Kothmann
Calhoun	Kubiak
Carrillo	Lee
Cavness	Lemmon
Christian	Ligarde
Clark of Harris	Lombardino
Clark of Dallas	Longoria
Clayton	Lovell
Cobb	McDonald
Cole	McKissack
Cory	McLaughlin
Craddick	Moore of Hill
Cruz	Moore
Cummings	of McLennan
Daniel	Moreno
Davis of Harris	Moyer
Davis of Travis	Muniz
Dickson	Murray
Doran	Musgrove
Dramberger	Nabers
Earthman	Neugent
Evans	of Galveston
Farenthold	Newman
Finck	Nichols
Finnell	Niland
Finney	Nowlin
Floyd	Nugent of Kerr
Garcia	Ogg
Golman	Orr
Graves	Parker
Hale	of Jefferson
Hannah	Parker of Denton
Harding	Patterson

Pickens	Slider
Pickett	Smith
Poerner	Solomon
Presnal	Stewart
Price	Stroud
Ray	Swanson
Reed	Tarbox
Rosson	Thomas
Salem	Traeger
Salter	Truan
Sanchez	Uher
Santiesteban	Vale
Schulle	Vance
Semos	Ward
Shannon, Joe, Jr.,	Wayne
of Tarrant	Weldon
Shannon, Tommy,	Wieting
of Tarrant	Williams
Sherman	Williamson
Short	Willis
Slack	Wright

Absent

Moore of Dallas

Absent-Excused

Allred	Jones of Lubbock
Baker	McAlister
Burgess	Ratcliff

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, we know of no better way to begin the work of another day than by dedicating our lives to Thee and to do our best to serve Thee by serving our fellowman.

The disappointments and indecisions in our lives teach us that we, ourselves, are not in tune with Thee as we should be. Help us to find Thy will this day.

We ask Thee to minister to those in sickness; may Thy Holy Spirit comfort each one is our prayer.

In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. McAlister on motion of Mr. Wayne.

Mr. Ratcliff on motion of Mr. Presnal.

Mr. Jones of Lubbock on motion of Mr. Tommy Shannon of Tarrant.

The following Member was granted leave of absence for today on account of illness:

Mr. Burgess on motion of Mr. Adams.

The following Member was granted leave of absence for today on account of the birth of a son:

Mr. Allred on motion of Mr. Thomas.

The following Member was granted leave of absence for today on account of a death in his family:

Mr. Baker on motion of Mr. Hubenak.

MESSAGE FROM THE SENATE

Austin, Texas, August 12, 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:

S. C. R. No. 12, By Herring and all Members of the Senate: In commendation of William J. Burke.

S. C. R. No. 13, By Bernal, Grover, Herring, Cole, McKool, and all Members of the Senate: Commending His Excellency, Archbishop Francis J. Furey.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 35, By Kubiak: In memory of Mrs. Norine Beard of Thorndale, Texas.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 36, By Golman: Commending Curtis Cokes, the former welterweight boxing champion of the world.

H. S. R. No. 37, By Nowlin: Expressing appreciation to Senor Hector Martinez of Mexico City, D.F., for his capable service to his country and to his many friends in the United States.

S. C. R. No. 12, Extending good wishes to William J. Burke on his retirement as Executive Director of the State Board of Control.

S. C. R. No. 13, Extending highest commendations to His Excellency, Archbishop Francis J. Furey.

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 Ogg, Cummings, Bass of Harris, Jones of Harris, Lemmon, Davis of Harris, Braun, Swanson, Allen of Harris, Lee, Clark of Harris, Nichols and Earthman:

H. B. No. 47, A bill to be entitled An Act creating and establishing in and for Harris County, Texas, two additional district courts of general jurisdiction to be known as the 189th and 190th District Courts and four additional district courts of criminal jurisdiction to be known as the 182nd, 183rd, 184th, and 185th District Courts; amending Article 199, Revised Civil Statutes of Texas, 1925, as amended, as it relates to district courts in Harris County; providing for the organization of the courts; providing for the transfer and docketing of cases; providing for trial and disposition of cases in the district courts named in this Act during the absence of the judge; prescribing the qualifications, jurisdiction, duties, and powers of the judges; providing for the appointment, election, and compensation for the judges; provid-

ing for seals of each of the courts of criminal jurisdiction; providing for the sheriff, district attorney, and clerk of the courts of criminal jurisdiction; providing for appointment and compensation of an assistant district attorney and of special deputy clerks; providing for the appointment of official court reporters; fixing the time for holding the terms of the courts and providing for jury service and empaneling of grand juries; limiting and conforming the jurisdiction of the courts of criminal jurisdiction to the jurisdiction of the 174th, 176th, 177th, 178th, 179th, and 180th District Courts; repealing all laws and parts of laws in conflict with the provisions of this Act to the extent of any conflict; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Murray, Garcia and Sanchez:

H. B. No. 48, A bill to be entitled An Act relating to the transfer of certain probated proceedings to the County Court at Law of Cameron County; adding a new Section 6a to Chapter 59, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 1970-305, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By Carrillo:

H. B. No. 49, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of the Starr County Hospital District of Starr County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

Referred to Committee on Counties.

By Smith:

H. B. No. 50, A bill to be entitled An Act relating to the acquisition of the Beaumont School for the Deaf by the State Board of Education for the benefit of the Texas School for the Deaf; and declaring an emergency.

Referred to Committee on Appropriations.

By Hawkins:

H. B. No. 51, A bill to be entitled An Act relating to the salary of a county judge in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Shannon, Tommy, of Tarrant:

H. B. No. 52, A bill to be entitled An Act to be known as the Texas Depositor Protection Act; providing for creation, operation and regulation of corporations to provide deposit insurance for certain bank deposits within this State; defining terms; providing for severability; and declaring an emergency.

Referred to Committee on Banks and Banking.

ADJOURNMENT

Mr. Niland moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:25 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on State Affairs has filed a favorable report on S. C. R. No. 6.

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 11, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 9,

H. C. R. No. 11,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

TENTH DAY

(Wednesday, August 13, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Finnell
Abraham	Finney
Adams	Floyd
Allen of Harris	Garcia
Allen of Gregg	Golman
Angly	Hale
Archer	Hannah
Armstrong	Harding
Atwell	Harris
Atwood	Hawkins
Baker	Hawn
Bass of Harris	Haynes
Bass of Van Zandt	Head
Beckham	Heatly
Bigham	Hendricks
Blaine	Hinson
Blanton	Holland
Braecklein	Holmes of Hood
Braun	Holmes of Dallas
Bray	Howard
Burgess	Hubnak
Burnett	Hull
Caldwell	Johnson
Calhoun	Jones of Lubbock
Carrillo	Jones of Harris
Cavness	Jones of Taylor
Christian	Jungmichel
Clark of Harris	Kilpatrick
Clayton	Knapp
Cobb	Kothmann
Cole	Kubiak
Cory	Lee
Craddick	Lemmon
Cruz	Ligarde
Cummings	Lombardino
Daniel	Longoria
Davis of Harris	Lovell
Davis of Travis	McAlister
Dickson	McDonald
Doran	McKissack
Dramberger	McLaughlin
Earthman	Moore of Hill
Evans	Moore of Dallas
Farenthold	Moore
Finck	of McLennan

Moreno	Santiesteban
Moyer	Schulle
Muniz	Semos
Murray	Shannon, Joe, Jr., of Tarrant
Musgrove	Shannon, Tommy, of Tarrant
Nabers	Sherman
Neugent of Galveston	Short
Newman	Slack
Nichols	Slider
Niland	Smith
Nowlin	Solomon
Nugent of Kerr	Stewart
Ogg	Stroud
Orr	Swanson
Parker of Jefferson	Tarbox
Parker of Denton	Thomas
Patterson	Traeger
Pickens	Truan
Pickett	Uher
Poerner	Vale
Presnal	Vance
Price	Ward
Ratcliff	Wayne
Ray	Weldon
Reed	Wieting
Rosson	Williams
Salem	Williamson
Salter	Willis
Sanchez	Wright

Absent

Clark of Dallas

Absent-Excused

Allred

Graves

A quorum of the House was announced present.

The Invocation was offered by Dr. Ralph Smith, Pastor of the Hyde Park Baptist Church of Austin, Texas, as follows:

"Our gracious heavenly Father, we thank Thee for the founding forefathers of our nation. Because of their sacrifices this precious gift of freedom is ours. Grant that the men who serve in this Legislative Assembly will recognize themselves as servants of the people of our good State of Texas. More than that may they recognize themselves as servants of God.

Help our elected officials to have knowledge and the wisdom to apply it. Free them from pettiness and jealousy in order that they might logically without emotion formulate policies,

laws, and budgets that would benefit our state.

Father, give these Representatives warm hearts and cool heads. And when their work is finished on this earth may they be received into life eternal through faith in Jesus Christ, in Whose Name we pray. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Allred on motion of Mr. Thomas.

Mr. Graves on motion of Mr. Allen of Harris.

MESSAGE FROM THE SENATE

Austin, Texas, August 13, 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. 9, By Earthman, et al: In memory of George W. Strake.

H. C. R. No. 11, By Ray: In memory of Mr. Lon E. Alsop.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 39, By Smith: In memory of the Reverend U. S. Keeling, Sr., of Beaumont, Texas.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 38, By Swanson, Lemmon, Ogg, Bray, Clark of Harris, Davis of Harris and Bass of Harris, Extending congratulations to the Uni-

versity of Houston Golf Team, the 1969 National Collegiate Champions.

On motion of Mr. Braun the names of all Members of the Harris County Delegation were added to H. S. R. No. 38 as signers thereof.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 12, Extending good wishes to William J. Burke, on his retirement as Executive Director of the State Board of Control.

S. C. R. No. 13, Commending His Excellency, Archbishop Francis J. Furey.

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO RETAIN THE 27½ PERCENT DEPLETION ALLOWANCE FOR THE PETROLEUM INDUSTRY

Mr. Willis offered the following resolution:

H. C. R. No. 13

Whereas, Exploration and development of mineral resources of the nation would be severely handicapped by the proposed reduction in depletion allowance now before the Congress, inasmuch as the higher tax burden would make the economic risks unfeasible; and

Whereas, Coupled with the other tax reform measures applicable to the oil and gas industry, the tax increase would cost the industry approximately \$600 million, and the resultant drop in drilling and exploration would bring a significant rise in product prices and could cause shortages and rationing; and

Whereas, The depletion allowance reduction would reduce the tax income of state and local governments; few industries can equal the oil industry in holding the line against prices, and elimination of the favorable depletion allowance would affect all consumers, who would pay the damage eventually; and

Whereas, It is the consensus of the Texas Legislature that the proposed reduction in the depletion allowance would severely retard the economy of the State of Texas and the entire nation and would be detrimental to everyone who depends on petroleum for transportation, heat, power, or income, as well as cause harm to the economy of the United States; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the Legislature of the State of Texas respectfully memorialize the Congress of the United States to retain the 27½ percent depletion allowance for the protection not only of the petroleum industry but for the benefit of the entire national economy as well; and, be it further

Resolved, That the Clerk of the House be directed to transmit copies of this Resolution to the Vice-President of the United States, to the Speaker of the House of Representatives of the United States Congress, and to each Senator and Representative from Texas in the Congress of the United States.

Signed: DOYLE WILLIS

The resolution was referred to the Committee on House Administration.

CREATING A JOINT INTERIM WATER STUDY COMMITTEE

Mr. Clayton offered the following resolution:

H. C. R. No. 12

Whereas, The proper distribution of the water resources of the state is one of the most pressing issues facing the state government; and

Whereas, For the state to retain its power to act with respect to water resources, it is necessary for the state to act quickly and effectively; and

Whereas, The organizational structure of all state water agencies should be compatible and the laws properly administered; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring,

That a joint interim water study committee be established and that the committee be composed of three Members of the House of Representatives appointed by the Speaker, three Members of the Senate appointed by the Lieutenant Governor, and three private citizens of the state appointed by the Governor; and, be it further

Resolved, That the Governor shall appoint the chairman of the committee from among the Legislative Members; that the committee may elect other officers; and that the committee shall meet at the call of the chairman; and, be it further

Resolved, that the committee shall:

(1) study the water situation in the state and the federal and state proposals concerning it;

(2) study the changes, that may be needed in state statutes concerning water protection and development;

(3) study the organizational structure of all state water agencies and the administration of state laws relating to water;

(4) make a study of what ecological effects might occur as a result of implementation of the Texas Water Plan;

(5) study alternative methods of financing the Texas Water Plan;

(6) hold hearings throughout the state, explaining the major water problems in the state and the proposals for solving them to those attending the hearings and consider alternative proposals from interested legislators and from the public;

(7) review major water legislation enacted by the 61st Legislature;

(8) submit its conclusions, together with drafts of bills and resolutions the committee finds would be helpful in solving state water problems, to the Members of the 62nd Legislature; and, be it further

Resolved, That the Texas Water Development Board, the Texas Water Quality Board, and the Texas Water Rights Commission be requested to work with the committee and its staff, providing information useful in un-

derstanding the present water situation in the state, and the federal and state proposals concerning water, and keeping the committee informed of the state's water plan as it develops; and, be it further

Resolved, That the Texas Legislative Council and the Texas Research League be requested to provide the committee with staff and assistance to develop background information and analysis of legal problems concerning water, and to assist the committee in every way possible; and, be it further

Resolved, That the committee be authorized to hold such meetings as it considers necessary; summon and compel the attendance of witnesses and the production of documents and records; and administer oaths and affirmations to witnesses; and, be it further

Resolved, That the committee may meet and cooperate fully with any interim committee of the Senate or the House studying the state's water problems and with any other organizations concerned with water resources development; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in connection with committee activities, including the expenses of employing professional staff and contracting with consultants and professional groups, shall be paid equally from the Contingent Expense Funds of the House of Representatives and the Senate. The committee shall prepare a budget for its expenses, which shall be submitted to the House Administration Committee and the Senate Contingent Expense Committee, and no expenditures shall be made until the budget has been approved by both of those committees. Prior approval of nonbudgeted expenditures must also be obtained from both of those committees.

The resolution was referred to the Committee on Interim Activities.

HOUSE BILLS ON FIRST READING

The following House Bills were to-

day laid before the House, read first time and referred to Committees as follows:

By Shannon, Tommy, of Tarrant:

H. B. No. 53, A bill to be entitled An Act amending Subsection B, Article 2.01, of the Texas Non-Profit Corporation Act (Article 1396-2.01, Vernon's Texas Civil Statutes), so as to allow the incorporation of a corporation whose purpose is to insure deposits for the benefit of bank depositors; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Schulle:

H. B. No. 54, A bill to be entitled An Act relating to the authority of county commissioners courts to revoke exemptions of counties from the provisions of the Texas law governing sale, use, and transportation of herbicides where relating to applicers and custom applicers; amending Subsection (c), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as added by Section 4, Chapter 474, Acts of the 60th Legislature, Regular Session, 1967 (Article 135b-4, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Agriculture.

By Schulle:

H. B. No. 55, A bill to be entitled An Act relating to the removal of the exclusion of Caldwell County from the Texas law governing the sale, use, and transportation of herbicides; amending Subsection (a), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 135b-4, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Agriculture.

By Niland:

H. B. No. 56, A bill to be entitled An Act amending Sections 1 and 2, Chapter 447, Acts of the 58th Legislature, 1963 (Article 29d, Vernon's Texas Civil Statutes), relating to the date

on which the federal decennial census is to be recognized and acted upon by the state and its agencies and political subdivisions; and declaring an emergency.

Referred to Committee on Counties.

By Niland:

H. B. No. 57, A bill to be entitled An Act relating to exemption of certain residential hotels from the minimum wage; amending Subsection (b), Section 4, H. B. No. 156, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency.

Referred to Committee on State Affairs.

By Ray:

H. B. No. 58, A bill to be entitled An Act relating to the creation of a Court of Domestic Relations in Harrison County; and declaring an emergency.

Referred to Committee on Judicial Districts.

By McLaughlin, Hull, Burnett, Joe Shannon, Jr., of Tarrant, and Tommy Shannon of Tarrant:

H. B. No. 59, A bill to be entitled An Act authorizing and directing the Board of Regents of The University of Texas System to establish and maintain a dental branch of The University of Texas System in Tarrant County, Texas, to be known as The University of Texas Dental School at Arlington; authorizing the Board to prescribe courses leading to customary degrees, to award such degrees, and to make rules and regulations for the operation, control, and management of the school, including the determination of the number of students that shall be admitted; authorizing the execution of affiliation or coordinating agreements and joint appointments; authorizing the acceptance of gifts, grants, and donations from any source in aid of the planning, establishment, conduct, and operation of the school authorized by this Act, and in aid of the teaching and research conducted therein; providing for severability; and declaring an emergency.

Referred to Committee on Appropriations.

By McLaughlin:

H. B. No. 60, A bill to be entitled An Act relating to the disposition of fees and charges authorized by the Uniform Standards Code for Mobile Homes; amending Subsection (c), Section 7, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969 (Article 5221f, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Appropriations.

ADJOURNMENT

Mr. Nugent of Kerr moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:19 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

ELEVENTH DAY

(Thursday, August 14, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bray
Abraham	Burgess
Adams	Burnett
Allen of Harris	Caldwell
Allen of Gregg	Calhoun
Angly	Carrillo
Archer	Cavness
Armstrong	Christian
Atwell	Clark of Harris
Atwood	Clark of Dallas
Baker	Clayton
Bass of Harris	Cobb
Bass of Van Zandt	Cole
Beckham	Cory
Bigham	Craddick
Blaine	Cruz
Blanton	Cummings
Braecklein	Daniel
Braun	Davis of Harris

Davis of Travis	Nabers
Dickson	Neugent
Doran	of Galveston
Dramberger	Newman
Earthman	Nichols
Evans	Niland
Farenthold	Nowlin
Finck	Nugent of Kerr
Finnell	Ogg
Finney	Orr
Floyd	Parker
Garcia	of Jefferson
Golman	Parker of Denton
Graves	Patterson
Hale	Pickens
Hannah	Pickett
Harding	Poerner
Harris	Presnal
Hawkins	Price
Hawn	Ratcliff
Haynes	Ray
Head	Reed
Heatly	Rosson
Hendricks	Salem
Hinson	Sanchez
Holland	Santiesteban
Holmes of Hood	Schulle
Holmes of Dallas	Semos
Howard	Shannon, Joe, Jr.,
Hubenak	of Tarrant
Hull	Shannon, Tommy,
Jones of Lubbock	of Tarrant
Jones of Harris	Sherman
Jones of Taylor	Short
Jungmichel	Slack
Kilpatrick	Slider
Knapp	Smith
Kothmann	Solomon
Kubiak	Stewart
Lee	Stroud
Lemmon	Swanson
Ligarde	Tarbox
Lombardino	Thomas
Longoria	Traeger
Lovell	Truan
McAlister	Uher
McDonald	Vale
McKissack	Vance
McLaughlin	Ward
Moore of Hill	Wayne
Moore	Weldon
of McLennan	Wieting
Moreno	Williams
Moyer	Williamson
Muniz	Willis
Murray	Wright
Musgrove	

Absent

Johnson Moore of Dallas

Absent-Excused

Allred Salter

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, we thank thee Lord for this day and its opportunities. We thank Thee for lessons to learn and work to do. We apply ourselves to both.

In spite of criticism and faultfinding of our actions by others, help us to be pleasant and forgiving even of those who would despitely use us.

In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Salter on motion of Mr. Hubenak.

The following Member was granted leave of absence for today on account of illness:

Mr. Allred on motion of Mr. Thomas.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

H. S. R. No. 42, By Finnell: In memory of Mr. Louis Pitcock, Sr., of Graham, Texas.

H. S. R. No. 44, By Adams: In memory of Paul Dickerson of Jasper, Texas.

MESSAGE FROM THE SENATE

Austin, Texas, August 14, 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. B. No. 2, By Atwell: Raising revenue for the support of state gov-

ernment; and declaring an emergency; with amendments.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 9, In memory of George W. Strake, Houston, Texas.

H. C. R. No. 11, In memory of the Honorable Lon E. Alsup, Austin, Texas.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 40, By Smith: Commending the citizens of the City of Nederland, Texas, on the dedication of the new Dutch Windmill Museum.

H. S. R. No. 41, By Atwood: Extending good wishes to Julie Anne Clarke of St. Ives, New South Wales, Australia.

H. S. R. No. 43, By Smith, Kilpatrick, Parker of Jefferson and Weldon: Commending Dr. Gerald M. Brassard, D.C., F.I.C.C., of Beaumont, Texas, for his many years of public service to his city, state and nation.

On motion of Mr. Smith the names of all Members of the House were added to H. S. R. No. 43 as signers thereof.

H. C. R. No. 14, By Nichols, Bigham, Parker of Jefferson, Clark of Harris, Bray, Williams, Smith, Holmes of Dallas, Thomas, Braun, Lombardino, Reed, Moreno, Graves, Cruz, Kubiak, Harris, Allen of Harris, Kilpatrick, Haynes, Truan, Farenthold, Moore of McLennan, Allred, Hendricks, Lee, Pickett, Muniz and Weldon: Extending a hearty welcome to Texas to Dr. Richard Norgaard of Los Angeles, California.

H. S. R. No. 45, By Heatly and Burnett: Extending good wishes to Mrs. LaWanda Ray Sharp of Paducah, Texas.

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 Patterson:

H. B. No. 61, A bill to be entitled An Act amending Section 3, Chapter 1, page 60, General Laws, Acts of the 46th Legislature, Regular Session, 1939 (Article 147b, Vernon's Texas Penal Code), relating to permits to explore or excavate prehistoric ruins or archaeological or vertebrate paleontological sites in Texas; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Golman:

H. B. No. 62, A bill to be entitled An Act providing an exemption from tuition and laboratory fees at state institutions of higher education for certain children of state employees; providing for refunds in certain cases; and declaring an emergency.

Referred to Committee on Appropriations.

By Poerner:

H. B. No. 63, A bill to be entitled An Act relating to billing dates for retail installment transactions, retail sales transactions, credit card transactions, and public utility retail sales; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Jones of Harris, Earthman, Lee and Archer:

H. B. No. 64, A bill to be entitled An Act amending Articles 5.01, 5.02, 5.04, 5.05, 5.09, and 5.11, Texas Insurance Code, as amended; repealing Article 5.03, Texas Insurance Code; relating to the removal of binding motor vehicle or automobile insurance rate making authority from the Texas Insurance Board; removing the board's authority to approve certain rating plans; and declaring an emergency.

Referred to Committee on Insurance.

By Hinson, Heatly and Solomon:

H. B. No. 65, A bill to be entitled An Act providing an allocation formula for certain school districts under the Foundation School Program Act; and declaring an emergency.

Referred to Committee on Public Education.

By Hinson, Heatly and Solomon:

H. B. No. 66, A bill to be entitled An Act providing an optional method of determining allocation of Foundation Program Professional Units under the Foundation School Program Act; and declaring an emergency.

Referred to Committee on Public Education.

ADOPTION OF S. C. R. NO. 6

The Speaker laid before the House for consideration at this time,

S. C. R. No. 6, Providing for the appointment of the Lunar Landing Commission of Texas.

The resolution had been referred to the Committee on State Affairs and was reported favorably by the Committee.

Mr. Clayton offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend Section 4 of the resolving clause of S. C. R. No. 6 by striking everything from the comma following the word "astronauts" to the end of the section and substituting a period and the following sentence:

"A separate medal shall be presented to each of the three Astronauts in ceremonies with the dignity and distinction appropriate to the glorious achievements of the moon landing and its implications to mankind."

Committee Amendment No. 1 was adopted without objection.

Mr. Lemmon offered the following amendment to the resolution:

Amendment No. 2

Amend Section 3 of the resolving clause of S. C. R. No. 6 by striking from the last sentence in the section everything following the word "is" and substituting in lieu thereof the following phrase:

"placed in the Archives of the State with the other historical mementoes of the State never to be used again."

The above amendment offered by Mr. Lemmon was adopted without objection.

S. C. R. No. 6, as amended, was adopted without objection.

ADOPTION OF H. C. R. NO. 13

The Speaker laid before the House for consideration at this time,

H. C. R. No. 13, To memorialize the National Congress to retain 27½ percent depletion allowance for the petroleum industry.

The resolution had been referred to the Committee on House Administration and was reported favorably by the Committee.

The resolution was adopted without objection.

RECORD OF VOTES

Mr. Graves, Mr. Clark of Harris, Mr. Kubiak and Mr. Vance requested to be recorded as voting "Nay" on the adoption of H. C. R. No. 13.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 11:00 o'clock a. m. next Monday.

The motion prevailed without objection.

The House accordingly, at 11:28 o'clock a. m., adjourned until 11:00 o'clock a. m. next Monday.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on House Administration has filed a favorable report on H. C. R. No. 18.

REPORT OF THE COMMITTEE
ON ENROLLED AND
ENGIOSSED BILLS

Austin, Texas, August 13, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 9,

H. C. R. No. 11,

has carefully compared same and finds the resolutions correctly enrolled.

WARD, Chairman

SENT TO THE GOVERNOR

August 14, 1969

H. C. R. No. 9

H. C. R. No. 11

TWELFTH DAY

(Monday, August 18, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Angly
Abraham	Archer
Adams	Armstrong
Allen of Harris	Atwell
Allen of Gregg	Atwood
Allred	Baker

Bass of Harris	Kubiak
Bass of Van Zandt	Lee
Beckham	Lemmon
Bigham	Lombardino
Blaine	Longoria
Blanton	Lovell
Braecklein	McAlister
Braun	McDonald
Bray	McKissack
Burgess	McLaughlin
Burnett	Moore of Hill
Caldwell	Moore of Dallas
Calhoun	Moore
Carrillo	of McLennan
Cavness	Moreno
Christian	Moyer
Clark of Harris	Muniz
Clark of Dallas	Murray
Clayton	Musgrove
Cobb	Nabers
Cole	Neugent
Cory	of Galveston
Craddick	Newman
Cruz	Nichols
Cummings	Niland
Daniel	Nowlin
Davis of Harris	Nugent of Kerr
Davis of Travis	Ogg
Dickson	Orr
Doran	Parker
Dramberger	of Jefferson
Earthman	Parker of Denton
Evans	Patterson
Farenthold	Pickens
Finck	Pickett
Finnell	Poerner
Finney	Presnal
Floyd	Price
Garcia	Ratcliff
Golman	Ray
Graves	Reed
Hale	Rosson
Hannah	Salem
Harding	Salter
Harris	Sanchez
Hawkins	Santiesteban
Hawn	Schulle
Haynes	Semos
Head	Shannon, Joe, Jr.,
Heatly	of Tarrant
Hendricks	Shannon, Tommy,
Hinson	of Tarrant
Holland	Sherman
Holmes of Dallas	Short
Howard	Slack
Hubenak	Slider
Hull	Smith
Johnson	Solomon
Jones of Lubbock	Stewart
Jones of Harris	Swanson
Jones of Taylor	Tarbox
Jungmichel	Thomas
Kilpatrick	Traeger
Knapp	Truan
Kothmann	Uher

Vale	Wieting
Vance	Williams
Ward	Williamson
Wayne	Willis
Weldon	Wright

Absent-Excused

Holmes of Hood	Stroud
Ligarde	

A quorum of the House was announced present.

The Invocation was offered by the Reverend W. D. Broadway, Pastor of The First Baptist Church of Portland, Texas, as follows:

“Our Heavenly Father, We come into Thy presence with thanksgiving for all Thy benefits and blessings—for our nation, our freedom, and our opportunities.

We pray Thy special blessings on the citizens of our sister states who have lost so much in the hurricane. Dear God, give Thy comforting presence to those who have lost so much.

We pray Thy blessings on the men and women of this House. Give them guidance and wisdom, compassion and courage as they deliberate matters of law for our State.

We pray in Jesus' Name. Amen.”

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Holmes of Hood on motion of Mr. McLaughlin.

The following Members were granted leaves of absence for today on account of illness:

Mr. Ligarde on motion of Mr. Wayne.

Mr. Stroud, for today and tomorrow, on motion of Mr. Bass of Harris.

EXPRESSING GOOD WISHES TO REPRESENTATIVE HILARY B. DORAN, JR.

Mr. Calhoun offered the following resolution:

H. S. R. No. 47

Whereas, A distinguished Member of the House of Representatives, the Honorable Hilary B. Doran, Jr., celebrated his birthday on Saturday, August 16, 1969, while many of his friends and colleagues were out of town; and

Whereas, It is a distinct disappointment to them that they were not in Austin and the Capitol to help Hilary celebrate his 33rd Anniversary, the first birthday he has had during a session of the Legislature since he became a Member in 1967; and

Whereas, The son of Mr. and Mrs. Hilary B. Doran, Sr., of Del Rio, Representative Doran is also a native of that city; he and his wife, the former Diane Scrutchin, to whom he was married on October 4, 1958, are the proud parents of three handsome sons, Trey, age 9; David, 7, and one-year-old Gregg; and

Whereas, A mild-mannered and capable Legislator, Hilary has gained the friendship and affection of all Members of the Legislature—with possibly one exception—and it is the pleasure of all those present today to extend to him belated birthday greetings; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby express good wishes and many happy returns of the day to Representative Hilary Doran, Jr., on the celebration of his 33rd Birthday and wish for him many more happy anniversaries; and, be it further

Resolved, That an official copy of this Resolution be prepared for Hilary B. Doran, Jr., as an expression of the good will of his colleagues and as a memento of his 33rd Birthday.

The resolution was read and was adopted unanimously.

On motion of Mr. Clark of Dallas the names of all the Members of the House were added to H. S. R. No. 47 as signers thereof.

COMMENDING THE HONORABLE
DOYLE WILLIS, AND WISHING
HIM A HAPPY BIRTHDAY

Mr. Golman offered the following resolution:

H. S. R. No. 48

Whereas, This 18 August 1969 is the birthday of our colleague and friend, State Representative Doyle Willis, of Tarrant County, Texas; and

Whereas, State Representative Doyle Willis served in the Texas House of Representatives from 1947 through 1952, the Senate of Texas from 1953 through 1962, on the Fort Worth City Council in 1963-1964, and returned to the House of Representatives in 1969; and

Whereas, Doyle Willis is the seventh Legislator in the history of Texas to have such sequence of Legislative tenure. During these nine terms he has served in the Texas Legislature with distinction and honor from Tarrant County, Texas; and

Whereas, Doyle Willis served 52 months in World War II, receiving the Bronze Star Medal and four battle stars, and was discharged from the United States Air Force with the rank of Major; and

Whereas, Doyle Willis served as Texas Department Commander of the Veterans of Foreign Wars, Commander of Bothwell Kane Post of the American Legion, and president of the Tarrant County Reserve Officers Association; he is a member of Disabled American Veterans; Irish War Veterans; Sons of the Republic of Texas; and past president of the Men's Bible Class of the First Methodist Church, Fort Worth, Texas; and

Whereas, Doyle Willis married the lovely Evelyn McDavid, and they have four fine and talented children: Lieutenant Doyle Willis, Jr., a graduate of Southern Methodist University and now stationed in Southeast Asia; USAF Airman Dan Willis, also a graduate of S.M.U.; Dina Willis, a student at Gulf Park College; and Dale Willis, a student at The Judson School; now, therefore, be it

Resolved, by the House of Representatives of the 61st Texas Legislature, that Doyle Willis be and he is

hereby commended for being the seventh legislator in the history of Texas to serve as a House Member, Senator, and then House Member; and that the House of Representatives by this Resolution wish for Doyle Willis and his family a wonderful birthday celebration and happiness and success in future years.

Signed: Golman, Jones of Taylor, Vale, Moore of McLennan, Moore of Hill and Williams.

The resolution was read and was adopted unanimously.

On motion of Mr. Hull the names of all the Members of the House were added to H. S. R. No. 48 as signers thereof.

CONGRATULATORY
RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. C. R. No. 16, By Smith: Commending James R. Smith, Chief of the Capitol Security Police Force, and the members of the Capitol Security Police Force.

TO GRANT PERMISSION
TO SUE THE STATE

Mr. Hale offered the following resolution:

H. C. R. No. 15

Authorizing Suit Against The State.

Whereas, The persons named herein assert some type of right, title or interest in and to the property hereinafter described and desire to sue the State of Texas in order to clear title to such real property, to wit: John Cecil Ewing and wife, Annie Haas Ewing, of Atlanta, Georgia; Ethel M. Albright, a widow, of Acworth, Georgia; A. J. Parker of Miami, Florida; Walter Lamar Key and wife, Nancy Key, of Gunterville, Alabama; Erwin Leon Key and wife, Freddie Key, of Houston, Texas; and others; and

Whereas, The above named persons claim fee simple title to a tract of land described in an original grant recorded in Vol. 22, Pages 307-310, inclusive, of the Spanish Archives

in the Office of the Commissioner of the General Land Office of the State of Texas; and

Whereas, Such persons allege that the State of Texas and the Land Commissioner of the State of Texas should be required to convey to them by deed a good and sufficient title to the subject property; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That (1) John Cecil Ewing, et al, are hereby granted permission to sue the State of Texas in any Court of competent jurisdiction in Travis County, Texas; (2) in the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and (3) the suit shall be conducted as other civil cases; and, be it further

Resolved, That (1) nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its departments, agencies, or political subdivisions, of liability or of the truth of any allegations asserted by the claimants, but the alleged cause of action must be proved under the laws of this State as in other cases; (2) nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or the Land Commissioner of the State of Texas or to any of its departments, agencies, or political subdivisions; and (3) every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

PROPOSING AN AMENDMENT TO RULE VII OF THE HOUSE RULES, SIXTY-FIRST LEGISLATURE, TO CREATE A STANDING COMMITTEE ON WELFARE

Mrs. Farenthold offered the following resolution:

H. S. R. No. 46

Whereas, There is great need for the Legislature of the State of Texas to assume a larger planning role with regards to the welfare and human opportunities of its citizens; and

Whereas, The future greatness of this State and the prosperity and well-being of its people depend upon the preventive steps taken by the Legislature now, with regards to problems of children and the care and services provided pre-delinquent, abused, and dependent-and-neglected children, and their families; and

Whereas, There were over thirty-five bills introduced in the Texas House of Representatives during the Sixty-first Legislature, Regular Session, concerning the problems of children and public assistance; and, a larger number of bills will necessarily be introduced in the future for the following reasons:

(1) The administration of the Federal Government is proposing a restructuring of the welfare system in the United States, which will call for innovations in the Texas welfare system; and

(2) The White House Conference on Children and Youth, to be held in 1970, in which Texas participates, will study and make recommendations to the States regarding steps that should be taken to improve services and general care for children and youth; and

(3) The Texas State Advisory Committee to the United States Commission on Civil Rights has recognized the need for Texas legislative leadership in the field of food programs, since nine out of ten of the poor in this State are not participating in the federal food subsidy programs; and

Whereas, There is an imperative need for the Texas Legislature to coordinate the new, as well as the existing, programs aimed at developing the human resources of the people of this State, which are not presently receiving adequate attention due to fragmented and piecemeal State policies; now, therefore, be it

Resolved, by the House of Representatives, Sixty-first Legislature, First Called Session, that Rule VII of the House Rules, Sixty-first Legislature, be amended by adding the following:

"Section 46. Welfare. Twenty-one members, with jurisdiction over:

(1) All matters pertaining to the needs of and services for children, the aged, the disabled, and the blind; (2) public assistance programs; (3) community service programs; (4) legal aid programs; (5) food subsidy programs; (6) the problems of unemployment, underemployment, and job training programs; and, (7) all matters relating to social and economic problems, which inhibit the general welfare of the people of the State of Texas."

The resolution was referred to the Committee on Rules.

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 Parker of Denton:

H. B. No. 67, A bill to be entitled An Act creating and establishing a Judicial District for Denton County, Texas, to be known as the 158th Judicial District of Texas; providing for the appointment by the Governor of a judge to act as judge of said court; providing coextensive jurisdiction with the 16th Judicial District Court in and for Denton County, Texas; providing for the appointment of a court reporter; prescribing the terms of court; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Cobb:

H. B. No. 68, A bill to be entitled An Act relating to the status of retired judges as judicial officers; amending Chapter 99, Acts of the 51st Legislature, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by adding a new Section 7A; and declaring an emergency.

Referred to Committee on Judiciary.

COMMITTEE ASSIGNMENTS FOR REPRESENTATIVE E. L. SHORT

The Speaker announced the following Standing Committee Assignments for Representative E. L. Short, of District No. 73:

Labor, Liquor Regulation, Urban Affairs and Criminal Jurisprudence.

HOUSE BILL NO. 2 WITH SENATE AMENDMENTS

Mr. Atwell called up with Senate Amendments for consideration at this time,

H. B. No. 2, A bill to be entitled An Act raising revenue for the support of State Government, amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the rate on limited sales, excise, and use tax; amending the collection schedule to conform to the new rate; removing exemptions on alcoholic beverages; making conforming amendments to the Local Sales and Use Tax (Article 1066c, Vernon's Texas Civil Statutes); amending Chapter 6, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by raising the tax rate on the retail sale of motor vehicles; amending Chapter 7, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by levying an additional tax on cigarettes; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to levy additional corporate franchise taxes for a two year period; providing an effective date; and declaring an emergency.

Mr. Atwell moved that the House do not concur in the Senate Amendments to H. B. No. 2 and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

RECORD OF VOTE

Mr. Calhoun requested to be recorded as voting "Nay" on the motion to refuse to concur in the Senate Amendments to H. B. No. 2 and request the appointment of a Conference Committee.

MOTION TO INSTRUCT THE HOUSE CONFEREES ON H. B. NO. 2

Mr. Smith made the following motion to instruct the House Conferees on H. B. No. 2:

"I move to instruct the House Conferencees on H. B. No. 2 to oppose and to refuse to accept any provision of the bill which places a sales tax on services, repairs, or labor."

Mr. Nugent of Kerr moved to table the above motion by Mr. Smith.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—88

Allen of Gregg	Lemmon
Archer	Longoria
Atwell	Lovell
Baker	McAlister
Bass of Harris	McDonald
Blaine	McKissack
Blanton	McLaughlin
Braecklein	Moore of Hill
Burgess	Moyer
Burnett	Murray
Calhoun	Musgrove
Carrillo	Nabers
Cavness	Newman
Christian	Niland
Clark of Dallas	Nugent of Kerr
Clayton	Ogg
Cobb	Parker of Denton
Cole	Patterson
Cory	Pickens
Cummings	Pickett
Davis of Harris	Presnal
Davis of Travis	Price
Dickson	Ray
Doran	Salter
Earthman	Sanchez
Finck	Schulle
Finnell	Semos
Finney	Shannon, Joe, Jr., of Tarrant
Floyd	Shannon, Tommy, of Tarrant
Garcia	Sherman
Golman	Slack
Hale	Slider
Harding	Solomon
Hawkins	Swanson
Hawn	Tarbox
Heatly	Traeger
Hinson	Uher
Holland	Ward
Howard	Wayne
Hull	Wieting
Jones of Lubbock	Williamson
Jones of Taylor	Willis
Jungmichel	Wright
Knapp	
Lee	

Nays—56

Abraham	Adams
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Allen of Harris	Kubiak
Allred	Lombardino
Angly	Moore
Armstrong	of McLennan
Atwood	Moreno
Bass of Van Zandt	Muniz
Beckham	Neugent
Bigham	of Galveston
Braun	Nichols
Bray	Nowlin
Caldwell	Orr
Clark of Harris	Parker
Craddick	of Jefferson
Daniel	Poerner
Dramberger	Ratcliff
Evans	Reed
Farenthold	Rosson
Graves	Salem
Hannah	Santiesteban
Harris	Short
Haynes	Smith
Head	Stewart
Hendricks	Thomas
Holmes of Dallas	Truan
Hubenak	Vale
Johnson	Vance
Jones of Harris	Weldon
Kilpatrick	Williams
Kothmann	

Absent

Cruz	Moore of Dallas
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Absent-Excused

Holmes of Hood	Stroud
Ligarde	

REASON FOR VOTE

Reason for voting not to restrict House Conferencees regarding extending sales tax to services was because I would rather spread the sales tax to other items and hold the tax to the present rate.

Signed: JACK R. HAWKINS

MOTION TO INSTRUCT THE HOUSE CONFERENCE COMMITTEE ON H. B. NO. 2

Mr. Hannah made the following motion to instruct the Conference Committee on the part of the House on H. B. No. 2:

"I move to instruct the Conference Committee, on the part of the House, on House Bill No. 2, that reduction of the gross receipts tax as applied to telephone companies not be included in the Conference Committee Re-

port and that the law remain as is presently on the books."

Mr. Cory moved to table the above motion by Mr. Hannah.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—85

Archer	Lombardino
Atwell	Lovell
Baker	McAlister
Blaine	McKissack
Blanton	McLaughlin
Braecklein	Moore of Hill
Burgess	Moyer
Burnett	Musgrove
Calhoun	Nabers
Carrillo	Neugent
Cavness	of Galveston
Christian	Newman
Clayton	Niland
Cobb	Nugent of Kerr
Cory	Ogg
Cummings	Orr
Davis of Harris	Parker of Denton
Davis of Travis	Patterson
Dickson	Pickens
Doran	Pickett
Earthman	Price
Finck	Ray
Finnell	Sanchez
Finney	Schulle
Floyd	Semos
Garcia	Shannon, Joe, Jr.,
Golman	of Tarrant
Hale	Shannon, Tommy,
Harding	of Tarrant
Hawn	Sherman
Head	Short
Heatly	Slack
Hinson	Slider
Holland	Solomon
Hubenak	Stewart
Hull	Swanson
Jones of Lubbock	Tarbox
Jones of Harris	Traeger
Jones of Taylor	Uher
Jungmichel	Ward
Knapp	Wayne
Kothmann	Wieting
Lee	Williamson
Lemmon	Willis

Nays—57

Abraham	Allred
Adams	Angly
Allen of Harris	Armstrong
Allen of Gregg	Atwood

Bass of Harris	McDonald
Bass of Van Zandt	Moore
Beckham	of McLennan
Bigham	Moreno
Braun	Muniz
Bray	Murray
Caldwell	Nichols
Clark of Harris	Nowlin
Clark of Dallas	Parker
Craddick	of Jefferson
Daniel	Poerner
Dramberger	Presnal
Evans	Reed
Farenthold	Rosson
Graves	Salem
Hannah	Salter
Harris	Santiesteban
Hawkins	Smith
Haynes	Thomas
Hendricks	Truan
Holmes of Dallas	Vale
Howard	Vance
Johnson	Weldon
Kilpatrick	Williams
Kubiak	Wright
Longoria	

Present-Not Voting

Cole

Absent

Cruz Ratcliff
Moore of Dallas

Absent-Excused

Holmes of Hood Stroud
Ligarde

REASON FOR VOTE

Under Rule II, Section 2, of the House Rules, I voted Present on the motion to instruct the Conference Committee with respect to the gross receipts tax on telephone companies because of a conflict of interest since I am employed on a part-time basis by an independent telephone company.

Signed: JAMES COLE

REASON FOR VOTE

Hannah Motion—Record Vote No. 8

I cast my vote in favor of this motion to instruct the House Conference Committee not to consider a reduction of an existing tax on the telephone company on the basis that the primary duty of the Legislature dur-

ing this Special Session is to find sources of revenue and not to cater to special interests by reducing existing sources of revenue.

Signed: NOWLIN of BEXAR

MOTION TO INSTRUCT THE HOUSE CONFEREES ON H. B. NO. 2

Mr. Harris made the following motion:

"I move that the House Members appointed to the Conference Committee considering House Bill No. 2 be instructed not to consider any amendment, or any provision, relating to Article 17.05, Chapter 17, Title 122A, Taxation-General, popularly known as the Chain Store Tax."

(Article 3—H. B. No. 2)

Signed: HARRIS and ALLRED

Mr. Atwell moved to table the above motion by Mr. Harris.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—92

Angly	Finney
Archer	Floyd
Armstrong	Garcia
Atwell	Golman
Baker	Hale
Bass of Harris	Harding
Blaine	Hawn
Blanton	Haynes
Braecklein	Head
Bray	Heatly
Burgess	Hendricks
Burnett	Hinson
Calhoun	Holland
Carrillo	Hull
Cavness	Jones of Lubbock
Clark of Dallas	Jones of Harris
Clayton	Jungmichel
Cobb	Knapp
Cole	Kothmann
Cory	Lee
Cummings	Lemmon
Davis of Harris	Lombardino
Dickson	Lovell
Doran	McAlister
Dramberger	McKissack
Evans	McLaughlin
Finck	Moore of Hill
Finnell	Moyer

Murray	Semos
Musgrove	Shannon, Joe, Jr., of Tarrant
Nabers	Shannon, Tommy, of Tarrant
Newman	Sherman
Niland	Short
Nowlin	Slack
Nugent of Kerr	Slider
Ogg	Smith
Orr	Stewart
Parker of Denton	Swanson
Patterson	Tarbox
Poerner	Traeger
Presnal	Uher
Price	Ward
Ray	Wayne
Rosson	Wieting
Sanchez	Willis
Santiesteban	
Schulle	

Nays—50

Abraham	Longoria
Adams	McDonald
Allen of Gregg	Moore
Allred	of McLennan
Atwood	Moreno
Bass of Van Zandt	Muniz
Beckham	Neugent
Bigham	of Galveston
Braun	Nichols
Caldwell	Parker
Christian	of Jefferson
Clark of Harris	Pickens
Daniel	Pickett
Davis of Travis	Ratcliff
Earthman	Reed
Farenthold	Salem
Graves	Salter
Hannah	Solomon
Harris	Thomas
Hawkins	Truan
Holmes of Dallas	Vale
Howard	Vance
Hubenak	Weldon
Johnson	Williams
Jones of Taylor	Williamson
Kilpatrick	Wright
Kubiak	

Present-Not Voting

Craddick

Absent

Allen of Harris	Moore of Dallas
Cruz	

Absent-Excused

Holmes of Hood	Stroud
Ligarde	

MOTION TO INSTRUCT
THE HOUSE CONFERENCE
COMMITTEE ON H. B. NO. 2

Mr. Bray moved to instruct the House Conference Committee on H. B. No. 2 to increase production tax on oil and gas 2% to 6.6% on oil and 9% on gas.

Signed: BRAY

Mr. Atwell moved to table the above motion by Mr. Bray.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—125

Abraham	Floyd
Adams	Garcia
Allen of Harris	Golman
Allen of Gregg	Hale
Allred	Hannah
Angly	Harding
Archer	Hawkins
Armstrong	Hawn
Atwell	Haynes
Atwood	Head
Baker	Heatly
Bass of Harris	Hendricks
Bass of Van Zandt	Hinson
Beckham	Holland
Blaine	Howard
Blanton	Hubenak
Braecklein	Hull
Burgess	Johnson
Burnett	Jones of Lubbock
Calhoun	Jones of Harris
Carrillo	Jones of Taylor
Cavness	Jungmichel
Christian	Knapp
Clark of Dallas	Kothmann
Clayton	Kubiak
Cobb	Lee
Cole	Lemmon
Cory	Lombardino
Craddick	Longoria
Cummings	Lovell
Daniel	McAlister
Davis of Harris	McDonald
Davis of Travis	McKissack
Dickson	McLaughlin
Doran	Moore of Hill
Dramberger	Moyer
Earthman	Muniz
Evans	Murray
Finck	Musgrove
Finnell	Nabers
Finney	

Neugent	Shannon, Joe, Jr.,
of Galveston	of Tarrant
Newman	Shannon, Tommy,
Niland	of Tarrant
Nowlin	Sherman
Nugent of Kerr	Short
Ogg	Slack
Orr	Slider
Parker of Denton	Solomon
Patterson	Stewart
Pickens	Swanson
Pickett	Tarbox
Poerner	Thomas
Presnal	Traeger
Price	Truan
Ratcliff	Uher
Ray	Vale
Rosson	Ward
Salem	Wayne
Salter	Wieting
Sanchez	Williamson
Santiesteban	Willis
Schulle	Wright
Semos	

Nays—17

Bigham	Moore
Braun	of McLennan
Bray	Moreno
Caldwell	Nichols
Clark of Harris	Parker
Farenthold	of Jefferson
Graves	Reed
Harris	Vance
Kilpatrick	Weldon
	Williams

Absent

Cruz	Moore of Dallas
Holmes of Dallas	Smith

Absent-Excused

Holmes of Hood	Stroud
Ligarde	

APPOINTMENT OF
CONFERENCE COMMITTEE
ON HOUSE BILL NO. 2

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 2:

Representatives Atwell, Chairman; Harding, Vice-Chairman; Cory, Heatly and Traeger.

DIRECTING THE STATE BOARD OF INSURANCE TO CONSIDER RETURNS ON ALL FORMS OF INVESTMENT INCOME IN DETERMINING RATES FOR AUTOMOBILE INSURANCE

Mr. Nichols offered the following resolution:

H. C. R. No. 17

Whereas, There is ample evidence that the people of Texas are concerned with the reasonableness of rates for automobile insurance fixed from time to time by the State Board of Insurance; and

Whereas, The State Board of Insurance is required by statute to take into consideration "all other relevant factors" in determining rates that are just and reasonable but, as experience has shown, it does not consider as a relevant factor returns on investments as income received by insurance companies writing automobile insurance in the State of Texas; and

Whereas, Regulatory agencies in other states and knowledgeable experts in the field have determined that returns on investment income constitute a relevant factor in fixing rates of automobile insurance; and

Whereas, It is the sense of the Legislature of the State of Texas, therefore, that returns on investment income constitute a relevant factor to be considered in determining rates for automobile insurance that are just and reasonable; now, therefore, be it

Resolved by the House of Representatives of the 61st Legislature, 1st Called Session, the Senate concurring, That the State Board of Insurance be and it is hereby directed to consider returns on all forms of investment income in determining rates for automobile insurance from and after the effective date of this Resolution; and, be it further

Resolved, That appropriate copies of this Resolution indicating the sense and desire of the Legislature be addressed and forwarded to the members of the State Board of Insurance.

Signed: R. C. Nichols, Bigham, Harris, Braun, Dick Reed, Graves and Clark of Harris.

The resolution was referred to the Committee on Insurance.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:27 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Judiciary has filed a favorable report on H. C. R. No. 15.

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 14, 1969

The Honorable G. F. (Gus) Mutcher, Speaker of the House of Representatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 13,

H. C. R. No. 14,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

THIRTEENTH DAY

(Tuesday, August 19, 1969).

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Howard
Abraham	Hubenak
Adams	Hull
Allen of Harris	Johnson
Allen of Gregg	Jones of Lubbock
Angly	Jones of Harris
Archer	Jones of Taylor
Armstrong	Jungmichel
Atwell	Kilpatrick
Atwood	Knapp
Baker	Kothmann
Bass of Harris	Kubiak
Bass of Van Zandt	Lee
Beckham	Lemmon
Bigham	Ligarde
Blaine	Lombardino
Blanton	Longoria
Braecklein	Lovell
Braun	McDonald
Bray	McKissack
Burgess	McLaughlin
Burnett	Moore of Hill
Caldwell	Moore of Dallas
Calhoun	Moore
Carrillo	of McLennan
Christian	Moreno
Clark of Harris	Moyer
Clark of Dallas	Muniz
Clayton	Murray
Cobb	Musgrove
Cole	Nabers
Cory	Neugent
Craddick	of Galveston
Cruz	Newman
Cummings	Nichols
Daniel	Niland
Davis of Harris	Nowlin
Davis of Travis	Nugent of Kerr
Dickson	Ogg
Doran	Orr
Dramberger	Parker
Earthman	of Jefferson
Evans	Parker of Denton
Farenthold	Patterson
Finck	Pickens
Finnell	Pickett
Finney	Poerner
Floyd	Presnal
Garcia	Price
Golman	Ratcliff
Graves	Ray
Hale	Reed
Hannah	Rosson
Harding	Salem
Harris	Salter
Hawkins	Sanchez
Hawn	Santiesteban
Haynes	Schulle
Head	Semos
Heatly	Shannon, Joe, Jr.,
Hendricks	of Tarrant
Hinson	Shannon, Tommy,
Holland	of Tarrant
Holmes of Hood	Sherman
Holmes of Dallas	Short

Slack	Uher
Slider	Vance
Smith	Ward
Solomon	Wayne
Stewart	Weldon
Swanson	Wieting
Tarbox	Williams
Thomas	Williamson
Traeger	Willis
Truan	Wright

Absent

Cavness	Vale
---------	------

Absent-Excused

Allred	Stroud
McAlister	

A quorum of the House was announced present.

The Invocation was offered by the Reverend George V. Clark, Chaplain, Alcoholic Rehabilitation Center, Austin State Hospital, and Pastor of Sweethome Baptist Church, Round Rock, Texas, as follows:

"Almighty God, our Father, remember in mercy this Assembly, these Legislators, to whom are entrusted the cares of government — and strengthen them for the weight of this difficult task. We thank Thee, Our Father, for the ideal of a democracy that would give every man the right of true freedom and the right to pursue happiness.

We are grateful for the ideal of economic justice, which demands, for all, honest work and fair pay. May all such worthy ideals lay hold on this Legislative Body and refuse to be ignored. Grant, O God, to this Body of Lawmakers, an understanding, that above the confusion and fog of our modern life, there may come a revelation of meaningful direction. Reveal the vision of a purposeful state and nation and give to this Body, by communion with the Eternal, the significance of the passing days.

Lift us into the higher air of tranquil and self-forgetting dedication— to Thy mysterious but merciful designs and let these Legislators maintain unhindered inquiry and freedom of discussion and divinely guide them as they direct their efforts to the betterment of our State and Nation. In Jesus' Name we pray. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. McAlister on motion of Mr. Ward.

The following Member was granted leave of absence for today on account of illness:

Mr. Allred on motion of Mr. Thomas.

MESSAGE FROM THE SENATE

Austin, Texas, August 19, 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. 14, By Nichols, et al: Welcoming Dr. Richard Norgaard to Texas.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to S. C. R. No. 6 by Voice Vote.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 2.

The following have been appointed on the part of the Senate:

Senators Moore, Blanchard, Harris, Kennard, Strong.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

APPOINTMENT OF COMMITTEE TO ESCORT W. ROBERT McLELLAN TO THE SPEAKER'S ROSTRUM

The Speaker announced the appointment of the following Committee to escort W. Robert McLellan, Deputy Assistant Secretary of Commerce, to the Speaker's Rostrum, who will present the "E" Award at the Joint Session:

Representatives Sherman, Chairman; Baker, Clayton, Calhoun, Ogg, Hawn, Garcia, Finnell, Salem and Holland.

ADDRESS BY W. ROBERT McLELLAN, DEPUTY ASSISTANT SECRETARY OF COMMERCE

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

In accordance with the provisions of S. C. R. No. 3, providing for a Joint Session of the House and the Senate at 11:00 o'clock a. m. today, for the purpose of hearing an address by W. Robert McLellan, Deputy Assistant Secretary of Commerce, and the presentation of the Presidential "E" Award for Export Development to the State of Texas, the Lieutenant Governor 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.

At 11:09 o'clock a. m., Mr. W. Robert McLellan, Governor Preston Smith, Mr. Chester C. Wine, Chairman of the Texas Industrial Commission, Members of the Texas Industrial Commission, Senators Herring, Snelson, Hightower, McKool and Bridges, Committee on the part of the Senate, and Representatives Sherman, Baker, Clayton, Calhoun, Ogg, Hawn, Garcia, Finnell, Salem and Holland, Committee on the part of the House, were announced at the Bar of the House and, being admitted, occupied seats 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 of Representatives, called the House to order.

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 the presentation to the State of Texas of the Presidential "E" Award for Export Development.

Speaker Mutscher then presented Lieutenant Governor Ben Barnes to the Joint Session.

Lieutenant Governor Barnes addressed the Joint Session briefly and introduced Mr. W. Robert McLellan, Deputy Assistant Secretary of Commerce.

Mr. McLellan then addressed the Joint Session.

At the conclusion of his address, Mr. McLellan presented the Presidential "E" Award Flag to Governor Preston Smith.

Mr. McLellan then presented a framed citation of the Presidential "E" Award for Export Development to Mr. Chester C. Wine, Chairman of the Texas Industrial Commission.

Mr. McLellan also presented Presidential "E" Award lapel pins to Lieutenant Governor Ben Barnes and Speaker G. F. (Gus) Mutscher.

Speaker Mutscher presented Governor Preston Smith, who addressed the Joint Session and accepted the flag and "E" Award for the State of Texas.

Speaker Mutscher then introduced Mrs. Ima Smith, wife of Governor Preston Smith, to the Joint Session.

SENATE RETIRES

At 11:35 o'clock a. m., Lieutenant Governor Ben Barnes stated that the purpose of the Joint Session was accomplished and that the Senate would stand adjourned until 11:00 o'clock a. m. tomorrow.

HOUSE AT EASE

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

(Mr. Blanton occupied the Chair temporarily)

(Speaker in the Chair)

The Speaker called the House to order at 11:43 o'clock a. m.

ADDRESS BY REPRESENTATIVE FRANCES FARENTHOLD

On motion of Mr. Reed, Mr. Harding and Mr. Harris, and by unanimous consent, the following remarks of Mrs. Farenthold, made in addressing the House on personal privilege on today, were ordered printed in the Journal:

Mr. Speaker and Gentlemen:

Today I wish to bring to the attention of the House of Representatives a series of occurrences which have left me askance as to the hardships and restrictions under which some of us have found ourselves trying to function as a legislative committee, then, in turn, as a subcommittee and as individuals serving in this Body. We few, members of the Governmental Affairs and Efficiency Committee, who have been closely associated with the legislative history of H. B. 734—better known as the Antiquities Commission Bill—as well as the contradictory and bizarre chain of events emanating from the Land Commissioner in his relationship with our designated assignment, I believe, have a responsibility to recount our experience to the entire Membership of this House. For, whatever our differences in voting patterns and interests, we share in common Membership in the Legislative Branch of our government, and I am sure each of us feels a responsibility to protect that branch of government in which we serve.

In addition to the particulars of these extraordinary sequences of events, which I will briefly outline, there are some overriding considerations that I believe should be given your attention: first, the Committee System—specifically, practices indulged in by the Land Commissioner in his relationship to a legislative committee and subcommittee; and, second, the concept of Checks and Balances, and how viable it was in this particular matter. These concepts are basic to our government, and yet, what has transpired these past few months is very troubling when one attempts to reconcile our form of government to the practices that we met.

On April 9th of this past spring, the Land Commissioner appeared before the House Governmental Affairs and Efficiency Committee, and is recorded in the Committee Book as appearing in opposition to H. B. No. 734. This is all that is noted since no record is kept of such testimony—a practice which in itself permits a witness to be as freewheeling as his character permits. At that time, the Land Commissioner informed our Committee that he had entered into a contract with Platoro, Inc., of Gary, Indiana, for the further salvaging of treasures off Padre Island. We were told at that time that this was the most advantageous contract that could be made, that the method of exploration was sound and protective of the archeological values, and in summary he asked us to ratify it. Within several days, I had delivered to my office a copy of the purported contract and a copy of purported Rules and Regulations promulgated by the Land Commissioner. From this time forward, our Subcommittee operated under the illusion that there was such a contract, and much of our time was taken up in attempting to establish the date on which this contract was entered into. For almost two months our Subcommittee was, as we later learned, set off chasing butterflies. For, in late June, Mr. Sadler repudiated the existence of such a contract.

In April, the Land Commissioner offered to show us the artifacts stored at a local bank, and to contact a Platoro representative to meet with us. On April 28th, we of the Subcommittee, the Committee Chairman, and others viewed what Mr. Sadler expressed as Texas' share of the recovered treasure. The Land Commissioner had present at that time Mr. Mendell Peterson to answer questions relating to the salvage work. Mr. Sadler had employed Mr. Peterson for the occasion. The Land Commissioner grew provoked with our prodding and announced that no further questions of any nature would be answered. And, I can assure you, none were answered.

The next morning, the Land Commissioner contacted me to explain that perhaps he had been somewhat crude, but that under the circumstances he was informing Platoro not to send a representative to meet with

our Subcommittee. In short, the committee system was made a mockery, for we had been asked to ratify what later the Commissioner repudiated—that is, the contract. We were shown a footlocker of artifacts that later could not, through any stretch of the imagination, be accounted as 50% of the recovered artifacts. The salvage methods and techniques, which were praised by the Land Commissioner and his spokesmen, were later shown to be so destructive and careless, from an archeological perspective, that the archeological value of the sites has been heedlessly destroyed.

Nor can I leave this subject without touching upon the role the Attorney General has played. Any time we asked assistance from that office in our labyrinthian investigation, we were thwarted. And, as late as June 4th, the Attorney General himself informed me that he represented the Land Commissioner and that, at that time, the Land Commissioner and Platoro were in accord as to their future course of activity.

Where, gentlemen, are our checks and balances in such a situation? We failed in the regular session to pass an Antiquities Commission Bill. The House version remained in the Rules Committee; its Senate counterpart was dispatched to the House Committee on State Affairs. And, if I may remind this Body, the investigation that will be conducted this afternoon through the Kilgore Commission has its origin not through legislative initiative and concern, but through local intervention in a judicial matter and the decision of the District Judge of Kenedy County to create such a Commission.

In summation, will we continue to abdicate leadership through inaction, have our committee system in practice disregarded, and permit ourselves to be thwarted in our role to provide adequate checks and balances with regard to a division of the Executive Branch?

Small wonder, Gentlemen that the people of Texas do not heed our protestations.

Signed:

Rep. Frances Tarlton Farenthold
August 19, 1969

**RESOLUTION SIGNED BY
THE SPEAKER**

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

S. C. R. No. 6, Appointing a Lunar Landing Commission of Texas.

**MEMORIAL RESOLUTION
ADOPTED**

The following Memorial Resolution was adopted unanimously by a rising vote:

H. C. R. No. 20, By Head: In memory of County Judge R. S. (Dick) Burruss of Tyler, Texas.

**CONGRATULATORY
RESOLUTIONS ADOPTED**

The following Congratulatory Resolutions were adopted unanimously:

H. C. R. No. 18, By Harding: Congratulating Miss Patricia Benton of San Angelo, Texas, and Mr. Anthony Bir of Marion, Indiana, on their forthcoming wedding at the Old Fort Concho Chapel in San Angelo, Texas.

H. S. R. No. 50, By Nabers: Expressing best wishes to Miss Lydia Jamar, Oil Bowl Queen, of Brownwood, Texas.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO STUDY THE ECONOMIC FEASIBILITY OF MAKING WIDESPREAD USE OF DESALINATION PROCESSES

Mr. Finney offered the following resolution:

H. S. R. No. 49

Whereas, The future economic growth of Texas is dependent upon adequate water resources, and recent studies have shown that the present economic growth of the state is far outstripping the available water resources; and

Whereas, Research into the techniques and economics of desalination is now being conducted by many organizations not only in the United States, but throughout the world; and

Whereas, It is important that the State of Texas explore possible new solutions for meeting its future water needs; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, That the Water Resources Institute of Texas A&M University, in cooperation with other organizations from whom assistance may be solicited, be requested to study the economic feasibility of making widespread use of desalination processes to help meet the water needs of the state; and, be it further

Resolved, That this study shall include (1) a determination of which research projects are most likely to yield a breakthrough in desalination economics and techniques, (2) a report on the feasibility and cost of (a) using atomic energy in desalination plants to be located in areas of water shortage, (b) using atomic energy in desalination plants to be located on the Gulf Coast for the purpose of producing water to be transported to areas with water shortage, and (c) making dual use of atomic energy in university academic programs and in the generation of power for desalination plants; and, be it further

Resolved, That a committee of five House Members be appointed by the Speaker of the House to assist in the study in any way possible; and, be it further

Resolved, That from the Contingent Expense Fund of the House of Representatives the committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this Resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditure shall be made until the budget has been approved. Prior approval of non-budgeted expenditures must also be obtained from the House Administration Committee; and be it further

Resolved, That the Water Resources Institute of Texas A&M University and the House study committee be requested to complete the study and make a full report to the 62nd Legislature when it convenes in Regular Session in January, 1971.

Signed: Finney, Atwood, Clayton, Presnal, Sanchez, Cobb, Moyer and Jones of Lubbock.

The resolution was referred to the Committee on Interim Activities.

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 Finnell:

H. B. No. 69, A bill to be entitled An Act authorizing any river authority to provide fresh water for domestic, commercial, industrial, agricultural, and any other lawful services for which it was created to an area and its inhabitants that may be within the extraterritorial jurisdiction of any city within the boundary limits of the river authority; amending Section 8, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), by adding a Subsection D; and declaring an emergency.

Referred to Committee on Conservation and Restoration.

By Cavness:

H. B. No. 70, A bill to be entitled An Act amending Section 1, Chapter 475, Acts of the 52nd Legislature, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes), defining certain terms; amending Section 11, Chapter 244, Acts of the 44th Legislature, Regular Session, as amended (Article 4551b, Vernon's Texas Civil Statutes) and Article 753, Penal Code of Texas, 1925, as amended, relating to certain exemptions from the definition of dentistry; providing a repealing clause; providing a severability clause; and declaring an emergency.

Referred to Committee on Public Health.

By Sanchez and Longoria:

H. B. No. 71, A bill to be entitled An Act relating to suspension or revocation of certificates of authority to transact business held by certain alien insurance companies;

amending Subsection (j), Article 8.24, Texas Insurance Code, as added by House Bill 704, Acts of the 61st Legislature, Regular Session, 1969; and declaring an emergency.

Referred to Committee on Insurance.

By Golman:

H. B. No. 72, A bill to be entitled An Act amending Section 1, of Chapter 9, page 602, Acts of the 46th Legislature, 1939, Regular Session, Special Laws, as amended; providing for the office of county purchasing agent in all counties of this state having a population of seventy-four thousand (74,000) or more inhabitants according to the last preceding Federal Census; providing bond for such agent; providing generally the rights, powers, and duties of such agent in reference to the handling and purchase of supplies, materials, and equipment in reference to the contracting for repairs to property and for expenditures generally; providing for the appointment, tenure, and compensation of said agent; providing for a repealing clause; and declaring an emergency.

Referred to Committee on Counties.

By Salter:

H. B. No. 73, A bill to be entitled An Act authorizing school districts to contract with private educational institutions and trade and technical schools to provide vocational classes; and declaring an emergency.

Referred to Committee on Public Education.

By Allen of Gregg:

H. B. No. 74, A bill to be entitled An Act relating to the authority of counties to issue revenue bonds for the purpose of establishing, improving, enlarging, extending, or repairing county airports, facilities, and services; and declaring an emergency.

Referred to Committee on Counties.

By Ray:

H. B. No. 75, A bill to be entitled An Act amending Section 20, Chapter 779, Acts of the 61st Legislature,

Regular Session, 1969 (Article 1528e, Vernon's Texas Civil Statutes), The Texas Professional Corporation Act, to make that Act effective on September 1, 1969; and declaring an emergency.

Referred to Committee on Judiciary.

ADOPTION OF H. C. R. NO. 15

The Speaker laid before the House for consideration at this time,

H. C. R. No. 15, To grant John Cecil Ewing, et al, permission to sue the State.

The resolution had been referred to the Committee on Judiciary and was reported favorably by the Committee.

The resolution was adopted without objection.

ADJOURNMENT

Mr. Joe Shannon, Jr., of Tarrant moved that the House adjourn until 11:00 o'clock a. m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:58 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 18, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 16,

has carefully compared same and finds the resolution correctly engrossed.

WARD, Chairman

In Memory of
John Y. Lawhon

Mr. Head offered the following resolution:

H. C. R. No. 19

Whereas, On June 15, 1969, the people of Smith County, Texas, lost a veteran attorney, John Y. Lawhon, who had the deepest admiration of the Smith County Bar Association and the people of the County; and

Whereas, John Y. Lawhon was an Air Force Veteran of World War I, County Attorney of Smith County, Texas, State Liquor Board Attorney and later Administrator of the Liquor Board; and

Whereas, He lived 72 years of a full and fruitful life, known as a devoted family man and father and an outstanding citizen. He was a true gentleman with a quiet personality and ethical viewpoint who contributed much through his fine example; and

Whereas, His wife, Johnnie, passed away before him, but he is survived by his two fine daughters, Billie Sue Griebel and Jyl Cole and several grandchildren; and

Whereas, Mr. Lawhon was an avid sportsman and loved the outdoors where he took part in fishing and hunting. He had developed into an excellent marksman and was at one time on the team that won the National Skeet Shooting Championship; and

Whereas, He had been a Director of the First National Bank of Troup, Texas, for many years and was active in civic affairs in Troup where he practiced law for many years while maintaining an honorable reputation as a lawyer who always represented the best interests of his clients; now, therefore, be it

Resolved, That the House of Representatives of the 61st

Texas Legislature, First Called Session, the Senate concurring, by this Resolution, show honor and respect to this outstanding citizen, John Y. Lawhon, and extend deepest sympathy to the members of his family; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the House of Representatives, be prepared for the members of his family as a token of our sympathy for their great loss.

The resolution was adopted unanimously by a rising vote.

FOURTEENTH DAY

(Wednesday, August 20, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Harris
Abraham	Hawkins
Adams	Hawn
Allen of Harris	Haynes
Allen of Gregg	Head
Angly	Heatly
Archer	Hendricks
Armstrong	Hinson
Atwell	Holland
Atwood	Holmes of Hood
Baker	Holmes of Dallas
Bass of Harris	Howard
Bass of Van Zandt	Hubenak
Beckham	Hull
Bigham	Jones of Lubbock
Blaine	Jones of Harris
Blanton	Jones of Taylor
Braecklein	Jungmichel
Braun	Kilpatrick
Bray	Knapp
Burgess	Kothmann
Burnett	Kubiak
Caldwell	Lee
Calhoun	Lemmon
Carrillo	Ligarde
Cavness	Lombardino
Christian	Longoria
Clark of Harris	Lovell
Clayton	McAlister
Cobb	McDonald
Cole	McKissack
Cory	McLaughlin
Cradick	Moore of Hill
Cruz	Moore of Dallas
Cummings	Moore
Daniel	of McLennan
Davis of Harris	Moreno
Davis of Travis	Moyer
Dickson	Muniz
Doran	Murray
Dramberger	Musgrove
Earthman	Nabers
Evans	Neugent
Farenthold	of Galveston
Finck	Newman
Finnell	Nichols
Finney	Niland
Floyd	Nowlin
Garcia	Nugent of Kerr
Golman	Ogg
Hale	Orr
Hannah	Parker
Harding	of Jefferson

Parker of Denton	Slack
Patterson	Slider
Pickens	Smith
Pickett	Solomon
Poerner	Stewart
Presnal	Stroud
Price	Swanson
Ratcliff	Tarbox
Ray	Thomas
Reed	Traeger
Rosson	Truan
Salem	Uher
Sanchez	Vale
Santiesteban	Vance
Schulle	Ward
Semos	Wayne
Shannon, Joe, Jr.,	Weldon
of Tarrant	Wieting
Shannon, Tommy,	Williams
of Tarrant	Williamson
Sherman	Willis
Short	Wright

Absent

Clark of Dallas Johnson

Absent-Excused

Allred Salter
Graves

A quorum of the House was announced present.

The Invocation was offered by the Honorable R. B. McAlister, of Lubbock County, as follows:

"Our Father:

We thank You for the living waters of eternal life, and as we face an ocean of problems in this great state, may we not lose our perspective and vision of the magnificent lake of opportunity that is just beyond.

Give us courage, God, to shoot the rapids and give us patience to pause at the dam and to study the deep waters for truth and justice. We realize we are polluted, Lord, and thank You for the purification that is ours in turning to You and asking for forgiveness.

Finally, Dear Father, in the hurricane of life, lead us each day beside the still waters.

Thank You for Jesus Christ, Amen."

(Mr. Hinson in the Chair)

LEAVES OF ABSENCE GRANTED

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

Mr. Salter on motion of Mr. Big- ham.

Mr. Bray on motion of Mr. Wil- liams.

The following Member was grant- ed leave of absence for today on ac- count of illness:

Mr. Allred on motion of Mr. Thomas.

MEMORIAL RESOLUTIONS
ADOPTED

The following Memorial Resolutions were adopted unanimously by a ris- ing vote:

H. S. R. No. 51, By Moore of Dal- las: In memory of James Frank Smith of Ector, Texas.

H. C. R. No. 22, By Head: In mem- ory of Robert S. Boulter of Tyler, Texas.

CONGRATULATING MR. AND
MRS. WILLIAM F. BURROW,
JR., ON THE BIRTH OF THEIR
DAUGHTER, ELIZABETH

Mr. Moore of Dallas offered the following resolution:

H. S. R. No. 52

Whereas, On August 13, 1969, little Miss Elizabeth Brownrigg Burrow ar- rived at Baylor Hospital in Dallas, and although a lady's weight like her age is her own secret, the beauty queen that she is, she gave permis- sion for releasing her measurements: weight, 7 lbs. 12 oz., and height, 20 ½ inches; and

Whereas, Welcoming Miss Burrow, besides her proud parents, Mr. and Mrs. William F. Burrow, Jr., were her doting grandparents, the Hon- orable Griffith Moore and Mrs. Moore, also of Dallas; and

Whereas, The infant's father, a Dallas attorney, is the son of the former Josephine Worsham, whose father, Joseph A. Worsham, was a

Member of the House of Representa- tives in 1903; and

Whereas, Elizabeth's middle name of "Brownrigg" was given to her in honor of an illustrious great-great- grandfather, Major Brownrigg, who fought for the Confederate Army and made history at the Battle of Glori- eta Pass; her sister, Caroline Raguet Burrow, bears the distinctive middle name of her great-great-great-grand- mother, Anna Raguet, who was a close friend of General Sam Houston, and who was married to Robert Irion, the first Secretary of State of the Republic of Texas; Elizabeth's other lovely sister is named Cynthia Chatil- lon, in honor of still another worthy ancestor; and

Whereas, It is appropriate that the House of Representatives of the 61st Legislature, 1st Called Session, wel- come Elizabeth Brownrigg Burrow to Texas and congratulate her parents and grandparents on the arrival of the future "Miss Texas of 1987."

The resolution was adopted unan- imously.

TO MEMORIALIZE THE CON-
GRESS IN REGARD TO IM-
PORTATION OF FOREIGN OIL

Mr. Salem offered the following resolution:

H. C. R. No. 21

Whereas, The U.S. Assistant Attor- ney General Richard W. McLaren has proposed to the President's Cabinet Task Force Committee that foreign oil be allowed to flow freely into the United States; and

Whereas, The adoption of this pro- posal would be highly detrimental to the State of Texas in its effect on an economy which depends to a great extent on the domestic oil industry; the free flow of foreign oil into the United States would curb exploratory drilling and the finding of new oil reserves; and

Whereas, Contrary to some predic- tions, the inflow of cheap foreign oil would not result in lower prices, as it has been the experience of nations using foreign oil that the consumers pay much higher prices for gasoline; and

Whereas, Charles E. Simons, Executive Vice-President of the Texas Mid-Continent Oil and Gas Association, stated that "If U.S. markets now supplied by Texas wells are given to foreign producers, some 90,000 of our stripper (marginal) wells, the reserves underlying them, and their operators can be written off"; and

Whereas, Further arguments against the unlimited importation of foreign oil include the effect it would have upon the nation's already delicate trade balance with the foreign oil producing countries, and the oil industry's contribution to the U.S. balance of payments would be reversed with the economies of all oil producing states in jeopardy; and

Whereas, In Texas, the tax revenue from the oil industry is one of the major revenue sources of state government, and the loss of income would seriously reduce the public school system's supporting revenues; and

Whereas, The standard of living of the entire United States would be affected should the nation's gates be thrown open to uninhibited competition from countries with low pay scales, which would be the result of unrestricted foreign oil imports; and

Whereas, It is the consensus of the Texas Legislature that the adoption of the proposal of U.S. Assistant Attorney General McLaren for the free flow of foreign oil into this country would be disastrous; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the 61st Legislature, 1st Called Session, respectfully memorialize the Congress of the United States not to adopt the proposal of U.S. Assistant Attorney General Richard W. McLaren that foreign oil be allowed to flow freely into the United States; and, be it further

Resolved, That the Clerk of the House be directed to transmit copies of this Resolution to the Vice-President of the United States, to the Speaker of the House of Representatives of the United States Congress, to each Senator and Representative from Texas in the Congress of the

United States, and to President Richard M. Nixon.

The resolution was referred to the Committee on Oil, Gas and Mining.

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 Newman:

H. B. No. 76, A bill to be entitled An Act relating to annexation of territory by the DeWitt County Drainage District No. 1; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Swanson:

H. B. No. 77, A bill to be entitled An Act amending Section (V), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added, relating to the exemption from the computation of the amount of taxes imposed by the limited Sales, Excise and Use Tax Act of the receipts from the sale, lease or rental of tangible personal property to, or the storage, use, or other consumption of tangible personal property by, any contractor for the performance of a contract for the improvement of realty for certain exempt organizations; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

ADJOURNMENT

Mr. Willis moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:08 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

 APPENDIX

 REPORTS OF THE COMMITTEE
 ON ENROLLED AND
 ENGROSSED BILLS

Austin, Texas, August 19, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 15,

H. C. R. No. 18,

H. C. R. No. 19,

H. C. R. No. 20,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

Austin, Texas, August 19, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 14,

has carefully compared same and finds it correctly enrolled.

WARD, Chairman

 FIFTEENTH DAY

(Thursday, August 21, 1969)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

 Mr. Speaker
 Abraham

 Adams
 Allen of Harris

Allen of Gregg	Johnson
Allred	Jones of Lubbock
Angly	Jones of Harris
Archer	Jones of Taylor
Armstrong	Jungmichel
Atwell	Kilpatrick
Atwood	Knapp
Baker	Kothmann
Bass of Harris	Kubiak
Bass of Van Zandt	Lee
Beckham	Lemmon
Bigham	Ligarde
Blaine	Lombardino
Blanton	Longoria
Braecklein	Lovell
Braun	McAlister
Bray	McDonald
Burgess	McKissack
Burnett	McLaughlin
Caldwell	Moore of Hill
Calhoun	Moore of Dallas
Carrillo	Moore
Cavness	of McLennan
Christian	Moreno
Clark of Harris	Moyer
Clayton	Muniz
Cobb	Murray
Cole	Musgrove
Cory	Nabers
Craddick	Neugent
Cruz	of Galveston
Cummings	Newman
Daniel	Nichols
Davis of Harris	Nowlin
Davis of Travis	Nugent of Kerr
Dickson	Ogg
Doran	Orr
Dramberger	Parker
Earthman	of Jefferson
Evans	Parker of Denton
Farenthold	Patterson
Finck	Pickens
Finnell	Pickett
Finney	Poerner
Floyd	Presnal
Garcia	Price
Golman	Ratcliff
Graves	Ray
Hale	Reed
Hannah	Rosson
Harding	Salem
Harris	Salter
Hawkins	Sanchez
Hawn	Santiesteban
Haynes	Schulle
Head	Semos
Heatly	Shannon, Joe, Jr.,
Hendricks	of Tarrant
Hinson	Shannon, Tommy,
Holland	of Tarrant
Holmes of Hood	Sherman
Holmes of Dallas	Short
Howard	Slack
Hubenak	Slider
Hull	Smith

Solomon	Vance
Stewart	Ward
Stroud	Wayne
Swanson	Weldon
Tarbox	Wieting
Thomas	Williams
Traeger	Williamson
Truan	Willis
Uher	Wright
Vale	

Absent-Excused

Clark of Dallas Niland

A quorum of the House was announced present.

The Invocation was offered by the Honorable Dan Kubiak of Milam County, as follows:

"Dear God, Our Father: We give You thanks for Your great glory and for the honor of serving You in these Legislative Halls where so many great and responsible men have served for generations past. It is our desire to offer thanks for Thy goodness, mercy, truth, and justice, and for the privilege of seeking to meet the challenges of another day. We ask that You bless the Speaker in his deliberations, my colleagues here in the House, the Legislative workers, and all of the members of each of the families represented in this great Chamber and in the galleries. We remember that Thou wert never in a hurry and never lost Thine inner peace even under pressure greater than we experience today.

But we are human. We grow tired. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only Thou canst supply the deepest needs of tired bodies, jaded spirits, and frayed nerves. As we labor to understand, let us also labor to love and serve in the time and place where You have willed us. May we never forget the basic principles of democracy under which this country was established and though we may differ in opinions, let us never forget the integrity of our colleagues and the people they represent. Let us stand with any man who stands right, but part with him when he goes wrong. Give to each of us Thy peace and refresh us in our weariness, that this may be a good day with much done and done well, that

we may say with Thy servant Paul, 'I can do all things through Christ, Who gives me strength.' Give us Thy Spiritual stability that we may be better servants for the people of our districts, our State and our great Nation.

In Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Niland on motion of Mr. Uher.

Mr. Clark of Dallas on motion of Mr. Tommy Shannon of Tarrant.

MESSAGE FROM THE SENATE

Austin, Texas, August 21, 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:

S. C. R. No. 14, By Herring and all Members of the Senate: In memory of Lon E. Alsup.

S. C. R. No. 15, By McKool: Offering to the States of Mississippi, Alabama, Louisiana, and Florida assistance from the force and havoc of Hurricane Camille.

H. C. R. No. 16, By Smith: Commending James R. Smith.

H. C. R. No. 18, By Harding: Congratulating Miss Patricia Benton and Mr. Anthony Bir on their forthcoming wedding.

Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate

RESOLUTION SIGNED BY
THE SPEAKER

The Speaker signed 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. 14, By Nichols: Extending a hearty welcome to Texas to Dr. Richard Norgaard of Los Angeles, California.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 59, By Christian and Allred: In memory of Mrs. Bobbie Wilson Richardson of Austin, Texas.

On motion of Mr. Dickson the names of all the Members of the House were added to H. S. R. No. 59 as signers thereof.

COMMITTEE MEETING

Mr. Bass of Harris asked unanimous consent of the House that the Committee on Interim Activities be permitted to meet at this time.

There was no objection offered.

TO OFFER ASSISTANCE TO THE STATES OF MISSISSIPPI, ALABAMA, LOUISIANA AND FLORIDA IN THEIR AFFLICTIONS RESULTING FROM HURRICANE CAMILLE

The Speaker laid before the House the following resolution:

S. C. R. No. 15

Whereas, The hearts of the people of Texas reach out in sympathy to the citizens of Mississippi, Alabama, Louisiana, and Florida in their sufferings from Hurricane Camille, as we recall the horror and tragedies resulting from the many storms which have devastated our own shores; and

Whereas, In our knowledge of the force and havoc of hurricane winds, flood tides, and torrential rains, the Texas Legislature and the citizens of this State wish to offer all the assistance possible to those afflicted by Hurricane Camille; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Repre-

sentatives concurring, That the 61st Legislature, 1st Called Session, on behalf of the State Government and all the people of Texas, hereby offer to the States of Mississippi, Alabama, Louisiana, and Florida, any and all assistance that we can give, whether it be in the collection of food and clothing for those whose homes and belongings have been destroyed, help in cleanup operations, or aid of any other kind; and, be it further

Resolved, That as official notice of our desire to ease the distress and burden of the sufferers of Hurricane Camille, copies of this Resolution be prepared and forwarded to the Governors of the States which received the brunt of the hurricane: Governor John D. Williams of Mississippi; Governor Albert Brewer of Alabama; Governor John J. McKeithan of Louisiana; and Governor Claude R. Kirk, Jr., of Florida.

The resolution was read and was adopted unanimously.

CONGRATULATING THE HONORABLE ACE PICKENS ON HIS 33RD BIRTHDAY

Mr. Finck offered the following resolution:

H. S. R. No. 53

Whereas, The House of Representatives wishes to celebrate with our good friend and colleague, Ace Pickens, the anniversary of his birth, although we admittedly do so a few days late; and

Whereas, Ace has become a well-known favorite among his fellow Legislators during his three terms as a State Representative from Ector County; and

Whereas, A native of Borger, Ace has lived his entire 33 years in the State of Texas; and

Whereas, A graduate of the Business School and the School of Law at The University of Texas, Representative Pickens now moonlights as an attorney in Odessa; and

Whereas, Ace has worked diligently for the benefit of his constituents, as evidenced by his recent work toward the establishment of a branch

of The University of Texas in his district; and

Whereas, The House of Representatives wishes to congratulate our esteemed colleague on this birthday occasion; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, 61st Legislature, 1st Called Session, hereby extend belated birthday greetings to Representative Ace Pickens; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the House of Representatives, be prepared for Representative Pickens as a memento of this, his 33rd birthday, and in token of the good wishes of his colleagues in this House.

The resolution was read and was adopted unanimously.

On motion of Mr. Joe Shannon, Jr., of Tarrant, the names of all the Members of the House were added to H. S. R. No. 53 as signers thereof.

TO EXTEND GOOD WISHES FOR A HAPPY BIRTHDAY TO THE HONORABLE R. B. McALISTER

Mr. Tarbox offered the following resolution:

H. S. R. No. 65

Whereas, Today, August 21, 1969, is the birthday of one of our most distinguished House Members, the Honorable R. B. McAlister, of Lubbock; and

Whereas, Representative McAlister is the son of the late Allen Ferdinand McAlister and his wife, Mary Jane; as his father was associated in business with Waddy, Sam, and Earl Ross of the Ross Brothers Horse and Mule Barn of Fort Worth at the time of his birth, young R. B. was named Ross Brothers in their honor; and

Whereas, Ross Brothers McAlister was an outstanding speaker at an early age, and upon graduation from Brownwood High School in 1929, he began a career in radio broadcasting; and

Whereas, His career has progressed

through the years, and Representative McAlister is now program director, manager, and stockholder in radio-television stations throughout the Southwest; and

Whereas, R. B. McAlister is an able and conscientious Representative of the people of the State of Texas, and his fairness and integrity place him among the most respected of House Members; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, extend good wishes for a happy birthday to the Honorable R. B. McAlister; congratulations are also in order for his wife, Majorie, his son, Bill, and his wife, Rebekiah, and his two grandchildren, Gregory Franklin and Melinda Ann as they share in this occasion; and, be it further

Resolved, That a copy of this Resolution be prepared for the Honorable R. B. McAlister as an expression of affection and high esteem from his colleagues in the House of Representatives.

Signed: **TARBOX and
JONES OF LUBBOCK**

The resolution was read and was adopted unanimously.

On motion of Mr. Golman the names of all the Members of the House were added to H. S. R. No. 65 as signers thereof.

SALUTING THE CITIZENS OF EDMONTON, ALBERTA, CANADA

Mr. Pickens offered the following resolution:

H. S. R. No. 66

Whereas, The House of Representatives of the State of Texas today wishes to salute the citizens of Edmonton, Alberta, Canada, for the friendly welcome and gracious hospitality extended to a group of Texans during their recent Klondike Days Celebration; and

Whereas, The City of Edmonton opened its doors to the Texas visitors: Governor Preston Smith was the

Honorary Grand Marshall of the parade, and the Texas Delegation, including Members of the Legislature and the Odessa Chamber of Commerce, were treated as honored guests; and

Whereas, The Legislative Delegation consisted of Senators H. J. (Doc) Blanchard, Jim Bates, and W. E. (Pete) Snelson; and Representatives Richard Slack and Ace Pickens; and

Whereas, The world-famous Odesa Chuck Wagon Gang prepared and served the largest crowd in their long history, and the Texas State Department of Agriculture was on hand to boost the goodness and abundance of Texas agricultural products; and

Whereas, All of the Texans who were honored during the Klondike Days returned to the Lone Star State filled with praise for the Edmonton's beauty, friendliness and progressive outlook; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature 1st Called Session, extend highest commendations to the City of Edmonton, Alberta, Canada, for the friendship and hospitality extended to the State of Texas; and, be it further

Resolved, That a copy of this Resolution be prepared for the Mayor and citizens of Edmonton, Alberta, Canada, as an expression of highest regard from the House of Representatives of the State of Texas and in appreciation to our Canadian neighbors for the unforgettable experience they provided for their Texas visitors.

Signed: PICKENS and SLACK

The resolution was adopted unanimously.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 54, By Ward: To welcome Boy Scout Troop No. 298 from Hamilton, Texas.

H. S. R. No. 55, By Howard: Commending Fireman Jerry Browning of

Texarkana, Texas, for outstanding work.

H. S. R. No. 56, By Howard: Commending Fireman Jerry Lorange of Texarkana, Texas, for outstanding work.

H. S. R. No. 57, By Howard: Commending Fireman David Kinney of Texarkana, Texas, for outstanding work.

H. S. R. No. 61, By Cruz: Commending Mr. George A. Lloyd of Houston, Texas, on his retirement from his position at Humble Oil and Refining Company.

On motion of Mr. Graves the names of all the Members of the House were added to H. S. R. No. 61 as signers thereof.

H. S. R. No. 62, By Cruz: Commending Television Station KVVV of Houston, Texas, for its important and timely Spanish programming.

On motion of Mr. Graves the names of all the Members of the House were added to H. S. R. No. 62 as signers thereof.

H. S. R. No. 63, By Parker of Jefferson: Congratulating the Port Neches Little League All-Star Team on winning the state championship.

H. S. R. No. 67, By Willis: Congratulating the Aeronautical Industrial District Lodge 776 on their interest and participation in Texas state government.

H. C. R. No. 25, By Harding: Congratulating Ernest Tubb and Roy Boren for their achievements in music and entertainment.

H. C. R. No. 26, By Head: Congratulating the Kilgore Bulldogs Baseball Team of Kilgore High School on winning Class AAA zone and district titles.

H. C. R. No. 27, By Head: Congratulating Joe Wylie, All-American Halfback of Henderson, Texas.

H. C. R. No. 28, By Heatly and Lovell: Congratulating Dr. George J. Beto, Director of the Texas Department of Corrections, on his election

as President of the American Correctional Association.

On motion of Mr. Golman the names of all the Members of the House were added to H. S. R. No. 28 as signers thereof.

H. C. R. No. 29, By Williamson: Commending David King Caldwell for his distinguished public service and his many benevolent contributions.

EXTENDING GOOD WISHES TO JAMES MOYER ALLRED

Mr. Ratcliff offered the following resolution:

H. S. R. No. 68

Whereas, The House of Representatives wishes to extend hearty congratulations to the new Speaker of the House, that is, the new Speaker of the Dave Allred House, James Moyer Allred, who was unanimously elected to this high office on the 11th day of August, 1969; and

Whereas, The honorable speaker, who comes into office with the formidable qualifications of 8 pounds, 11½ ounces, and a 21-inch stature, pledges that during his administration there will be a great many changes and numerous lengthy orations and filibusters; and

Whereas, It bears mentioning that James Moyer Allred is the son of our distinguished colleague, the Honorable Dave Allred, and his lovely wife, Patricia, and is the grandson of the late James Allred, a former Governor of the State of Texas, and that with these illustrious forebears he has the distinction of wearing the only diapers in his neighborhood imprinted with the Seal of the State of Texas; and

Whereas, This outstanding young man adds great voice to the House of Allred, and he is truly on his way to a distinguished career in politics; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, extend good wishes to James Moyer Allred on his recent entrance into the political world and congratulations to his parents, Representative Dave Allred and his wife,

Patricia; his brother, Stephen; and his sister, Rebecca; and, be it further

Resolved, That a copy of this Resolution be prepared for the constituents of James Moyer Allred as an expression of high esteem from the House of Representatives of the State of Texas.

Signed: Ratcliff, Thomas, Salter, Moore of McLennan, Harris, Bigham and Head.

On motion of Mr. Stewart the names of all the Members of the House were added to H. S. R. No. 68 as signers thereof.

COMMITTEE MEETING

Mr. Cory asked unanimous consent of the House that the Conference Committee on H. B. No. 2 be permitted to meet at this time.

There was no objection offered.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Nabers offered the following resolution:

H. C. R. No. 23

Whereas, Billy C. Pilkington, an inmate of the Ferguson Unit of the Texas Department of Corrections, suffered illness and subsequent death allegedly as a result of inhaling an insecticide poison while working at the Ferguson Unit; and

Whereas, It is alleged that the Texas Department of Corrections was negligent in failing to provide adequate protection for Billy C. Pilkington while he was engaged in spraying insecticide poison; and

Whereas, Marcus Pilkington and Billie Pilkington, the parents of Billy C. Pilkington, desire to determine the liability, if any, of the State of Texas and the Texas Department of Corrections for the death of Billy C. Pilkington; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That Marcus Pilkington and Billie Pilkington are granted permission to bring suit

against the State of Texas and the Texas Department of Corrections in any court of competent jurisdiction in order to determine what damages, if any, or other relief they are entitled to recover; and, be it further

Resolved, That in the event suit is filed, service of citation and other required process shall be made on the Attorney General of Texas and the Chairman of the Texas Board of Corrections; and, be it further

Resolved, That the suit shall be conducted as in other civil cases; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

TO DIRECT THAT THE STATE HIGHWAY COMMISSION RESTRICT THE ISSUANCE OF "STATE OFFICIAL" LICENSE PLATES FOR VEHICLES TO CERTAIN STATE OFFICIALS

Mr. Jungmichel offered the following resolution:

H. C. R. No. 24

Whereas, The issuance of "State Official" license plates for use on private vehicles is a courtesy extended by Highway Commission Regulations to various state officials in Texas government; and

Whereas, The number of these license plates issued by the State Highway Department has increased to the point that the administrative process entailed in issuance of the plates involves considerable expense and expenditure of manpower urgently needed in other areas of work of the department; and

Whereas, It is the consensus of the Legislature that this increased expense and expenditure of manpower is unwarranted; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the State Highway Commission be directed to provide by regulation for the issuance of "State Official" license plates only to Members of the Legislature, Governor, Lieutenant Governor, Supreme Court Justices, Judges of the Court of Criminal Appeals, the Attorney General, and the Secretary of State; and, be it further

Resolved, That the issuance of "State Official" license plates be limited to two sets of plates for each official.

The resolution was referred to the Committee on State Affairs.

CENSURING LAND COMMISSIONER JERRY SADLER FOR HIS FAILURE TO COOPERATE WITH THE HOUSE OF REPRESENTATIVES

Mrs. Farenthold offered the following resolution:

H. S. R. No. 58

Whereas, Jerry Sadler, the present holder of the Constitutional Office of Commissioner of the General Land Office, has failed to perform the duties imposed upon him by law; has not properly served the best interest of the people of the State; and has refused to cooperate with the Legislature, its Committees and its individual Members, in regard to the matters relating to the discovery and recovery of artifacts from sunken 16th Century Spanish Galleons off the coast of Padre Island, in the following respects:

(1) Under Article 5421, V.C.S., after it has been reported to the Attorney

General that property of value has been taken from public lands, it is the duty of the Attorney General to bring suit thereon, or with the consent of the Governor to compromise and settle the claim with or without suit. Insofar as the items so taken, after the reporting of such taking and the filing of such suit, both of which were done nearly two years ago, the Commissioner of the General Land Office has no further duties as regards the taken property. Under the provisions of Article 5307, V.C.S., the Commissioner of the General Land Office has the duty of the "full charge and discretion of all matters pertaining" to the "protection from free use" of the public lands. It would appear that the Commissioner of the General Land Office is confused as to his duties and limitations under these two statutes. If, in fact, any of these sites have been looted it is because Commissioner Sadler has failed in fulfilling his obligations to protect the public lands from free use as he is charged by law to do.

(2) Under Article 5251, V.C.S., the Commissioner of the General Land Office "... shall give information to the Governor and Legislature concerning the public lands, or the General Land Office when requested..." Commissioner Sadler has violated the mandates of such statute by misrepresenting to the House Governmental Affairs and Efficiency Committee and to the Subcommittee appointed to study the Antiquities Code Bill, and by impeding the investigation of such Committee and its Subcommittee in the following manner:

(a) On April 9, 1969, Commissioner Sadler stated before such Committee at the time of the hearing on the Antiquities Code Bill, H. B. 734, that he had concluded the best possible contract with a responsible and knowledgeable group of marine salvagers doing business as Platoro, Inc., and asked that the Legislature ratify such contract sight unseen, but some two months later the Subcommittee appointed to study this bill learned that Commissioner Sadler was then contending that there was no such contract in effect; and

(b) On April 28, 1969, Commissioner Sadler, at a Subcommittee meeting held at the Capitol National Bank, after some preliminary questions re-

garding the artifacts were answered, informed the Subcommittee that no further questions of any nature would be answered by him or his employees that were present; and

(c) On April 29, 1969, Commissioner Sadler advised a member of the Subcommittee that he had notified representatives of Platoro, Inc., not to meet with the Subcommittee, despite Commissioner Sadler's previous offer to contact Platoro, Inc., and request that they send a spokesman to meet with the Subcommittee; and

(3) On July 29, 1969, Commissioner Sadler barred two elected Members of the Texas Legislature from viewing antiquities in his temporary custody.

Under the Constitution of The State of Texas there are to be three branches of Government, each providing checks and balances upon the other. The actions of Commissioner Sadler have hindered proper checks by the Legislature upon this division of the Executive; now, therefore, be it

Resolved, That the House of Representatives, 61st Legislature, 1st Called Session, hereby censures Jerry Sadler and his actions aforesaid, and thereby informs the people of the State of Texas of its displeasure in the manner in which Jerry Sadler has performed and failed to perform the duties of the Constitutional office of Commissioner of the General Land Office of the State of Texas.

The resolution was referred to the Committee on Rules.

REQUESTING THE TEXAS LEGISLATIVE COUNCIL TO MAKE A STUDY OF CATALOGUE STORES

Mr. Hinson offered the following resolution:

H. S. R. No. 60

Whereas, Several major retailing companies have been opening catalogue stores in small cities throughout the state; and

Whereas, These catalogue stores do not have an inventory stock or local

warehouse, and they operate from leased premises, thus escaping local ad valorem taxation; and they are in direct competition with local merchants who must pay ad valorem taxes on their inventory, buildings, and other facilities; and

Whereas, Aside from the competitive advantage they enjoy over the local merchants as a result of the tax avoidance, the catalogue stores receive police and fire protection and all the other services of local government without having to pay their fair share of the cost of these services; and

Whereas, As a result of provisions in the Local Sales and Use Tax Act and interpretations of the Comptroller thereunder, many transactions originating in a catalogue store in a city which has a sales tax escape taxation by that city, further increasing the catalogue stores' competitive advantage; and

Whereas, It is also questioned whether the chain store tax is being properly calculated and paid in the case of catalogue stores; now, therefore, be it

Resolved, by the House of Representatives, That the Texas Legislative Council be requested to make a study of the problems mentioned in this resolution and of any remedies that may be necessary, desirable, or feasible; and, be it further

Resolved, That the Council be requested to report its findings and recommendations to the 62nd Legislature in January, 1971.

The resolution was referred to the Committee on Interim Activities.

TO REQUEST THE WATER QUALITY BOARD TO MAKE AN IN-DEPTH STUDY OF THE SALT IN THE BRAZOS RIVER AND THE RED RIVER

Mr. Ward offered the following resolution:

H. S. R. No. 64

Whereas, The increase in the water resources of the State of Texas is one of the major problems of our state

today and is essential to its future growth and development; and

Whereas, Throughout the state there are underground and surface water supplies which cannot be used because of high saline content, and particularly is this true in the vast resources of the Brazos and Red River watersheds; and

Whereas, It would be of inestimable value to the entire State of Texas if feasible means could be found for improving the water quality of the Brazos and Red Rivers of Texas, so that the salt content could be reduced to make the water potable and useful for all purposes; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby request the Water Quality Board to make an in-depth study of the salt in the Brazos River and the Red River with the purpose of finding feasible means of improving the water quality; and, be it further

Resolved, That the Speaker of the House of Representatives appoint three Members of the House to advise and counsel with the Water Quality Board, and that the several river authorities concerned with the Brazos River and the Red River also be requested to cooperate with the Water Quality Board in the study; and, be it further

Resolved, That from the Contingent Expense Fund of the House of Representatives the Members of the House appointed by the Speaker shall be reimbursed for their actual expenses incurred in carrying out the provisions of this Resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditure shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the House Administration Committee; and, be it further

Resolved, That the Water Quality Board be requested to make its complete report, including findings and recommendations and drafts of legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was referred to the Committee on Conservation and Reclamation.

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 Salem:

H. B. No. 78, A bill to be entitled An Act relating to prescribing a maximum time period for the disposition of property damage claims resulting from transporting property for compensation or hire by a specialized motor carrier which transports household goods and used office furniture and equipment, by a motor carrier, or a contract carrier; prescribing a penalty; providing for attorneys' fees and court costs; and declaring an emergency.

Referred to Committee on Motor Traffic.

By Finck:

H. B. No. 79, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Village Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority, and functions of the General Laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for notice of right

to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District under certain conditions and the assumption of bonded indebtedness by the added lands, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S., and approval of plans and specifications by the City of San Antonio, and related matters; providing for bonds and refunding bonds of the District and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated, and to situations where the exercise of such power is necessary for District's purposes; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for a plumbing code; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas, as

to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Jones of Taylor:

H. B. No. 80, A bill to be entitled An Act relating to liability insurance covering liability of units of government under the Texas Tort Claims Act; amending Chapter 5, Texas Insurance Code, to provide for the creation, powers, duties, functions, and liabilities of an administrative agency to be known as the Texas Tort Claims Pool, composed of certain insurance companies; to provide for the rights, powers, duties, and liabilities of member companies; and to prescribe powers and duties of the State Board of Insurance with respect to the pool and its members; amending Article 5.65, Texas Insurance Code, as amended, relating to the right to a hearing before the Board; creating the Texas Tort Claims Administrative Commission and prescribing its membership, organization, powers, duties, and functions; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Hinson:

H. B. No. 81, A bill to be entitled An Act including Upshur County under the provisions of the Uniform Wildlife Regulatory Act; amending Section 1 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Bigham and Moore of McLennan:

H. B. No. 82, A bill to be entitled An Act relating to the creation of the 169th Judicial District, composed of the County of Bell; prescribing terms of court; providing for the transfer of

causes; relating to the offices of district clerk, sheriff, and district attorney; providing for appointment of a court reporter; providing for appointment of the initial district judge; and declaring an emergency.

Referred to Committee on Judicial Districts.

RECORD OF VOTE

Mr. Braun requested to be recorded as voting "Nay" on the adoption of H. C. R. No. 13 on August 14, 1969.

ADJOURNMENT

Mr. Wieting moved that the House adjourn until 10:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:38 o'clock a.m., adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Interim Activities has filed favorable reports on the following:

H. S. R. No. 7

H. S. R. No. 19

H. C. R. No. 8

H. C. R. No. 12

REPORT OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 20, 1969

The Honorable G. F. (Gus) Mut-scher, Speaker of the House of Representatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 22,

has carefully compared same and
finds it correctly engrossed.

WARD, Chairman

SENT TO THE GOVERNOR

August 21, 1969

H. C. R. No. 14

In Memory Of The
Honorable Lon E. Alsup

The Speaker laid before the House the following resolution:

S. C. R. No. 14

Whereas, August 7, 1969, marked the death of Lon E. Alsup of Austin, a remarkable man whose many accomplishments during a long career of public service are worthy of the recognition of all Texans; and

Whereas, A former Member of the Texas House of Representatives, Lon Alsup resigned his House seat in 1942 to join the State Commission for the Blind as its Executive Director; he served in that capacity with rare ability and distinction until retirement in 1966; and

Whereas, Blind himself from birth, Lon Alsup was tireless in his efforts toward the rehabilitation of the handicapped; he served as President of the Texas Rehabilitation Commission, as a member of the State's Council for Vocational Rehabilitation, and as a member of the American Association of Workers for the Blind; and

Whereas, He was honored in 1960 as the recipient of the Shotwell Award for outstanding leadership in the field of the blind, and was listed in Who's Who in the South and Southwest; and

Whereas, He is survived by his widow, Mrs. Zela Mae Alsup; a daughter, Mrs. Juanita Inez Krause of San Antonio; three grandchildren and one great-grandchild; and

Whereas, It is appropriate that the 61st Legislature, 1st Called Session, pay tribute to the memory of this outstanding man whose ability and determination can well serve as an example for us all; now, therefore, be it

Resolved, That the Senate of the 61st Texas Legislature, 1st Called Session, the House of Representatives concurring, express its appreciation for the many accomplishments of Lon E. Alsup and extend deep sympathy to his family; and, be it further

Resolved, That copies of this Resolution be prepared for his family; and that when the Senate and House adjourn this day they do so in memory of Lon E. Alsup.

The resolution was adopted unanimously by a rising vote.

SIXTEENTH DAY

(Friday, August 22, 1969)

The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Hannah
Abraham	Harding
Adams	Harris
Allen of Harris	Hawkins
Allen of Gregg	Hawn
Allred	Haynes
Angly	Head
Archer	Heatly
Armstrong	Hendricks
Atwell	Hinson
Atwood	Holland
Baker	Holmes of Hood
Bass of Harris	Holmes of Dallas
Bass of Van Zandt	Howard
Beckham	Hubenak
Bigham	Hull
Blaine	Johnson
Blanton	Jones of Lubbock
Braecklein	Jones of Harris
Braun	Jones of Taylor
Bray	Kilpatrick
Burgess	Knapp
Burnett	Kothmann
Caldwell	Kubiak
Calhoun	Lee
Carrillo	Lemmon
Cavness	Ligarde
Christian	Lombardino
Clark of Harris	Longoria
Clayton	Lovell
Cobb	McAlister
Cole	McDonald
Cory	McKissack
Craddick	McLaughlin
Cruz	Moore of Hill
Cummings	Moore of Dallas
Daniel	Moore
Davis of Harris	of McLennan
Davis of Travis	Moreno
Dickson	Moyer
Doran	Muniz
Dramberger	Murray
Earthman	Musgrove
Evans	Nabers
Farenthold	Neugent
Finck	of Galveston
Finnell	Newman
Finney	Nichols
Floyd	Nowlin
Garcia	Nugent of Kerr
Golman	Ogg
Graves	Orr
Hale	

Parker	Short
of Jefferson	Slack
Parker of Denton	Slider
Patterson	Smith
Pickens	Solomon
Pickett	Stewart
Poerner	Stroud
Presnal	Swanson
Price	Tarbox
Ratcliff	Thomas
Ray	Traeger
Reed	Truan
Rosson	Uher
Salem	Vale
Salter	Vance
Sanchez	Ward
Santiesteban	Wayne
Schulle	Weldon
Semos	Wieting
Shannon, Joe, Jr.,	Williams
of Tarrant	Williamson
Shannon, Tommy,	Willis
of Tarrant	Wright
Sherman	

Absent

Niland

Absent-Excused

Clark of Dallas Jungmichel

A quorum of the House was announced present.

The Invocation was offered by the Honorable John Allen of Gregg County, as follows:

"Our Gracious Heavenly Father, we thank Thee for life, liberty and opportunity. We pray Thy blessings on those who are ill and those who cannot help themselves.

We pray those decisions of the Legislature will be for the benefit of all the citizens of this State and we seek divine guidance for wisdom from the Mighty Architect of the Universe.

We ask Thy blessings also on Brother Clinton Kersey, our Chaplain, in his time of illness and pray that those who minister unto him may be blessed.

Bless all of us in our deliberations.

These blessings we ask in Christ's Name and for His sake. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Jungmichel on motion of Mr. Wieting.

Mr. Clark of Dallas on motion of Mr. Tommy Shannon of Tarrant.

MESSAGE FROM THE SENATE

Austin, Texas, August 22, 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 rejected the Conference Committee Report for House Bill No. 2 by a vote of 22 Ayes and 8 Nays and requests the appointment of a new Conference Committee.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

**MEMORIAL RESOLUTIONS
ADOPTED**

The following Memorial Resolutions were adopted unanimously by a rising vote:

H. S. R. No. 69, By Jungmichel: In memory of the Honorable Ike J. Petras of La Grange, Texas.

H. S. R. No. 72, By Jungmichel: In memory of Frank J. Kana of La Grange, Texas.

H. S. R. No. 75, By Finnell: In memory of James Ernest Curlin of Nocona, Texas.

CONGRATULATING THE HONORABLE JOE ALLEN AND HIS WIFE, BILLYE, ON THE RECOGNITION THEY ARE SOON TO RECEIVE FROM THEIR FELLOW TOWNSPEOPLE

Mr. Bass of Harris offered the following resolution:

H. S. R. No. 71

Whereas, The Honorable Joe Allen and his wife, Billye, will be honored at a testimonial dinner to be held

at the Baytown Civic Center on September 11, 1969, by the Citizens Honoring Joe Allen Committee; and

Whereas, This outstanding young Legislator was born and reared in Baytown; he now represents District 23, Place 3, in the Texas House of Representatives as the first and only Member of the Harris County delegation elected to that position from Baytown; and

Whereas, Among his many civic activities Representative Allen has served on the Baytown Human Relations Council, the Mental Health-Mental Retardation Council, and the Citizens Traffic Safety Council; he is also Past Chairman of the East Harris County Democrats, and was 1967 and 1968 Awards Chairman of the Baytown United Fund; he is a charter member of the Baytown Noon Optimist Club, a director of the Bayshore Rod, Reel and Gun Club, a member of the Texas Bill of Rights Foundation, the Texas Folklore Society, the Harris County Democrats, and the Junior Chamber of Commerce in Baytown; and

Whereas, Joe Allen became the youngest member of the Democratic Executive Committee for Precinct 13 in 1964, and was elected to his position as State Representative in 1966 by the highest percentage of the votes cast for any candidate in Harris County; he was reelected in 1968 without opposition; and

Whereas, Representative Allen is currently serving in the House of Representatives as Vice-Chairman of the Data Processing and Printing Committee and a Member of the Conservation and Reclamation Committee; he was named to the Temporary House Administration Committee to oversee the fiscal and operational functions of the House of Representatives; and

Whereas, The Honorable Joe Allen is married to the former Miss Billye Dean Williamson, also of Baytown, and the couple has one daughter, lovely Sidney Lisa Allen, age three; and

Whereas, Representative Allen's beautiful wife, Billye, has been a great asset in the success of our

distinguished colleague: her warmth and easy manner have drawn many friends to the Allen family, and Billye has been a constant source of encouragement and inspiration to Representative Allen; and

Whereas, The Members of the House of Representatives wish to congratulate our Legislative Colleague and his wife on the recognition they are soon to receive from their fellow townspeople; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, That by this Resolution the House of Representatives extend its sincere congratulations to the Honorable Joe Allen and his wife, Billye, on the occasion of the testimonial dinner to be held in their honor by the citizens of Baytown; and, be it further

Resolved, That copies of this Resolution be prepared for Representative and Mrs. Allen as a token of the good wishes of the Texas House of Representatives.

Signed: Tom Bass of Harris and the Harris County Delegation.

The resolution was adopted unan- imously.

On motion of Mr. Williams the names of all the Members of the House were added to H. S. R. No. 71 as signers thereof.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Reso- lutions were adopted unanimously:

H. C. R. No. 32, By Head: Con- gratulating Miss Glenda Kay Propes, Former Miss Texas, of Henderson, Texas.

H. S. R. No. 73, By Swanson: Com- mending David Coopwood Bintliff of Houston, Texas, for his generous donation to further medical research at the Bintliff Blue Bird Building for Neurological Sciences.

H. S. R. No. 74, By Dramberger and Lombardino: Congratulating the Southside Babe Ruth All-Star Base- ball Team of San Antonio, Texas, on

winning the 1969 National Babe Ruth Tournament.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the pres- ence of the House, after giving due notice thereof and their captions had been read severally, the following en- rolled resolutions:

H. C. R. No. 16, Commending James R. Smith, Chief, and the mem- bers of the Capitol Security Police Force.

H. C. R. No. 18, Congratulating Miss Patricia Benton of San Antonio, Texas, and Mr. Anthony Bir of Mar- ion, Indiana.

TO GRANT PERMISSION TO SUE NOLAN COUNTY, TEXAS

Mr. Dickson offered the following resolution:

H. C. R. No. 30

Whereas, Delmar Ray Green, al- leges that on or about October 30, 1968, the County of Nolan, Texas, acting through its agents and em- ployees left a load of caliche, un- marked, and of such a color that would be almost impossible to see at night on a county road causing Delmar Ray Green to hit the load of caliche and thereby suffer grievous physical injury; and

Whereas, The said Delmar Ray Green alleges that the injuries suf- fered are compensable under the laws of the State of Texas; and

Whereas, The said Delmar Ray Green alleges that Nolan County, Tex- as, has a duty imposed by law to exercise care and caution in marking materials obstructing the public thoroughfare on county roads, and by the conduct here alleged the County has breached its duty and acted in a negligent and imprudent manner, thereby causing injury and damage to the said Delmar Ray Green; now, therefore be it

Resolved, by the House of Repre- sentatives of the State of Texas, the Senate concurring, That Delmar Ray Green be and is hereby granted per- mission to bring suit in any court of

competent jurisdiction in Nolan County, Texas, against Nolan County, Texas, and that the case shall be tried as other civil cases reserving to either party the right of appeal; and be it further

Resolved, That in the event such a suit is filed, service of citation or any other necessary process shall be had upon the Commissioners Court of Nolan County of any member thereof; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defense, of fact or law, except that of governmental immunity, that may be asserted by, or available to Nolan County, Texas, in said suit, but that all such defenses are hereby specifically reserved; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the County of Nolan, Texas, in said suit, but that all allegations or claims asserted in said suit must be proved as in other suits under the same rule of evidence and the same laws as apply in, and govern the trial of, other civil cases.

The resolution was referred to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Davis of Travis offered the following resolution:

H. C. R. No. 31

Whereas, Caleb Perry Patterson, of Austin, Travis County, Texas, on January 8, 1966, signed a trust indenture and agreement creating irrevocably and forever a trust for the use and benefit of The University of Texas; and on the same date signed a deed of gift conveying three tracts of land in the City of Austin, and on the same date signed a deed of gift conveying certain personal property located in the City of Austin, the grantee of each case being the Board of Regents of The University of Texas, trustee of the trust mentioned above; and on June 10, 1966, he signed a will devising all of his property to the Board of Regents of The University of Texas as trustee of the same trust; and

Whereas, It is alleged that at the time each instrument was signed, Caleb Perry Patterson lacked the mental capacity to make a gift, conveyance, or will, and subsequent to the signing of the instruments he was adjudged to be non compos mentis; and

Whereas, Malcolm Patterson, as guardian of the person and of the estate of Caleb Perry Patterson, desires to bring suit against the State of Texas and the Board of Regents of The University of Texas to have each of the mentioned instruments set aside, revoked, and rescinded; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, the Senate concurring, That Malcolm Patterson, as guardian of the person and the estate of Caleb Perry Patterson, is hereby granted permission to sue the State of Texas and the Board of Regents of The University of Texas in a court of competent jurisdiction for a determination of all legal and equitable issues arising out of the transactions described in this Resolution and for any legal or equitable relief that may be properly granted; and, be it further

Resolved, That service of process shall be on the Attorney General and the Chairman of the Board of Regents of The University of Texas; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in any such suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as of law, that may be asserted by or available to the State of Texas, or the Board of Regents of The University of Texas, in said suit, but all such de-

fenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

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 Garcia and Murray:

H. B. No. 83, A bill to be entitled An Act granting the Willacy County Navigation District the power to acquire land and air space by condemnation, gift, or purchase for certain purposes; amending Chapter 392, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Garcia and Murray:

H. B. No. 84, A bill to be entitled An Act amending Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, as amended, to create housing authorities for Willacy County Navigation District; providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Burgess:

H. B. No. 85, A bill to be entitled An Act making it a misdemeanor for any person who is actively engaged in commercial harvesting of any trees or timber to cut a tree, or limb therefrom, willfully causing such tree or limb to fall on any electric transmission or distribution line, or any telephone line or cable, breaking or damaging such line or cable so as to disrupt the service; providing a penalty; making the Act cumulative; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Cory:

H. B. No. 86, A bill to be entitled

An Act requiring reflective "caution" signs on certain motor vehicles tendering for retail sale certain food or drink preparations and requiring certain flashing devices to be installed and used on these vehicles; prescribing a penalty; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Willis, Finney, Burnett, Hull, Sherman, Joe Shannon, Jr., of Tarrant, McLaughlin and Tommy Shannon of Tarrant:

H. B. No. 87, A bill to be entitled An Act relating to salaries of certain county and district employees and officials; amending Section 2, Chapter 697, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3883i-1, Vernon's Texas Civil Statutes), amending Section 1, Chapter 472, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2326i-52, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Clayton, Allen of Gregg and Murray:

H. B. No. 88, A bill to be entitled An Act authorizing any political subdivision, as defined in this Act, to sell its water improvement bonds as defined in this Act, use the proceeds for the purchase of state bonds as defined in this Act at not less than par and accrued interest to date of delivery, and resell the state bonds to the highest bidder even at a discount; requiring the subdivisions to advertise for bids on state bonds; authorizing the subdivisions to join with each other and with Texas Water Development Board in the notice of sale of the state bonds and the receipt of bids therefor; requiring the subdivisions to use the proceeds from the sale of state bonds for the same purpose as their water improvement bonds were approved at an election or otherwise authorized; authorizing the Texas Water Development Board to purchase the water improvement bonds from the purchaser with proceeds received by the board from sale of state bonds to the subdivisions; authorizing development fund man-

ager or executive director of board to designate times and places at which bonds may be delivered and paid for; authorizing the subdivision to borrow money temporarily payable from the sale of water improvement bonds; providing that no statute or city charter provision requiring competitive bidding shall be applicable to water improvement bonds sold under this Act; enacting provisions related to the subject; providing for severability; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

ADOPTION OF H. C. R. NO. 12

The Speaker laid before the House for consideration at this time,

H. C. R. No. 12, Creating a Joint Interim Water Study Committee.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

ADOPTION OF H. C. R. NO. 8

The Speaker laid before the House for consideration at this time,

H. C. R. No. 8, Creating an interim committee to investigate all matters pertaining to the taxation of farm, ranch and forest lands.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

ADOPTION OF H. S. R. NO. 7

The Speaker laid before the House for consideration at this time,

H. S. R. No. 7, Creating a special committee to study the University Interscholastic League regulations relating to athletes transferring from one school to another.

The resolution had been referred to the Committee on Interim Activi-

ties and was reported favorably by the Committee.

The resolution was adopted without objection.

REQUEST OF SENATE GRANTED

On motion of Mr. Cory, and by unanimous consent, the House granted the request of the Senate for the appointment of a new Conference Committee on House Bill No. 2.

ADOPTION OF H. S. R. NO. 19

The Speaker laid before the House for consideration at this time,

H. S. R. No. 19, Providing for a special interim committee to make a study of problems of older Texas citizens, etc.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

APPOINTMENT OF HOUSE CONFERENCE COMMITTEE ON HOUSE BILL NO. 2

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 2:

Representatives Atwell, Harding, Cory, Heatly and Traeger.

HOUSE AT EASE

At 10:40 o'clock a.m., the Speaker stated that the House would stand at ease until 11:10 o'clock a.m. today.

(Mr. Sherman in the Chair)

At 11:13 a.m., the Chair called the House to order.

(Speaker in the Chair)

MESSAGE FROM THE SENATE

Austin, Texas, August 22, 1969

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the following Conferees have been appointed on the part of the Senate for H. B. No. 2: Moore, Harris, Strong, Kennard, Blanchard.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

ADJOURNMENT

Mr. Hinson moved that the House adjourn until 9:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:15 o'clock a.m., adjourned until 9:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 21, 1969

The Honorable G. F. (Gus) Mutschers, Speaker of the House of Representatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 25,

H. C. R. No. 26,

H. C. R. No. 27,

H. C. R. No. 28,

H. C. R. No. 29,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

Austin, Texas, August 21, 1969

The Honorable G. F. (Gus) Mutschers, Speaker of the House of Representatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 16,

H. C. R. No. 18,

has carefully compared same and finds the resolutions correctly enrolled.

WARD, Chairman

SENT TO THE GOVERNOR

August 22, 1969

H. C. R. No. 16

H. C. R. No. 18

SEVENTEENTH DAY

(Saturday, August 23, 1969)

The House met at 9:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Clark of Harris
Abraham	Clayton
Adams	Cobb
Allen of Harris	Cole
Allen of Gregg	Cory
Allred	Craddick
Angly	Cruz
Archer	Cummings
Armstrong	Daniel
Atwell	Davis of Harris
Atwood	Davis of Travis
Baker	Dickson
Bass of Harris	Doran
Bass of Van Zandt	Dramberger
Beckham	Earthman
Bigham	Evans
Blaine	Farenthold
Blanton	Finck
Braecklein	Finnell
Braun	Finney
Bray	Floyd
Burgess	Garcia
Burnett	Golman
Caldwell	Graves
Calhoun	Hale
Carrillo	Hannah
Cavness	Harding
Christian	Harris

Hawkins	Ogg
Hawn	Orr
Haynes	Parker
Head	of Jefferson
Heatly	Parker of Denton
Hendricks	Patterson
Hinson	Pickens
Holland	Pickett
Holmes of Hood	Poerner
Holmes of Dallas	Presnal
Howard	Price
Hubenak	Ratcliff
Hull	Ray
Johnson	Reed
Jones of Lubbock	Rosson
Jones of Harris	Salem
Jones of Taylor	Salter
Jungmichel	Sanchez
Kilpatrick	Santiesteban
Knapp	Schulle
Kothmann	Semos
Kubiak	Shannon, Joe, Jr.,
Lee	of Tarrant
Lemmon	Shannon, Tommy,
Ligarde	of Tarrant
Lombardino	Sherman
Longoria	Short
Lovell	Slack
McAlister	Slider
McDonald	Smith
McKissack	Solomon
McLaughlin	Stewart
Moore of Hill	Stroud
Moore of Dallas	Swanson
Moore	Tarbox
of McLennan	Thomas
Moreno	Traeger
Moyer	Truan
Muniz	Uher
Murray	Vale
Musgrove	Vance
Nabers	Ward
Neugent	Wayne
of Galveston	Weldon
Newman	Wieting
Nichols	Williams
Niland	Williamson
Nowlin	Willis
Nugent of Kerr	Wright

Absent

Clark of Dallas

A quorum of the House was announced present.

The Invocation was offered by the Honorable W. C. (Bud) Sherman of Tarrant County, Texas, as follows:

"Direct us, O Lord, in all our doings, with Thy most gracious favour, and further us with Thy continual help; that in all our works be-

gun, continued, and ended in Thee, we may glorify Thy Holy Name, and finally, by Thy mercy, obtain everlasting life; through Jesus Christ our Lord. Amen."

The Episcopal Book
of Common Prayer

MESSAGE FROM THE SENATE

Austin, Texas, August 23, 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. 19, By Head: In memory of John Y. Lawhon.

H. C. R. No. 20, By Head: In memory of R. S. (Dick) Burruss.

H. C. R. No. 22, By Head: In memory of Robert S. Boulter.

H. C. R. No. 26, By Head: Congratulating the Kilgore High School Baseball Team.

H. C. R. No. 27, By Head: Congratulating Joe Wylie, All-American Halfback.

H. C. R. No. 28, By Heatly, Lovell: Congratulating Dr. George J. Beto.

H. C. R. No. 29, By Williamson: Commending David King Caldwell.

H. C. R. No. 25, By Harding: Congratulating Ernest Tubb and Roy Boren.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONGRATULATORY
RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 70, By Golman: Congratulating Miss Cynthia Bishop, Chief of Nutrition and Food Services of the Texas Department of Mental Health and Mental Retardation.

**HOUSE BILL ON FIRST
READING**

The following House Bill was today laid before the House, read first time and referred to a Committee as follows:

By Blanton:

H. B. No. 89, A bill to be entitled An Act amending Sections 2 and 3 of Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, by removing the limitation on the net effective interest rate on public securities issued and sold by public agencies, subject to certain exceptions; and declaring an emergency.

Referred to Committee on Banks and Banking.

DECLARING LEGISLATIVE INTENT WITH RESPECT TO SPECIAL FORMULAE FOR THE ALLOCATION OF PROFESSIONAL UNITS UNDER THE MINIMUM FOUNDATION PROGRAM

Mr. Hinson offered the following resolution:

H. C. R. No. 34

Whereas, There exists and have existed for a considerable period of time certain special formulae for the allocation of Professional Units under the Foundation Program; and

Whereas, Such formulae are cumulative of the basic Foundation Program Law or are policies based on authority granted under said Law; and

Whereas, Questions have been raised relative to the continued effectiveness of such formulae since the enactment of recent amendments to the Foundation Program; and

Whereas, There was no intent on the part of the Legislature to impair or repeal such cumulative policies and laws; and

Whereas, The failure to continue such formulae and laws will create unusual and severe hardships affecting the educational welfare of many Texas students; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas,

the Senate concurring, hereby declares its intent that the method of allocating Foundation Program personnel on the basis of special formulae and on either the current or preceding year's average daily attendance be continued in force and effect.

The resolution was referred to the Committee on Public Education.

PROVIDING FOR THE RECORD VOTE ON HOUSE BILL NO. 2

Mr. Harding offered the following resolution:

H. C. R. No. 33

Be It Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, the Senate concurring, That no record vote be taken on H. B. No. 2 as submitted by the Conference Committee, but that the vote by which H. B. 240 of the Regular Session of the 61st Legislature was adopted be recorded as the vote by which H. B. 2 is adopted.

The resolution was read and was referred to the Committee on Rules.

PROVIDING FOR THE CREATION OF A SPECIAL INTERIM COMMITTEE TO WORK WITH THE EVENTUAL CUSTODIAN OF THE SPANISH TREASURE IN ARRANGING FOR ITS DISPLAY

Mr. Salem offered the following resolution:

H. S. R. No. 78

Whereas, The discovery of treasures buried nearly four centuries in sunken Spanish ships on the Texas coast near Corpus Christi has excited interest throughout Texas and the nation; and

Whereas, The ancient coins and other artifacts discovered are invaluable additions to the lore of Texas and the historical era they represent; and

Whereas, It is appropriate that the Texas Legislature express its desires with respect to the treasures which have been recovered; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby create a

special interim committee of five Members of the House of Representatives, appointed by the Speaker of the House to work with the eventual custodian of the Spanish treasure in arranging for its display appropriately near the site where the discovery was made, either in the existing museum in Corpus Christi, Texas, or in a new museum established at the site of the discovery on land which has already been tendered to the State of Texas as a gift for this purpose; and, be it further

Resolved, That the State Archeologist and other experts in archeology from state-supported colleges and universities be requested to cooperate with the committee and the custodian of the Spanish treasure; and, be it further

Resolved, That the committee shall also direct that markers be placed at the actual site of the sunken ships, so that tourists on visiting the museum may see them and the area will become second only to the Alamo as a tourist attraction; and, be it further

Resolved, That actual expenses of the Members of the Committee and other necessary expenses of operation in connection with committee activities be paid from the Contingent Expense Fund of the House of Representatives; the committee shall prepare a budget of its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was referred to the Committee on Interim Activities.

PROVIDING FOR THE CREATION OF AN INTERIM COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Mr. Johnson offered the following resolution:

H. S. R. No. 77

Whereas, A number of state departments and agencies have been charged with the responsibility of assisting those in the military service and veterans of military service by providing certain benefits for them and giving counsel concerning benefits available from other sources; and

Whereas, The Texas statutes include many laws pertaining to the National Guard and the Civil Defense arrangements for the state, as well as guarantees of renewed employment by those working in state departments, agencies, and institutions on their return from active military duty, release from state employment for reserve duty, and the like; and

Whereas, It is appropriate that the broad aspect of military and veterans affairs in the State of Texas receive a thorough examination, so that those affected by the laws and those eligible for benefits might be made aware of statutes applicable to them, and the State of Texas might show its appreciation to those who have served or are serving their country in the nation's armed forces; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby create a Special Interim Committee on Military and Veterans Affairs to make a broad survey of laws and benefits applicable to servicemen and military veterans of this state and to study the need for additional statutes on the subject; the committee shall consist of five Members of the House of Representatives, to be appointed by the Speaker of the House, who shall also name the committee chairman; and, be it further

Resolved, That the committee shall be charged with the duty of looking after military and veterans affairs and shall be given latitude for travel both within and outside the State of Texas in the performance of its duties; and, be it further

Resolved, That the committee shall also have the responsibility of arranging for the redecoration of the two committee rooms which open onto the gallery and the hall at the back of the House of Representatives on the

third floor of the Capitol in tribute to those who have served and are now serving in the nation's armed forces, and that the committee be authorized to ask state departments, agencies, and the institutions to provide assistance in arranging for permanent displays in these rooms, with all costs incurred in redecorating to be paid from the Contingent Expense Fund of the House of Representatives; and, be it further

Resolved, That Members of the Committee shall be reimbursed for actual and necessary expenses incurred in carrying out the purposes of this Resolution; expenses of Committee Members and other necessary expenses of operation shall be paid from the Contingent Expense Fund of the House of Representatives; and, be it further

Resolved, That the Committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenses must also be obtained from the House Administration Committee; and, be it further

Resolved, That the Committee on Military and Veterans Affairs shall make a complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 62nd Legislature, when it convenes in January, 1971.

The resolution was referred to the Committee on House Administration.

INSTRUCTING THE HOUSE GENERAL INVESTIGATING COMMITTEE TO MAKE CERTAIN INVESTIGATION OF EVERYTHING CONNECTED WITH THE GENERAL LAND OFFICE

Mr. Johnson offered the following resolution:

H. S. R. No. 76

Whereas, In recent months the General Land Office has received the attention of the press, the public, and state officials, but still unresolved are certain questions as to the conduct of the affairs of this important state office; and

Whereas, The 61st Legislature, Regular Session, created the House General Investigating Committee by passing H. S. R. No. 38, and gave to the committee full authority to initiate and continue any and all inquiries and hearings into matters pertaining to state government; and

Whereas, It is in the public interest that the General Land Office, its functions and duties and the manner in which they are carried out, be given a thorough examination; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, hereby instruct the House General Investigating Committee, as its first order of business, to look into everything connected with the General Land Office, including the office itself and all associated boards and divisions such as the Veterans Land Board, the Board for Lease of University Lands, the School Land Board, the Board for Lease of Lands Owned by State Agencies, and the like; the committee shall also direct its attention toward revenues from the rental, sale, and use of state lands, and contract and other fees collected, and the Commissioner of the General Land Office is hereby directed to make available to the committee all documents and papers of the General Land Office; and, be it further

Resolved, That the House General Investigating Committee shall begin its investigation of the General Land Office with all due speed.

The resolution was referred to the Committee on Rules.

CONGRATULATING THE HONORABLE CHARLES H. JUNGMICHEL AND MRS. JUNGMICHEL ON THEIR TWENTY-SEVENTH WEDDING ANNIVERSARY

Mr. Jones of Lubbock offered the following resolution:

H. S. R. No. 79

Whereas, The Honorable Charles H. Jungmichel and his lovely wife, Evelyn, are celebrating the 27th anniversary of their marriage on Sunday, August 24, 1969; and

Whereas, Participating in the happy occasion with them at their home in La Grange will be their daughter, Mrs. Nancy Jungmichel Tiemann, and son, Charles (Randy) Randolph Jungmichel; and

Whereas, The Jungmichels met while they were both students at The University of Texas, but Charlie joined the Air Force before graduating and Evelyn took a job in New York, thus effectively slowing down any romance before it could develop; and

Whereas, Both Charlie and Evelyn returned to Texas to attend the wedding of Charlie's brother, and that was when Cupid arrived with a full complement of arrows; and

Whereas, Not too long after this Texas encounter, the young couple was married in the bride's home town of Knoxville, Tennessee, on August 24, 1942; and

Whereas, Charlie's exploits as a football hero, both in high school and at The University of Texas are legendary, and after he finished the University with both bachelor's and master's degrees he became a coach at Corpus Christi, but La Grange called him back as head coach; then he coached at Austin High School for a time; and

Whereas, For a number of years Representative and Mrs. Jungmichel lived in Dallas and other cities, as he received numerous promotions with Southland Life Insurance Company; however, each summer the family returned to the place they loved most, La Grange, Texas; and

Whereas, Eventually the call of that small town became stronger than the lure of the bright lights and financial success, and the Jungmichels returned to La Grange for good; and

Whereas, Charlie is now serving his third term in the House of Representatives, representing the 28th District and his beloved constituents from La Grange, and both he and the bride he brought from Tennessee 27 years ago have become great favorites with his colleagues in the Texas Legislature; now, therefore, be it

Resolved, That the House of Rep-

resentatives of the 61st Legislature, 1st Called Session, take this opportunity to congratulate Evelyn and Charlie Jungmichel on their 27 years of marriage, and wish for them many more years of happiness; and, be it further

Resolved, That an official copy of this resolution be prepared for Representative and Mrs. Charles H. Jungmichel and each of their two children as a memento of the Jungmichel's Twenty-seventh Wedding Anniversary and as a token of high esteem for them from the Members of the House of Representatives of the State of Texas.

The resolution was read and was unanimously adopted.

On motion of Mr. Solomon the names of all the Members of the House were added to H. S. R. No. 79 as signers thereof.

ADJOURNMENT

Mr. Cory moved that the House adjourn until 10:30 o'clock a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 9:22 o'clock a.m., adjourned until 10:30 o'clock a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on State Affairs has filed favorable reports on H. C. R. No. 10, H. C. R. No. 24 and H. C. R. No. 31.

EIGHTEENTH DAY

(Monday, August 25, 1969)

The House met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker
 Abraham
 Adams
 Allen of Harris
 Allen of Gregg
 Allred
 Angly
 Archer
 Armstrong
 Atwell
 Atwood
 Baker
 Bass of Harris
 Bass of Van Zandt
 Beckham
 Bigham
 Blaine
 Blanton
 Braecklein
 Braun
 Bray
 Burgess
 Burnett
 Caldwell
 Calhoun
 Carrillo
 Cavness
 Christian
 Clark of Harris
 Clayton
 Cobb
 Cole
 Cory
 Craddick
 Cruz
 Cummings
 Daniel
 Davis of Harris
 Davis of Travis
 Dickson
 Doran
 Dramberger
 Earthman
 Evans
 Farenthold
 Finck
 Finnell
 Finney
 Floyd
 Garcia
 Golman
 Graves
 Hale
 Hannah
 Harding
 Harris
 Hawkins
 Hawn
 Haynes
 Head
 Heatly
 Hendricks
 Hinson
 Holland
 Holmes of Hood

Holmes of Dallas
 Howard
 Hubenak
 Hull
 Johnson
 Jones of Lubbock
 Jones of Harris
 Jones of Taylor
 Jungmichel
 Kilpatrick
 Knapp
 Kothmann
 Kubiak
 Lee
 Lemmon
 Ligarde
 Lombardino
 Longoria
 McAlister
 McDonald
 McKissack
 McLaughlin
 Moore of Hill
 Moore of Dallas
 Moore
 of McLennan
 Moreno
 Moyer
 Muniz
 Murray
 Musgrove
 Nabers
 Neugent
 of Galveston
 Newman
 Nichols
 Niland
 Nowlin
 Nugent of Kerr
 Ogg
 Orr
 Parker
 of Jefferson
 Parker of Denton
 Patterson
 Pickens
 Pickett
 Poerner
 Presnal
 Price
 Ratcliff
 Ray
 Reed
 Rosson
 Salem
 Sanchez
 Santiesteban
 Schulle
 Semos
 Shannon, Joe, Jr.,
 of Tarrant
 Shannon, Tommy,
 of Tarrant
 Sherman
 Short

Slack
 Slider
 Smith
 Solomon
 Stewart
 Stroud
 Swanson
 Tarbox
 Thomas
 Traeger
 Truan

Uher
 Vale
 Vance
 Ward
 Wayne
 Weldon
 Wieting
 Williams
 Williamson
 Willis
 Wright

Absent

Lovell

Absent-Excused

Clark of Dallas Salter

A quorum of the House was announced present.

The Invocation was offered by Dr. Jimmy Allen, Pastor of the First Baptist Church, San Antonio, Texas, as follows:

"Our Father in Heaven, we thank You for the fact that You are the author of freedom. We thank You for a nation in which we can exercise both the privileges and responsibilities of our freedom. We are grateful for the men in this room who, as the elected Representatives of the people, have assumed the responsibilities of decision making. We pray for them today in the high-tensioned pressure of confusion and conflicting values.

We ask for wisdom, clarity of insight, sensitivity to the needs of people. We pray that the decisions made today may reflect this concern and that the State of Texas may move forward because of them.

We ask these things in Jesus' Name. Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Salter on motion of Mr. Bigham.

Mr. Clark of Dallas on motion of Mr. Nowlin.

Mr. Muniz, temporarily for today, on motion of Mr. Moreno.

MESSAGE FROM THE SENATE

Austin, Texas, August 25, 1969

Hon. Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on H. B. No. 2 by the following vote: 15 Yeas, 14 Nays, 1 Pair.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 14, In memory of the Honorable Lon E. Alsup, Austin, Texas.

S. C. R. No. 15, Offering to the States of Mississippi, Alabama, Louisiana, and Florida assistance from the force and havoc of Hurricane Camille.

H. C. R. No. 19, In memory of John Y. Lawhon, of Smith County, Texas.

H. C. R. No. 20, In memory of County Judge R. S. (Dick) Burruss, of Tyler, Texas.

H. C. R. No. 22, In memory of Robert S. Boulter of Tyler, Texas.

H. C. R. No. 25, Congratulating Ernest Tubb and Roy Boren.

H. C. R. No. 26, Congratulating the Kilgore Bulldogs Baseball Team, of Kilgore, Texas.

H. C. R. No. 27, Congratulating Joe Wylie, of Henderson, Texas.

H. C. R. No. 28, Congratulating Dr. George J. Beto, Director of the Texas Department of Corrections.

H. C. R. No. 29, Commending David King Caldwell, of Tyler, Texas.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

H. S. R. No. 81, By Cavness: Commending Harry A. Bresler for his dedicated service to the State of Texas.

On motion of Mr. Caldwell, the names of all the Members of the House were added to H. S. R. No. 81 as signers thereof.

Mr. Cavness addressed the House briefly paying tribute to Mr. Bresler and presented Mr. Bresler with an enrolled copy of H. S. R. No. 81.

Speaker Mutscher recognized the Honorable Robert Calvert, Comptroller of Public Accounts, who addressed the House paying tribute to Mr. Bresler and expressing appreciation to the House for the resolution on behalf of Mr. Bresler.

H. S. R. No. 84, By Speaker Mutscher: Commending Mrs. Edith Thomson, Chief Telephone Operator.

On motion of Mr. Cavness the names of all the Members of the House were added to H. S. R. No. 84 as signers thereof.

Speaker Mutscher recognized the Honorable Charles Jungmichel who addressed the House and presented Mrs. Thomson with a silver tray from the Members of the House.

The Speaker then recognized Mrs. Thomson who addressed the House expressing appreciation for the resolution and the gift.

On motion of Mr. Joe Shannon, Jr., of Tarrant, the remarks of Mrs. Thomson were ordered printed in the Journal.

H. S. R. No. 85, By Smith, Kilpatrick, Weldon and Parker of Jefferson: Congratulating the Little League All-Star Baseball Team of Port Neches, Texas, on winning the Texas State Little League Championship.

H. S. R. No. 86, By Smith, Kilpatrick, Parker of Jefferson and Weldon: Congratulating the Beaumont

Colt All-Star Baseball Team on winning the Southern Division Colt League Championship.

H. C. R. No. 35, By Head: Congratulating Hardy Ward of Mt. Pleasant, Texas, on winning the World Archery Championship at Valley Forge, Pennsylvania.

HOUSE BILL ON FIRST READING

The following House Bill was today laid before the House, read first time and referred to Committee as follows:

By Clark of Harris:

H. B. No. 90, A bill to be entitled An Act making unlawful certain acts relating to the use of strikebreakers by any person, as that term is defined, who is not the employer directly involved in a labor dispute, and providing exemptions; making unlawful strikebreaking by certain persons; making unlawful certain acts relating to transportation of strikebreakers; defining terms; providing penalties; providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Labor.

CREATING AN INTERIM STUDY COMMITTEE TO STUDY THE PROBLEMS OF WEST TEXAS

Mr. Pickens offered the following resolution:

H. S. R. No. 80

Whereas, That area of our great state known as West Texas is composed of a large land area as well as a host of various political, social and business interests; and

Whereas, West Texas has a large amount of our state's natural resources including oil, gas, sulphur, etc.; and

Whereas, West Texas has an abundance of the historical, scenic and raw natural beauty of our state; and

Whereas, West Texas has a large number of our state's institutions of higher learning; and

Whereas, West Texas has some of our state's metropolitan areas as well as an abundance of medium-sized cities, as well as a great number of towns and communities; and

Whereas, West Texas is a source of a large amount of our state's cotton, grain, cattle, sheep, goats, wool, mohair and many other agricultural products; and

Whereas, West Texas is composed of some of our state's finest citizens; and

Whereas, Such a large area of such diverse interests needs adequate study to insure that all interests are adequately developed in harmony; and

Whereas, There are a large number of the Members of the House of Representatives who are proud to represent this area of our state; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, That an interim committee is hereby created to make a study of the various needs of that area of our state known as West Texas; and, be it further

Resolved, That this special committee shall consist of all the Members of the House of Representatives who are Members of the West Texas Delegation; and, be it further

Resolved, That the chairman shall be the Chairman of the West Texas Delegation, the vice-chairman shall be the Vice-Chairman of the West Texas Delegation and the secretary shall be the Secretary of the West Texas Delegation; and, be it further

Resolved, That the committee shall organize and begin its deliberation and research within a reasonable time after the resolution is passed, and shall continue its study and investigation during the interim prior to the convening of the 62nd Legislature; and, be it further

Resolved, That the appropriate state and legislative agencies, departments and officials be requested to cooperate with the committee as well as the West Texas Chamber of Commerce; and, be it further

Resolved, That the committee be

authorized to hold such meetings as it considers necessary; and, be it further

Resolved, That the committee is authorized to have an executive committee to consist of the chairman, vice-chairman, secretary and two (2) other members to be elected by the committee; and, be it further

Resolved, That the committee may have subcommittees to study various items which shall be assigned and appointed by the executive committee; and, be it further

Resolved, That the committee be authorized to employ a secretary or secretaries at a salary not to exceed that paid secretaries during the regular session, to be paid out of the contingent expense of the members of this committee on a pro rata basis, and further, that the committee be allocated or allowed to use an office of one of its members; and, be it further

Resolved, That the members of the committee and staff shall receive no pay for their services but shall be reimbursed for necessary expenses actually incurred in the discharge of their duties from the Contingent Expense Fund of the House of Representatives; and, be it further

Resolved, That the committee shall make a report to the 62nd Legislature when it convenes in January, 1971, to include findings and recommendations, and any drafts of legislation considered necessary to implement them.

The resolution was referred to the Committee on Interim Activities.

TO CREATE AN INTERIM STUDY COMMITTEE TO STUDY METHODS OF ECONOMIZING IN STATE GOVERNMENT

Mr. Newman offered the following resolution:

H. S. R. No. 82

Whereas, The need for economy in state government and efficiency in the operation of state educational institutions become more critical each year, with revenue sources becoming more and more difficult to find; and

Whereas, A comprehensive study should be made in order to determine methods of economizing and making the tax dollar stretch as far as possible; now, therefore, be it

Resolved, That an interim study committee be appointed by the Speaker, to consist of five Members of the House, one official of the Texas Education Agency, and one state official who is knowledgeable in the area of classification and hiring of state employees; the chairman of the committee to be appointed by the Speaker; and, be it further

Resolved, That the committee make a comprehensive study of means of reducing the state employee payroll by five percent in two years, utilizing turnover; reducing the membership of the House of Representatives to 100 by the year 1975; and utilization of audio-visual computer methods in state agency and educational operations; and, be it further

Resolved, That the Members of the committee shall be reimbursed from the Contingent Expense Fund for their actual and necessary expenses incurred in carrying out the purposes of this resolution; and, be it further

Resolved, That the committee shall prepare a budget for its operating expenses and shall submit the budget to the House Administration Committee. Before any payment may be made from the Contingent Expense Fund, the budget must be approved by the House Administration Committee; and before any nonbudgeted expense may be paid, prior approval must be obtained from that committee; and, be it further

Resolved, That the committee shall make a complete report to the 62nd Legislature when it convenes in January, 1971, including findings and recommendations, and any drafts of legislation considered necessary.

The resolution was referred to the Committee on Interim Activities.

CREATING A JOINT INTERIM COMMITTEE TO STUDY PROBLEMS OF TRAFFIC SAFETY AND FIRE PROTECTION ADMINISTRATION IN HOUSTON SHIP CHANNEL AND SURROUNDING AREAS

Mr. Clark of Harris offered the following resolution:

H. S. R. No. 83

Whereas, The Port of Houston is the nation's third busiest port in terms of tonnage handled; and

Whereas, Along the Houston Ship Channel is located the nation's largest complex of petroleum and chemical industries; and

Whereas, The heavy movement of ships, boats, barges, ferries, and other watercraft along and across the ship channel creates tremendous problems of traffic safety and fire protection administration; and

Whereas, Governmental authority in the ship channel area is divided between the county and a multiplicity of cities, navigation districts, and other authorities, and there exists no central direction, coordination, or financing of traffic safety and fire protection administration, nor any agency to whom the people or the industries of the area can look for the necessary arrangements for the protection of life and property; and

Whereas, As the Port of Houston continues to grow and expand, the necessity for adequate measures for traffic control and fire protection can only increase, and without these measures the port cannot keep pace with the growing demands of commerce and industry; and

Whereas, The situation has become so critical that an immediate study is needed to determine where the responsibility should be placed and what measures might be effective; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, That:

Section 1. An interim committee is established to study the problems of traffic safety and fire protection administration in the Houston Ship Channel and the surrounding areas.

Sec. 2. The committee shall consist of five Members of the House of Representatives appointed by the Speaker.

Sec. 3. The committee shall organize by electing a chairman, a vice-chairman, and other officers it con-

siders necessary. The committee shall meet and hold public hearings at the call of the chairman.

Sec. 4. The committee shall seek the cooperation, advice, and suggestions of the county and all affected cities, districts, and other authorities.

Sec. 5. (a) From the Contingent Expense Fund of the House, the members of the committee shall be reimbursed for their actual and necessary expenses incurred in carrying out the purposes of this Resolution; and other necessary expenses of the committee shall be paid from the Contingent Expense Fund of the House.

(b) The committee shall prepare a budget for its operating expenses and shall submit the budget to the House Administration Committee. Before any payment may be made from the Contingent Expense Fund, the budget must be approved by the House Administration Committee; and before any nonbudgeted expense may be paid, prior approval must be obtained from that committee.

Sec. 6. (a) The committee shall particularly determine what new or existing agency should have the responsibility for traffic control, what new or existing agency should have the responsibility for fire protection, what powers are needed, methods of financing, and what provisions are necessary to resolve conflicts of authority over these functions in the ship channel area.

(b) The committee shall report its findings and recommendations to the Legislature on the convening of the 62nd Legislature.

The resolution was referred to the Committee on Interim Activities.

AUTHORIZING THE LEGISLATIVE COUNCIL TO SURVEY VARIOUS FACTORS REGARDING EMPLOYMENT IN MUNICIPALITIES IN THE STATE

Mrs. Farenthold offered the following resolution:

H. S. R. No. 87

Whereas, In recent years strife be-

tween public employees and their governmental employers, in some Texas cities and cities in other States, has hampered if not paralyzed essential public services at great cost and inconvenience to the general public and at great hardship to municipal governments and their employees; and

Whereas, There is great need for more information regarding the relations between public employees and employers in order to: (1) provide facts and material for municipalities so they may more wisely determine a course of action when faced with mass discontent if not defiance from public employees, and (2) determine whether improved relations between such employers and employees are needed to guarantee better services to the general public and to prevent unfair employment practices on the part of employer or employee; now, therefore, be it

Resolved, by the House of Representatives, 61st Legislature, 1st Called Session, That the Legislative Council prepare a statistical survey to reveal the employment pattern in municipalities in this State by reporting on such factors as existing employee associations; civil service programs and their major provisions; hiring practices; the number of public employees, and a breakdown of such employees according to salary schedules, job classification systems, and ethnic background; and, the mechanisms provided public employees for seeking a redress of their grievances; and, be it further

Resolved, That the Legislative Council shall make a complete report to the 62nd Regular Session of the Legislature.

Signed: **FARENTHOLD**
and **HARRIS**.

The resolution was referred to the Committee on Urban Affairs.

RECESS

Mr. Sherman moved that the House recess until 3:00 o'clock p.m. today.

Mr. Smith moved that the House recess until 11:30 o'clock a.m. today.

A record vote was requested on the

motion to recess until 11:30 o'clock a.m. today.

The vote of the House was taken on the motion to recess until 11:30 o'clock a.m. today and the vote was announced Yeas 70, Nays 74.

A verification of the vote was requested and was granted.

The roll of those voting Nay was again called and the verified vote resulted as follows:

Yeas—70

Abraham	Kubiak
Adams	Lee
Allen of Harris	Lemmon
Allred	Ligarde
Angly	Lombardino
Archer	Lovell
Armstrong	McDonald
Atwood	Moore of Hill
Bass of Harris	Moore
Bass of Van Zandt	of McLennan
Beckham	Moreno
Bigham	Muniz
Braun	Musgrove
Bray	Neugent
Caldwell	of Galveston
Christian	Nichols
Clark of Harris	Nowlin
Craddick	Parker
Cruz	of Jefferson
Daniel	Poerner
Dramberger	Ratcliff
Earthman	Reed
Evans	Salem
Farenthold	Santiesteban
Finnell	Short
Graves	Smith
Hale	Stewart
Hannah	Stroud
Harris	Swanson
Haynes	Thomas
Hendricks	Truan
Holmes of Dallas	Vale
Hubenak	Vance
Johnson	Weldon
Jones of Harris	Williams
Kilpatrick	Willis
Kothmann	

Nays—73

Allen of Gregg	Burnett
Atwell	Calhoun
Baker	Carrillo
Blaine	Cavness
Blanton	Clayton
Braecklein	Cobb
Burgess	Cole

Cory	Newman
Cummings	Niland
Davis of Travis	Nugent of Kerr
Dickson	Ogg
Doran	Orr
Finney	Patterson
Floyd	Pickens
Garcia	Pickett
Golman	Presnal
Harding	Price
Hawkins	Rosson
Hawn	Sanchez
Head	Schulle
Heatly	Semos
Hinson	Shannon, Joe, Jr., of Tarrant
Holland	Shannon, Tommy, of Tarrant
Holmes of Hood	Sherman
Howard	Slack
Hull	Slider
Jones of Lubbock	Solomon
Jones of Taylor	Tarbox
Jungmichel	Traeger
Knapp	Uher
Longoria	Ward
McAlister	Wayne
McKissack	Wieting
McLaughlin	Williamson
Moore of Dallas	Wright
Moyer	
Murray	
Nabers	

Absent

Davis of Harris	Parker of Denton
Finck	Ray

Absent-Excused

Clark of Dallas	Salter
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By unanimous consent, the House dispensed with the verification of those voting Yea.

The Speaker stated that the motion to recess until 11:30 o'clock a.m. today was lost by the above vote.

Question recurring on the motion to recess until 3:00 o'clock p.m. today, a record vote was requested.

The vote of the House was taken on the motion to recess until 3:00 o'clock p.m. today and the vote was announced Yeas 74, Nays 71.

A verification of the vote was requested and was granted.

The roll of those voting Yea and Nay was again called and the verified vote resulted as follows:

Yeas—75

Mr. Speaker	Lovell
Allen of Gregg	McAlister
Atwell	McDonald
Blaine	McKissack
Blanton	McLaughlin
Braecklein	Moore of Dallas
Burgess	Moyer
Burnett	Murray
Calhoun	Nabers
Carrillo	Newman
Cavness	Niland
Clayton	Nugent of Kerr
Cobb	Ogg
Cole	Orr
Cory	Pickens
Cummings	Pickett
Davis of Harris	Presnal
Davis of Travis	Price
Dickson	Rosson
Doran	Sanchez
Finck	Schulle
Finnell	Semos
Finney	Shannon, Joe, Jr., of Tarrant
Garcia	Shannon, Tommy, of Tarrant
Golman	Sherman
Harding	Slack
Hawkins	Slider
Hawn	Solomon
Heatly	Tarbox
Hinson	Traeger
Holland	Uher
Holmes of Hood	Ward
Howard	Wayne
Hull	Wieting
Jones of Lubbock	Williamson
Jones of Taylor	Wright
Jungmichel	
Knapp	
Longoria	

Nays—70

Abraham	Dramberger
Adams	Earthman
Allen of Harris	Evans
Allred	Farenthold
Angly	Graves
Archer	Hale
Armstrong	Hannah
Atwood	Harris
Baker	Haynes
Bass of Harris	Head
Bass of Van Zandt	Hendricks
Beckham	Holmes of Dallas
Bigham	Hubenak
Braun	Johnson
Bray	Jones of Harris
Caldwell	Kilpatrick
Christian	Kothmann
Clark of Harris	Kubiak
Craddick	Lee
Cruz	Lemmon
Daniel	Ligarde

Lombardino	Reed
Moore of Hill	Salem
Moore	Santiesteban
of McLennan	Short
Moreno	Smith
Musgrove	Stewart
Neugent	Stroud
of Galveston	Swanson
Nichols	Thomas
Nowlin	Truan
Parker	Vale
of Jefferson	Vance
Patterson	Weldon
Poerner	Williams
Ratcliff	Willis
Ray	

Absent

Floyd . Parker of Denton

Absent-Excused

Clark of Dallas Salter
Muniz

The Speaker stated that the motion to recess until 3:00 o'clock p.m. today prevailed by the above vote.

The House accordingly, at 11:38 o'clock a.m., took recess until 3:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 3:00 o'clock p.m. and was called to order by the Honorable R. H. (Dick) Cory.

**COMMUNICATION FROM
SPEAKER
G. F. (GUS) MUTSCHER**

August 25, 1969

Representative R. H. Cory is designated to act as Speaker in my absence or in my inability to act.

Signed:
G. F. MUTSCHER
Speaker

MOTION TO RECESS

Mr. Doran moved that the House recess until 4:30 o'clock p.m. today.

The motion to recess was lost.

HOUSE AT EASE

The Chair stated that the House

would stand at ease until 4:30 o'clock p.m. today.

(Speaker in the Chair)

The Speaker called the House to order at 4:30 o'clock p.m.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Parker of Denton on motion of Mr. Holmes of Hood.

MESSAGE FROM THE SENATE

Austin, Texas, August 25, 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:

S. C. R. No. 24, By Bates: Congratulating the members of the Texas Department of Public Safety Pistol Team.

H. C. R. No. 32, By Head: Congratulating Glenda Kay Propes, former Miss Texas.

S. B. No. 4, By Aikin, Hazlewood: Appropriating all moneys in the Texas Opportunity Plan Fund and Texas College Student Loan Bonds Interest and Sinking Fund to the Coordinating Board; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON H. B. NO. 2 NOT ADOPTED AND APPOINTMENT OF NEW CONFERENCE COMMITTEE REQUESTED

Mr. Cory moved to not adopt the Conference Committee Report on H. B. No. 2 and request the appointment of a new Conference Committee.

A record vote was requested on the above motion.

The motion to not adopt the Con-

ference Committee Report on H. B. No. 2 and request the appointment of a new Conference Committee prevailed by the following vote:

Yeas—147

Abraham	Head
Adams	Heatly
Allen of Harris	Hendricks
Allen of Gregg	Hinson
Allred	Holland
Angly	Holmes of Hood
Archer	Holmes of Dallas
Armstrong	Howard
Atwell	Hubenak
Atwood	Hull
Baker	Johnson
Bass of Harris	Jones of Lubbock
Bass of Van Zandt	Jones of Harris
Beckham	Jones of Taylor
Bigham	Jungmichel
Blaine	Kilpatrick
Blanton	Knapp
Braecklein	Kothmann
Braun	Kubiak
Bray	Lee
Burgess	Lemmon
Burnett	Ligarde
Caldwell	Lombardino
Calhoun	Longoria
Carrillo	Lovell
Cavness	McAlister
Christian	McDonald
Clark of Harris	McKissack
Clayton	McLaughlin
Cobb	Moore of Hill
Cole	Moore of Dallas
Cory	Moore
Craddick	of McLennan
Cruz	Moreno
Cummings	Moyer
Daniel	Muniz
Davis of Harris	Murray
Davis of Travis	Musgrove
Dickson	Nabers
Doran	Neugent
Dramberger	of Galveston
Earthman	Newman
Evans	Nichols
Farenthold	Niland
Finck	Nowlin
Finnell	Nugent of Kerr
Finney	Ogg
Floyd	Orr
Garcia	Parker
Golman	of Jefferson
Graves	Patterson
Hale	Pickens
Hannah	Pickett
Harding	Poerner
Harris	Presnal
Hawkins	Price
Hawn	Ratcliff
Haynes	Ray

Reed	Stewart
Rosson	Stroud
Salem	Swanson
Salter	Tarbox
Sanchez	Thomas
Santiesteban	Traeger
Schulle	Truan
Semos	Uher
Shannon, Joe, Jr.,	Vale
of Tarrant	Vance
Shannon, Tommy,	Ward
of Tarrant	Wayne
Sherman	Weldon
Short	Wieting
Slack	Williams
Slider	Williamson
Smith	Willis
Solomon	Wright

Absent-Excused

Clark of Dallas Parker of Denton

MOTIONS TO INSTRUCT THE HOUSE CONFERENCE COMMITTEE ON H. B. NO. 2

Mr. Caldwell made the following motion:

"I move that the House Members of the Joint Conference Committee on H. B. 2 be instructed not to approve any report extending the retail sales tax to food and/or groceries."

Signed: NEIL CALDWELL,
DOYLE WILLIS and
JOE H. GOLMAN.

The above motion made by Mr. Caldwell prevailed.

Mr. Hannah made the following motion:

"I move to instruct the Conferees on the part of House Bill Two that they not meet with the Senate Conferees unless the Conference be open to the press and public."

The above motion made by Mr. Hannah prevailed without objection.

Mr. Smith moved that the House Conference Committee on H. B. 2 be instructed to not accept provisions in the Conference Committee Report which include a sales tax on services, labor and repairs on tangible personal property.

Mr. Cory moved to table the above motion made by Mr. Smith.

A record vote was requested by Representatives Allred, Bigham and Harris.

The motion to table prevailed by the following vote:

Yeas—114

Abraham	Jungmichel
Adams	Knapp
Allen of Gregg	Kubiak
Archer	Lee
Armstrong	Lemmon
Atwell	Ligarde
Atwood	Lombardino
Baker	Longoria
Bass of Harris	Lovell
Bass of Van Zandt	McAlister
Blaine	McDonald
Blanton	McKissack
Braecklein	McLaughlin
Bray	Moore of Hill
Burgess	Moore of Dallas
Burnett	Moyer
Calhoun	Muniz
Carrillo	Murray
Cavness	Musgrove
Christian	Nabers
Clayton	Neugent
Cobb	of Galveston
Cole	Newman
Cory	Niland
Craddick	Nugent of Kerr
Cruz	Ogg
Cummings	Orr
Davis of Harris	Parker
Davis of Travis	of Jefferson
Dickson	Patterson
Doran	Pickens
Dramberger	Pickett
Earthman	Presnal
Evans	Price
Finck	Ray
Finnell	Rosson
Finney	Sanchez
Floyd	Santiesteban
Garcia	Schulle
Golman	Semos
Hale	Shannon, Joe, Jr.,
Harding	of Tarrant
Hawkins	Shannon, Tommy,
Hawn	of Tarrant
Head	Sherman
Heatly	Short
Hendricks	Slack
Hinson	Slider
Holland	Solomon
Holmes of Hood	Stewart
Howard	Stroud
Hubenak	Swanson
Hull	Tarbox
Jones of Lubbock	Traeger
Jones of Harris	Uher
Jones of Taylor	Ward

Wayne
Weldon
Wieting

Williamson
Willis
Wright

Nays—32

Allen of Harris	Kilpatrick
Allred	Kothmann
Angly	Moore
Beckham	of McLennan
Bigham	Moreno
Braun	Nichols
Caldwell	Nowlin
Clark of Harris	Poerner
Daniel	Ratcliff
Farenthold	Reed
Graves	Salem
Hannah	Smith
Harris	Thomas
Haynes	Truan
Holmes of Dallas	Vale
Johnson	Vance
	Williams

Absent-Excused

Clark of Dallas Salter
Parker of Denton

APPOINTMENT OF
CONFERENCE COMMITTEE
ON HOUSE BILL NO. 2

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on H. B. No. 2:

Representatives Atwell, Chairman; Harding, Vice-Chairman; Cory, Heatly and Traeger.

SENATE BILL ON FIRST
READING

The following Senate Bill received from the Senate was today laid before the House, read first time and referred to a Committee, as follows:

S. B. No. 4, to the Committee on Appropriations.

RECOMMENDING THAT THE GENERAL APPROPRIATIONS BILL FOR THE 1969-1970 AND 1970-1971 BIENNIUM BE STREAM-LINED

Mr. Kubiak offered the following resolution:

H. S. R. No. 88

Whereas, The recent stalemate with

respect to enactment of a tax bill by the 61st Legislature in this 1st Called Session has focused attention on the need for economy in state government, so that the tax burden on Texas citizens and industry might be reduced to a minimum; and

Whereas, It is desirable that the Legislature meet the needs of Texans with the services and facilities which they, as citizens of one of the most progressive states in the nation, deserve, but there is supportive evidence that this can be accomplished even with a reduction in appropriations: new job positions need not be created at this time; pay increases for executives, heads of departments, judges, and other nonclassified positions in state government might be reduced or deferred; other nonessential spending might be deferred until tax revenues make the expenditures more feasible; and

Whereas, By such judicious lessening of state expenditures, the appropriations bill might be reduced in amounts ranging up to \$16 million; now, therefore, be it

Resolved, That it is the sense of the House of Representatives of the 61st Legislature, 1st Called Session, that the General Appropriations Bill for the 1969-1970 and 1970-1971 biennium be streamlined by deleting nonessential expenditures and nonessential increases in expenditures in the interest of the Texas economy and a fair and equitable tax bill.

The resolution was referred to the Committee on Appropriations.

ADOPTION OF H. C. R. NO. 10

The Speaker laid before the House for consideration at this time,

H. C. R. No. 10, To grant Fredrick P. Adams permission to sue Harris County.

The resolution had been referred to the Committee on State Affairs and was reported favorably by the Committee.

Mr. Dickson offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. C. R. No. 10 by substituting therefor the following:

Whereas, Fredrick P. Adams alleges that on or about March 26, 1967, the County of Harris, Texas, acting through its agents and employees suddenly without warning or necessity raised the drawbridge across Cedar Bayou on the Tri-City Road and thereafter lowered a barricade onto and in front of Fredrick P. Adams, who at that time was traveling by motorcycle on and crossing the bridge in a safe and careful manner, causing Fredrick P. Adams to strike the barricade and thereby suffer grievous physical and mental injury resulting in part in paralysis of the limbs; and

Whereas, The said Fredrick P. Adams alleges that the injuries suffered are compensable under the laws of the State of Texas; and

Whereas, The said Fredrick P. Adams alleges that Harris County, Texas, has a duty imposed by law to exercise care and caution in the operation of its bridge machinery, and by the conduct here alleged the county has breached its duty and acted in a negligent and imprudent manner, thereby causing injury and damage to the said Fredrick P. Adams; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That Fredrick P. Adams be and is hereby granted permission to bring suit in any court of competent jurisdiction in Harris County, Texas, against Harris County, Texas, and that the case shall be tried as other civil cases, reserving to either party the right of appeal; and, be it further

Resolved, That in the event such a suit is filed, service of citation or any other necessary process shall be had upon The Commissioners Court of Harris County of any member thereof; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defense, of fact or law, except that may be asserted by, or available to Harris County, Texas, in said suit, but that

all such defenses are hereby specifically reserved; and be it further

Resolved, That nothing herein shall be construed as an admission on the part of the County of Harris, Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations or claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other civil cases.

The amendment was adopted without objection.

H. C. R. No. 10, as amended, was adopted without objection.

ADOPTION OF H. C. R. NO. 31

The Speaker laid before the House for consideration at this time,

H. C. R. No. 31, To grant Malcolm Patterson, as guardian of the estate of Caleb Perry Patterson, permission to sue the State.

The resolution had been referred to the Committee on State Affairs and was reported favorably by the Committee.

The resolution was adopted without objection.

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 Neugent of Galveston and Harris:

H. B. No. 91, A bill to be entitled An Act amending Chapter 75, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6243h, Vernon's Texas Civil Statutes), relating to credit for prior service for employment in certain public facilities by employees of certain municipalities; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Musgrove:

H. B. No. 92, A bill to be entitled An Act relating to the boundaries of and the election to create the South Eastland County Hospital District; amending Section 1 and Subsections (a) and (d) of Section 3, Chapter 569, Acts of the 61st Legislature, Regular Session, 1969 (Article 4494q, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

S. C. R. No. 24, Congratulating all officers of the Texas Department of Public Safety participating in the Regional Police Pistol Championships Meet.

ADOPTION OF H. C. R. NO. 24

The Speaker laid before the House for consideration at this time,

H. C. R. No. 24, To direct that the State Highway Commission restrict the issuance of "State Official" license plates on vehicles to state officials.

The resolution had been referred to the Committee on State Affairs and was reported favorably by the Committee.

Mr. Hale offered the following amendment to the resolution:

Amend H. C. R. No. 24, on line 20 of the First Printing by adding after the phrase "the Attorney General," the following:

all officials elected state-wide. United States Senators, Members of the United States Congress, Judges of the Courts of Civil Appeals, all District Judges whose salaries are paid in whole or in part by the State of Texas,

Mr. Jungmichel moved to table the above amendment offered by Mr. Hale, and the motion to table prevailed.

Mr. Slider offered the following amendment to the resolution:

Amend H. C. R. No. 24, the first Resolving Clause, following the words "Attorney General," by adding the following, "State Treasurer, Commissioner of the General Land Office, State Comptroller, State Railroad Commissioners, and Agriculture Commissioner,"

The above amendment offered by Mr. Slider was adopted.

H. C. R. No. 24, as amended, was adopted.

Mr. Jungmichel moved to reconsider the vote by which H. C. R. No. 24 was adopted and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTE

Mr. Hale requested to be recorded as voting "Nay" on the adoption of H. C. R. No. 24.

RECESS

Mr. Jones of Lubbock moved that the House recess until 8:00 o'clock p.m. today.

The motion prevailed without objection.

The House accordingly, at 5:30 o'clock p.m., took recess until 8:00 o'clock p.m. today.

NIGHT SESSION

The House met at 8:00 o'clock p.m. and was called to order by the Speaker.

REMARKS ORDERED PRINTED IN THE JOURNAL

On motion of Mr. Nichols, and by unanimous consent, the remarks of Mr. Traeger made on today in addressing the House on personal privilege, were ordered printed in the Journal.

MESSAGE FROM THE SENATE

Austin, Texas, August 25, 1969

Hon. Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 2.

The following have been appointed on the part of the Senate:

Senators Moore, Kennard, Harris, Strong, Blanchard.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

ADJOURNMENT

Mr. Lovell moved that the House adjourn until 9:00 o'clock a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 8:09 o'clock p.m., adjourned until 9:00 o'clock a.m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENROLLED AND ENGROSSED BILLS

Austin, Texas, August 23, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 19,

H. C. R. No. 20,

H. C. R. No. 22,

H. C. R. No. 25,

H. C. R. No. 26,

H. C. R. No. 27,

H. C. R. No. 28,

H. C. R. No. 29,

has carefully compared same and

finds the resolutions correctly enrolled.

WARD, Chairman

Austin, Texas, August 22, 1969

The Honorable G. F. (Gus) Mut-scher, Speaker of the House of Rep-resentatives

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 8,

H. C. R. No. 12,

H. C. R. No. 32,

has carefully compared same and finds the resolutions correctly en-grossed.

WARD, Chairman

SENT TO THE GOVERNOR

August 25, 1969

H. C. R. No. 19

H. C. R. No. 20

H. C. R. No. 22

H. C. R. No. 25

H. C. R. No. 26

H. C. R. No. 27

H. C. R. No. 28

H. C. R. No. 29

NINETEENTH DAY

(Tuesday, August 26, 1969)

The House met at 9:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Angly
Abraham	Archer
Adams	Armstrong
Allen of Harris	Atwell
Allen of Gregg	Atwood
Allred	Baker

Bass of Harris	Kubiak
Bass of Van Zandt	Lee
Beckham	Lemmon
Bigham	Ligarde
Blaine	Lombardino
Blanton	Longoria
Braecklein	Lovell
Braun	McAlister
Bray	McDonald
Burgess	McKissack
Burnett	McLaughlin
Caldwell	Moore of Hill
Calhoun	Moore of Dallas
Carrillo	Moore
Cavness	of McLennan
Christian	Moreno
Clark of Harris	Moyer
Clayton	Muniz
Cobb	Murray
Cole	Musgrove
Cory	Nabers
Craddick	Neugent
Cruz	of Galveston
Cummings	Newman
Daniel	Nichols
Davis of Harris	Niland
Davis of Travis	Nowlin
Dickson	Nugent of Kerr
Doran	Ogg
Dramberger	Orr
Earthman	Parker
Evans	of Jefferson
Farenthold	Parker of Denton
Finck	Patterson
Finnell	Pickens
Finney	Pickett
Floyd	Poerner
Garcia	Presnal
Golman	Price
Graves	Ratcliff
Hale	Ray
Hannah	Reed
Harding	Rosson
Harris	Salem
Hawkins	Sanchez
Hawn	Santiesteban
Haynes	Schulle
Head	Semos
Heatly	Shannon, Joe, Jr.,
Hendricks	of Tarrant
Hinson	Shannon, Tommy,
Holland	of Tarrant
Holmes of Hood	Sherman
Holmes of Dallas	Short
Howard	Slack
Hubenak	Slider
Hull	Smith
Johnson	Solomon
Jones of Lubbock	Stewart
Jones of Harris	Stroud
Jones of Taylor	Swanson
Jungmichel	Tarbox
Kilpatrick	Thomas
Knapp	Traeger
Kothmann	Truan

Uher	Wieting
Vale	Williams
Vance	Williamson
Ward	Willis
Wayne	Wright
Weldon	

Absent

Clark of Dallas

Absent-Excused

Salter

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey, as follows:

"Our Heavenly Father, since we cannot always do what we like, grant that we may like what we must do, knowing that truth will one day be vindicated and right must prevail.

We give Thee grateful thanks for Thy mercy that cared for us during the night and brought us safely to this hour.

Teach us to trust Thee more completely and to seek Thy help in our labors today.

In Jesus' Name. Amen."

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of illness in his family:

Mr. Salter, temporarily for today, on motion of Mr. Tommy Shannon of Tarrant.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 32, Congratulating Miss Glenda Kay Propes, former Miss Texas, of Henderson, Texas.

S. C. R. No. 24, Congratulating members of the Texas Department of Public Safety Pistol Team who

participated in the Regional Police Pistol Championships Meet at Jackson, Mississippi.

COMMITTEE MEETING

Mr. Bass of Harris asked unanimous consent of the House that the Committee on Interim Activities be permitted to meet at this time.

There was no objection offered.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 90, By Craddick: Congratulating Steve Souter of Midland, Texas, for winning the 1969 All-American Soap Box Derby.

CONGRATULATING THE HONORABLE CURTIS GRAVES ON HIS BIRTHDAY

Mr. Johnson offered the following resolution:

H. S. R. No. 89

Whereas, The House of Representatives of the 61st Legislature, 1st Called Session, wishes to extend congratulations and felicitations today to one of its most distinguished Members, the Honorable Curtis Graves of Houston, Harris County, Texas, on the occasion of his 32nd birthday; and

Whereas, Representative Graves, who is serving his second term in the Texas Legislature, became known soon after his arrival for his forthright stand on the rights of all of the people of our state, his dedication to the needs of both his constituents in Houston and citizens throughout Texas, and his ability to settle differences between persons of varying ideologies and attitudes; and

Whereas, Many other qualities have led Representative Graves' colleagues to respect and admire him, among them his sincere friendliness, his sharp wit, and, last but not least, his Curtis Graves cigars; and

Whereas, Representative Graves has further distinguished himself as an inspirational choir leader for the militant moderates of the underground

black liberation front, contributing several soulful renditions on the Floor of the Texas House of Representatives; and

Whereas, He is recognized as the tallest black Representative from Harris County and eats "high on the hog," consuming watermelon by the slice and plenty of 'possum pie; and

Whereas, Members of the House of Representatives of the State of Texas have benefited immensely from their association with and friendship for Representative Graves; now, therefore, be it

Resolved, That the House of Representatives say "we dig Graves" on this August 26, 1969, and extend best wishes to the members of his family as they share in the celebration of this happy occasion: to his wife, Joanne, and to the couple's two lovely children, Gretchen and Chris; and, be it further

Resolved, That a copy of this Resolution be prepared for the Honorable Curtis Graves as an expression of high regard from the House of Representatives of the 61st Legislature, 1st Called Session.

The resolution was read and was adopted unanimously.

On motion of Mr. Nichols the names of all the Members of the House were added to H. S. R. No. 89 as signers thereof.

CONGRATULATING THE HONORABLE ED HOWARD AND HIS WIFE ON THE BIRTH OF THEIR SON, EDWARD LEE HOWARD

Mr. Golman offered the following resolution:

H. S. R. No. 91

Whereas, Representative Ed Howard and his lovely wife, Jo Ann, are pleased to welcome a new addition to their family, a son, named Edward Lee Howard, who was born in Texarkana, Texas, in Wadley Hospital; and

Whereas, The handsome young man, who weighed 8 pounds and 10 ounces at birth, made Representative Howard a proud father on August 24, 1969, at 1:52 p.m.; now, therefore, be it

Resolved, That the House of Representatives of the 61st Legislature, 1st Called Session, extend hearty congratulations to the Honorable Ed Howard and his wife, Jo Ann, on the birth of their new son, Edward Lee Howard; and, be it further

Resolved, That a copy of this Resolution be prepared for Edward Lee Howard as a memento of affection from the House of Representatives of the State of Texas.

The resolution was read and was adopted unanimously.

On motion of Mr. Williams the names of all the Members of the House were added to H. S. R. No. 91 as signers thereof.

RECESS

Mr. Hale moved that the House recess until 11:30 o'clock a.m. today.

The motion prevailed without objection.

The House accordingly, at 9:17 o'clock a.m., took recess until 11:30 o'clock a.m. today.

AFTER RECESS

The House met at 11:30 o'clock a.m. and was called to order by the Speaker.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 94, By Wieting and Allen of Gregg: To commend to the people of Texas the observance of National Archery Week from August 26 through September 1, 1969, and congratulating Hardy Ward of Mount Pleasant, Texas, on winning the World Archery Championship.

DESIGNATING THE TEXAS CONSERVATION FOUNDATION AS RECIPIENT OF CERTAIN ROYALTIES DONATED BY WINCHESTER WESTERN DIVISION OF OLIN MATHIESON CHEMICAL CORPORATION, ETC.

Mr. Cummings offered the following resolution:

H. S. R. No. 93

Whereas, 1970 will mark both the 125th Anniversary of Texas' admission to the Union in 1835 and the 100th Anniversary of Texas' readmission after the War between the States; and

Whereas, The Winchester Western Division of the Olin Mathieson Chemical Corporation has shown an interest in producing and marketing a special "Texas" Winchester Model 94 commemorative rifle to mark the occasion; and

Whereas, The Winchester Western Division has offered to donate a royalty on each such rifle sold to provide funds for game conservation research and the stocking of exotic game animals in the Texas habitat;

Therefore, Be It Resolved, That the House of Representatives of the 61st Legislature congratulate and commend the Winchester Western Division of Olin Mathieson Chemical Corporation for this observance of milestones in Texas history; and be it further

Resolved, That the Texas Conservation Foundation be designated as the recipient for the State of Texas of all royalties to be donated and that such funds be then used to finance specific projects or programs proposed and administered by the Parks and Wildlife Commission for "game conservation research and the stocking of exotic game animals in the Texas habitat."

The resolution was referred to the Committee on Parks and Wildlife.

MESSAGE FROM THE SENATE

Austin, Texas, August 26, 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. 35, By Head: Congratulating Hardy Ward.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 95, By Finnell: In memory of Clyde V. Suddath of Henrietta, Texas.

ADOPTION OF H. S. R. NO. 49

The Speaker laid before the House for consideration at this time,

H. S. R. No. 49, Providing for the appointment of a committee to study the economic feasibility of making widespread use of desalination processes.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

COMMITTEE MEETING

Mr. McLaughlin asked unanimous consent of the House that the Committee on Parks and Wildlife be permitted to meet at this time.

There was no objection offered.

ADOPTION OF H. S. R. NO. 60

The Speaker laid before the House for consideration at this time,

H. S. R. No. 60, Requesting the Texas Legislative Council to make a study of catalogue stores.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

Mr. Tommy Shannon of Tarrant

offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. S. R. No. 60 by striking the last "whereas" clause and the first "resolving" clause and substituting the following:

"Whereas, An attempt is presently being made to repeal the chain store tax, without a sufficient study being made to determine the consequences of such a repeal; now, therefore, be it

"Resolved, by the House of Representatives, That the Texas Legislative Council be requested to make a study of the problems mentioned in this resolution and of any remedies that may be necessary, desirable, or feasible; and specifically to study the desirability and feasibility of repealing the chain store tax; and, be it further"

Committee Amendment No. 1 was adopted without objection.

H. S. R. No. 60, as amended, was adopted.

Mr. Hinson moved to reconsider the vote by which H. S. R. No. 60 was adopted and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF H. S. R. NO. 77

The Speaker laid before the House for consideration at this time,

H. S. R. No. 77, Providing for the creation of an Interim Committee on Military and Veterans Affairs.

The resolution had been referred to the Committee on House Administration and was reported favorably by the Committee.

The resolution was adopted without objection.

RECORD OF VOTE

Mr. Lee requested to be recorded as voting "Nay" on the adoption of H. S. R. No. 77.

COMMITTEE MEETING

Mr. Jungmichel asked unanimous consent of the House that the Committee on Urban Affairs be permitted to meet at this time.

There was no objection offered.

ADOPTION OF H. S. R. NO. 78

The Speaker laid before the House for consideration at this time,

H. S. R. No. 78, Providing for the creation of a special interim committee to work with the eventual custodian of the Spanish treasure in arranging for its display.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

RECORD OF VOTES

Mr. Cavness, Mr. Lee and Mrs. Farenthold requested to be recorded as voting "Nay" on the adoption of H. S. R. No. 78.

ADOPTION OF H. S. R. NO. 80

The Speaker laid before the House for consideration at this time,

H. S. R. No. 80, Creating an interim study committee to study the problems of West Texas.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

RECORD OF VOTES

Mr. Cavness and Mr. Lee requested to be recorded as voting "Nay" on the adoption of H. S. R. No. 80.

ADOPTION OF H. S. R. NO. 82

The Speaker laid before the House for consideration at this time,

H. S. R. No. 82, To create an in-

terim study committee to study methods of economizing in state government.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted.

Mr. Newman moved to reconsider the vote by which H. S. R. No. 82 was adopted and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTES

Mr. Lee, Mr. Willis, Mr. Cavness and Mr. Hale requested to be recorded as voting "Nay" on the adoption of H. S. R. No. 82.

REMARKS OF MRS. EDITH THOMSON

The following remarks of Mrs. Edith Thomson, Chief Telephone Operator, made on yesterday in addressing the House on the occasion of the announcement of her retirement, were ordered printed in the Journal:

"Thank you, Mr. Jungmichel, Mr. Speaker, Lady and Gentlemen of the House. This makes me feel like I am an important person, as I feel I work for and with important people. When I told my boss on June 3rd that I was resigning, he asked if I would stay through these special sessions. I am retiring as a very rich person, not in monies and material things, but in my friends and memories.

Since I came to this House on Valentine Day in 1949, many things have happened that I shall always remember. Such as, the Member who was found standing on the outside ledge of the Capitol where he had gone when a call was put on the House and he did not want to vote. But times have changed all this and dignity has come to the House of which I am so proud. I have seen a former page, Mr. Finnell, become a Member of this House; one of our own Members to rise to be Governor of this great state; twelve Members or more that have gone to Congress, and many as State Senators. I have also seen many who have become third house mem-

bers who have done outstanding work for their companies. I have seen many become state officials. I sincerely love all the people that I have worked with; besides the House Members, all the officers, the sergeants at arms, the pages, the janitors and maids. All have been so kind to me. Thank you, dear Members, for this beautiful tray and 'thanks for the memory.'"

RECESS

Mr. Hale moved that the House recess until 2:30 o'clock p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:05 o'clock p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p.m. and was called to order by the Speaker.

ADOPTION OF H. S. R. NO. 83

The Speaker laid before the House for consideration at this time,

H. S. R. No. 83, Creating a joint interim committee to study problems of traffic safety and fire protection administration in Houston Ship Channel and surrounding areas.

The resolution had been referred to the Committee on Interim Activities and was reported favorably by the Committee.

The resolution was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, August 26, 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. 8, By Burgess: Creating a special interim committee to investigate all matters pertaining to the taxation of farm, ranch and forest lands.

H. C. R. No. 10, By Dickson, Ogg: Granting permission to Fredrick P. Adams to sue the State.

H. C. R. No. 12, By Clayton: Creating a joint interim water study committee.

H. C. R. No. 31, By Davis of Travis: Granting permission to Malcolm Paterson to sue the State of Texas and Board of Regents of the University of Texas.

S. C. R. No. 18, By Hightower: Creating a special committee to study space requirements for the Texas Legislature and the legislative service agencies.

Respectfully,

CHARLES A. SCHNABEL
Secretary of the Senate

ADOPTION OF H. S. R. NO. 93

The Speaker laid before the House for consideration at this time,

H. S. R. No. 93, Designating the Texas Conservation Foundation as recipient of certain royalties donated by Winchester Western Division of Olin Mathieson Chemical Corporation, etc.

The resolution had been referred to the Committee on Parks and Wildlife and was reported favorably by the Committee.

The resolution was adopted without objection.

COMMITTEE MEETING

Mr. Solomon asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

CREATING A SPECIAL COMMITTEE TO STUDY OFFICE SPACE REQUIREMENTS FOR THE TEXAS LEGISLATURE AND THE LEGISLATIVE SERVICE AGENCIES

The Speaker laid before the House the following resolution:

S. C. R. No. 18

Whereas, New buildings have been provided to facilitate operations of nonlegislative divisions of government, but many of the 181 Members of the Texas Legislature and officials and employees of legislative service agencies continue to work in crowded quarters, many sharing tiny offices, and contending with handicaps of noise and confusion that are certainly not conducive to efficiency and harmony; and

Whereas, This is presently an urgent need for nearly sixty (60) single offices for House members who do not now have private offices; and

Whereas, It is important to all of state government that the entire legislative process function with the utmost competency and that proper working conditions be provided so that this goal may be realized; now, therefore, be it

Resolved, by the Senate of the 61st Legislature, 1st Called Session, the House of Representatives concurring, That a special committee be and is hereby created to make a study of long-range space requirements for the Texas Legislature and the legislative service agencies, such study to review the utilization of space in the Capitol Building and the Capitol Complex, to study the utilization of present parking facilities and the needs for future parking facilities, and to investigate the need for a legislative office building; and, be it further

Resolved, That the membership of the committee shall include the Governor; the Lieutenant Governor; the Speaker of the House of Representatives; the Chairman of the House Administration Committee; the Chairman of the House Office Committee; the Chairman of the Senate Contingent Expense Committee and one other Senator to be named by the Lieutenant Governor; the Directors of the Texas Legislative Council, the Legislative Budget Board, the State Building Commission, and the State Board of Control; and three (3) laymen appointed one each by the Governor, the Lieutenant Governor, and the Speaker of the House; and, be it further

Resolved, That this committee shall report its findings to the 62nd Legislature; and, be it further

Resolved, That the staff of the Texas Legislative Council shall serve as staff for the committee, and all actual and necessary expenses of the committee shall be paid from the Contingent Expense Funds of the Senate and the House of Representatives.

The resolution was referred to the Committee on House Administration.

(Mr. Holland occupied the Chair temporarily.)

(Speaker in the Chair)

ADOPTION OF S. C. R. NO. 18

The Speaker laid before the House for consideration at this time,

S. C. R. No. 18, Creating a special committee to study space requirements for the Texas Legislature and the legislative service agencies.

The resolution had been referred to the Committee on House Administration and was reported favorably by the Committee.

The resolution was adopted without objection.

HOUSE AT EASE

At 3:16 o'clock p.m., the Speaker stated that the House would stand at ease for ten minutes.

(Mr. Ogg in the Chair)

At 3:22 o'clock p.m., the Chair called the House to order.

MAKING CERTAIN PROVISIONS FOR THE HOUSE OF REPRESENTATIVES DURING THE INTERIM BETWEEN SESSIONS

Mr. Tommy Shannon of Tarrant offered the following resolution:

H. S. R. No. 96

Whereas, It is essential that certain employees of the House perform duties following adjournment

of the Regular Session of the 61st Legislature to complete the work of their departments or other assignments and it is necessary that the Speaker, following the adjournment of the Regular Session, appoint persons to serve the House during periods the 61st Legislature is not in session, now, therefore, be it

Resolved, by the House of Representatives, That the Speaker, upon recommendation of the Chairman of the Committee on House Administration, is hereby authorized to assign employees to duties requiring their attention for such periods of time that in the judgment of the Speaker will be necessary for them to carry out their assignments, complete records for the permanent files of the House of Representatives, and restore the furnishings and equipment of the House to good condition; and, be it further

Resolved, That the Speaker of the House is hereby authorized to make such appointments following the adjournment of the Regular Session, as have been or may be authorized by the Rules of the House, Resolutions, Statutes, or the Constitution of Texas, by filing with the Chief Clerk of the House the names of the persons appointed and the positions to which they are appointed; and, be it further

Resolved, That in order for visitors to enter the Hall of the House of Representatives it shall be kept open from 9 o'clock each morning until 5 o'clock each afternoon or such hours as may be designated by the Speaker of the House or Chairman of the Committee on House Administration; and, be it further

Resolved, That the Speaker of the House is hereby authorized and empowered to name such employees he deems necessary to serve the House during periods the 61st Legislature is not in session to receive visitors and to keep the Hall of the House of Representatives, committee rooms, all offices of Members and House departments, and all other space in the Capitol Building under the jurisdiction of the House, including the Speaker's Office and apartment, in a clean and orderly condition. The Speaker or Chairman of the Committee on House Administration shall

have the right to discharge any employee when in his judgment the best interests of the House of Representatives would be served by so doing; and, be it further

Resolved, That salaries of employees retained under authority of this Resolution shall be determined by either the Speaker or the Chairman of the Committee on House Administration; and, be it further

Resolved, That, after adjournment of the Regular Session of the 61st Legislature, the Hall of the House, all committee rooms, offices, and other space under the jurisdiction of the House in the Capitol Building, and the furniture, fixtures, equipment, and records of the House shall be in charge of, and under the protection of, the Speaker of the House. He shall have authority to have completed and preserved official records of the House for the 61st Legislature and to purchase, remodel, repair, restore, or replace any furniture, fixtures, equipment, and other furnishings he deems necessary to the interim business of the House or appropriate to the dignity and good appearance of the Hall of the House, the committee rooms, the Speaker's Office and apartment, and all other space in the Capitol set aside for the use of the House. The Speaker is further authorized to delegate such protective custody to any person or persons who in his judgment would properly perform such protective supervision in the absence of the Speaker; and, be it further

Resolved, That pursuant to the provisions of House Bill No. 289, Acts of the 57th Legislature, Regular Session, no standing committee of the House established by the Rules of the 61st Legislature is authorized to hold meetings while the Legislature is not in session. No Select Committee, Special Committee, Study Committee, Standing Committee or Subcommittee appointed by the Speaker pursuant to the Resolution adopting the permanent rules of the House or appointed by the Speaker pursuant to any other resolution is authorized to employ any person, firm or corporation or ask the assistance of any of the employees, agencies, departments or branches of the State Government, unless specifically au-

thorized by this Resolution or the Resolution adopting the Permanent Rules of the House. The Speaker is hereby authorized to grant authority to Select Committees, Special Committees, Study Committees, Subcommittees or Standing Committees of the House to hold meetings while the Legislature is not in session which he considers necessary and desirable to conduct the business of the House and to assist the Speaker in conducting the business of the House, under a pattern of operation and restrictions determined by the Speaker, and the committee members may be reimbursed for actual traveling and other expenses when conducting such business and attending those meetings after approved by either the Speaker or the Chairman of the Committee on House Administration; and, be it further

Resolved, That the Permanent House Journal of the regular and any subsequent sessions of the 61st Legislature shall be prepared and printed under the supervision of the Journal Clerk of the House of Representatives in accordance with pre-existing laws and the following provisions:

(a) When completed, with corrections and index, 250 copies shall be printed and bound in buckram and shall be distributed by the Journal Clerk as follows:

(1) one copy to each Member of the House of Representatives,

(2) one copy to each Member of the Senate, and

(3) all remaining copies to the office of the Contingent Expense Clerk, to be distributed as directed by the Speaker upon recommendation of the Chairman of the Committee on House Administration.

(b) Seventy-five paperbound copies shall be printed and delivered to the Texas State Library.

(c) The Journal Clerk of the House of Representatives shall not receive or receipt for the Permanent House Journal until it has been correctly published as required herein and by preexisting laws; provided, that the Journal Clerk shall be empowered to omit from the Permanent House Jour-

nal all bills which have been printed in the Daily House Journal.

(d) The Chairman of the Committee on House Administration shall issue a voucher for payment for publication of the Permanent House Journal only after the Journal Clerk has certified that the journals have been published and delivered in accordance with the provisions of law and this Resolution and the account therefor has been approved by the Printing Division of the Board of Control; and, be it further

Resolved, That between sessions, the Speaker or the employees designated by him are authorized to purchase or rent any items which may be necessary in the judgment of the Speaker for the performance of the duties and the keeping of the records of the House, for answering inquiries of Members, and for any other matters which may be necessary to properly carry on work between sessions; and, be it further

Resolved, That the Speaker and his family are hereby authorized to occupy the Speaker's apartment during the interim, utilizing the services of regular interim employees of the House and others on a temporary basis, if and as needed, and he is further authorized to obtain through the Committee on House Administration the necessary supplies and services to operate his office during the interim and also to have paid through that committee necessary local and long distance telephone charges; and, be it further

Resolved, That in furtherance of the Legislative duties and responsibilities of the House of Representatives during any period the Legislature is not in session, the Committee on House Administration is hereby authorized and directed to reimburse to the Members all actual expenses incurred by them when traveling in the performance of such duties and responsibilities or incident thereto, and further said Committee on House Administration is hereby authorized and directed to pay for all other reasonable and necessary expenses incurred by the Members of the House of Representatives. Such expenses shall be paid from funds appropriated by House Bill No. 1, 61st Legislature, 1st called Session, or any other

funds appropriated for the use of the House of Representatives on vouchers approved by the Chairman of the Committee on House Administration and the Speaker in accordance with regulations governing such expenditures. Expenditures and reimbursements authorized hereunder as an expense of the House of Representatives shall not be restricted to Austin, but may be incurred and reimbursed with Contingent Expense Funds of the House of Representatives to the Members thereof, individually; and, be it further

Resolved, That in furtherance of the policy of the House of Representatives of austerity and economy in government, any reimbursement for actual travel expenses or payment of other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or incident thereto should not exceed \$875.00 per month, per member. In no instance, however, shall the interim expense for any Member exceed the monthly amount times the number of months or parts thereof comprising the interim. Neither the Committee on House Administration nor the Speaker shall approve any item of expense or reimbursement in excess of such total amount. The total amount of expenses or reimbursement allowable hereunder for any Member shall be cumulative; and, be it further

Resolved, That any unexpended balance on hand in the Contingent Expense Fund to the account of any Member on adjournment of the 1st Called Session of the 61st Legislature, having heretofore been authorized by H. S. R. No. 3, 61st Legislature, 1st Called Session or H. S. R. 507, 61st Legislature is hereby carried forward to the credit of said Member in addition to any amounts authorized hereunder; and, be it further

Resolved, That the Committee on House Administration is hereby authorized to pay for telephone service and office supplies for use of the House during any period the Legislature is not in session in accordance with regulations governing such expenditures approved by the Speaker; and, be it further

Resolved, That the Speaker of the

House is hereby authorized to attend any meetings of or sponsored by the Council of State Governments or any meetings on problems of Federal-State relations or interstate relations and cooperation, or any other governmental meeting in or outside of the State, and at the Speaker's discretion, he may appoint Members of the House, staff members, and other employees of the House to accompany him or to represent him at said meetings or to attend in-service training courses sponsored by the Council of State Governments and the National Legislative Council. Employees of the House must have prior written approval of the Speaker to attend any such meetings or in-service training courses. Those attending meetings under the authority hereof shall be reimbursed for actual and necessary expenses, including registration fees and tuition, when sworn expense accounts are filed with and approved by the Chairman of the Committee on House Administration. Reimbursement for expenses incurred by a Member, staff member, or employee of the House in an appointive capacity resulting from an appointment made by anyone other than the Speaker shall be made only in the event that the appointment and expenses to be incurred have been previously approved in writing by the Speaker. The Speaker is hereby authorized to expend money for membership in not more than one interstate association of legislators; and, be it further

Resolved, That the Chairman of the Committee on House Administration is authorized to call meetings of the Committee on House Administration for the transaction of necessary business and the committee members shall be reimbursed for actual traveling and other expenses when attending such meetings; and, be it further

Resolved, That the Speaker of the House shall have charge of and shall approve the operation and maintenance of the printing and duplicating facilities of the House while the 61st Legislature is not in session; provided, however, that the use of the House printing and duplicating facilities is restricted to the House of Representatives, the Senate, the Legislative Council, the Legislative Budget Board, and the Legislative Reference Library; and provided further, that

the use of those facilities for private purposes or for purposes not directly concerned with the business of the House, the Senate, the Legislative Council, the Legislative Budget Board, and the Legislative Reference Library and the operation thereof is strictly prohibited; provided further, that the employee in charge of those facilities must keep at least one copy of all items printed or duplicated and a copy of the work order authorizing such printing; and, be it further

Resolved, That pursuant to Senate Bill No. 23, Acts of the 58th Legislature, 1963, during the periods that the 61st Legislature is not in session, the Speaker be and is hereby authorized to request that the Board of Control set aside parking spaces not to exceed 65, preferably near the west door of the Capitol Building, under such terms and conditions as the Speaker deems to be necessary. The Speaker is authorized to assign or reassign parking places when he considers it in the best interest of the House; and, be it further

Resolved, That there may be printed for the use of the Legislature a Legislative Manual, the number to be determined by the Speaker with the advice of the Chairman of the Committee on House Administration. The manual shall contain the Constitution of the State of Texas with current amendments and Rules of the House. It may contain the Constitution of the United States, the Rules of the Senate, a list of the standing committees of the House and Senate, the names of the Representatives and Senators and their respective districts, and such other information as the Speaker may determine will be useful to the Legislature, or the additional information may be published in a separate Legislative information handbook if the Speaker chooses. The Speaker is also authorized to contract for, have prepared and printed other publications or films pertaining to the Texas Legislature, its procedures and processes. The preparation and publication of the manual, information handbook, other publications or films shall be accomplished under the direction of the Speaker, the Chairman of the Committee on House Administration, and such other Members, employees, persons or firms as the Speaker may determine to be necessary to complete the project. The

cost of preparation, printing, and binding of the publications, or films including, but not limited to, the actual and necessary expenses of the Members and employees appointed to assist the Speaker in the preparation of such publications or films, shall be paid by the House; and, be it further

Resolved, That the House of Representatives shall pay the Senate for 1,000 copies of S. B. No. 58; and, be it further

Resolved, That all expenditures authorized by this Resolution shall be paid from the Legislative Expense Fund of the 61st Legislature or any other funds appropriated for the use of the House of Representatives by vouchers approved by either the Speaker of the House or the Chairman of the Committee on House Administration; and, be it further

Resolved, That the provisions of this Resolution shall take precedence over the provisions of any Resolution not passed in full compliance with the Permanent Rules of the House; and, be it further

Resolved, That the provisions of this Resolution supersede all provisions of H. S. R. No. 507 adopted by the Regular Session of the 61st Legislature.

The resolution was referred to the Committee on House Administration.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 97, By Parker of Denton: In memory of Ben C. Ivey, Sr., of Denton, Texas.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

H. S. R. No. 98, By Hubenak: Congratulating Miss Sandra Stavinoha, of Needville, Texas, on being crowned District II Farm Bureau Queen.

(Speaker in the Chair)

SENATE BILL NO. 1 ON SECOND READING

Mr. Heatly moved to suspend all necessary rules in order to take up and consider at this time S. B. No. 1.

The above motion by Mr. Heatly prevailed by the following vote:

Yeas—142

Abraham	Harding
Adams	Hawkins
Allen of Harris	Hawn
Allen of Gregg	Haynes
Allred	Head
Angly	Heatly
Archer	Hendricks
Armstrong	Hinson
Atwell	Holland
Atwood	Holmes of Hood
Baker	Holmes of Dallas
Bass of Harris	Howard
Bass of Van Zandt	Hubenak
Beckham	Hull
Bigham	Jones of Lubbock
Blaine	Jones of Harris
Blanton	Jones of Taylor
Braecklein	Jungmichel
Braun	Kilpatrick
Bray	Knapp
Burgess	Kubiak
Burnett	Lee
Caldwell	Lemmon
Calhoun	Ligarde
Carrillo	Lombardino
Cavness	Longoria
Christian	Lovell
Clark of Harris	McAlister
Clark of Dallas	McDonald
Clayton	McKissack
Cobb	McLaughlin
Cole	Moore of Hill
Cory	Moore of Dallas
Craddick	Moore
Cruz	of McLennan
Cummings	Moreno
Daniel	Moyer
Davis of Harris	Muniz
Davis of Travis	Murray
Dickson	Musgrove
Doran	Nabers
Dramberger	Neugent
Earthman	of Galveston
Evans	Newman
Farenthold	Niland
Finnell	Nowlin
Finney	Nugent of Kerr
Floyd	Ogg
Garcia	Orr
Golman	Parker
Hale	of Jefferson

Parker of Denton	Slack
Patterson	Slider
Pickens	Smith
Pickett	Solomon
Poerner	Stewart
Presnal	Stroud
Price	Swanson
Ratcliff	Tarbox
Ray	Thomas
Reed	Traeger
Rosson	Truan
Salem	Uher
Salter	Vale
Sanchez	Vance
Santiesteban	Ward
Schulle	Wayne
Semos	Weldon
Shannon, Joe, Jr., of Tarrant	Wieting
Shannon, Tommy, of Tarrant	Williams
Sherman	Williamson
Short	Willis
	Wright

Nays--6

Finck	Johnson
Graves	Kothmann
Harris	Nichols

Absent

Hannah

The Speaker laid before the House on its second reading and passage to third reading,

S. 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 of 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.

The bill was read second time.

Mr. Heatly offered Committee Amendment No. 1 to the bill.

Mr. Nugent of Kerr offered the following amendment to Committee Amendment No. 1:

Amend substitute for Senate Bill No. 1 by adding in said bill a new paragraph immediately before Article I as follows:

Regardless of any other provision

contained in this bill no salary of any state employee earning (\$5,000) Five Thousand Dollars or less shall be reduced below what they are being paid as of August 31, 1969, and no state employee presently employed shall be terminated from his or her employment as a result of the percentage reductions set out elsewhere in this bill except that such percentage reductions shall apply to Members of the State Legislature.

The above amendment to Committee Amendment No. 1 was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

RECORD OF VOTE

Mr. Weldon requested to be recorded as voting "Yea" on the Nugent of Kerr Amendment to Committee Amendment No. 1 to S. B. No. 1.

CONSIDERATION
OF S. B. No. 1
(Continued)

S. B. No. 1, as amended, was passed to third reading by the following vote:

Yeas--122

Abraham	Davis of Travis
Allen of Gregg	Dickson
Angly	Doran
Archer	Dramberger
Atwell	Earthman
Atwood	Evans
Baker	Finnell
Bass of Harris	Finney
Bass of Van Zandt	Floyd
Beckham	Galcia
Blaine	Golman
Blanton	Hale
Braecklein	Harding
Bray	Hawkins
Burgess	Hawn
Burnett	Haynes
Caldwell	Head
Calhoun	Heatly
Carrillo	Hendricks
Cavness	Hinson
Christian	Holland
Clark of Harris	Holmes of Hood
Clayton	Howard
Cobb	Hubenak
Cole	Hull
Cory	Jones of Lubbock
Craddick	Jones of Harris
Cruz	Jones of Taylor
Cummings	Jungmichel
Davis of Harris	Kilpatrick

Kothmann	Presnal
Kubiak	Price
Lee	Ray
Lemmon	Rosson
Ligarde	Salem
Lombardino	Sanchez
Longoria	Santiesteban
Lovell	Schulle
McDonald	Semos
McKissack	Shannon, Joe, Jr.,
McLaughlin	of Tarrant
Moore of Hill	Shannon, Tommy,
Moore of Dallas	of Tarrant
Moreno	Sherman
Moyer	Short
Muniz	Slack
Murray	Slider
Musgrove	Solomon
Nabers	Stewart
Neugent	Stroud
of Galveston	Swanson
Newman	Tarbox
Niland	Traeger
Nowlin	Truan
Nugent of Kerr	Uher
Ogg	Vale
Orr	Ward
Parker	Wayne
of Jefferson	Weldon
Parker of Denton	Wieting
Pickens	Williamson
Pickett	Willis
Poerner	Wright

Nays—25

Adams	Holmes of Dallas
Allen of Harris	Johnson
Allred	Knapp
Armstrong	McAlister
Bigham	Moore
Braun	of McLennan
Clark of Dallas	Nichols
Daniel	Patterson
Farenthold	Ratcliff
Finck	Reed
Graves	Thomas
Hannah	Vance
Harris	Williams

Absent

Salter	Smith
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SENATE BILL NO. 1
ON THIRD READING

Mr. Heatly moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Abraham	Knapp
Adams	Kothmann
Allen of Gregg	Kubiak
Angly	Lee
Archer	Lemmon
Atwell	Ligarde
Atwood	Lombardino
Baker	Longoria
Bass of Harris	Lovell
Beckham	McDonald
Blaine	McKissack
Blanton	McLaughlin
Braecklein	Moore of Hill
Bray	Moore of Dallas
Burgess	Moreno
Burnett	Moyer
Caldwell	Muniz
Calhoun	Murray
Carrillo	Musgrove
Cavness	Nabers
Christian	Neugent
Clark of Harris	of Galveston
Clayton	Newman
Cobb	Niland
Cole	Nowlin
Cory	Ogg
Craddick	Orr
Cruz	Parker
Cummings	of Jefferson
Davis of Harris	Parker of Denton
Davis of Travis	Patterson
Dickson	Pickens
Doran	Pickett
Dramberger	Poerner
Earthman	Presnal
Evans	Price
Finnell	Ray
Finney	Rosson
Floyd	Salem
Garcia	Salter
Golman	Sanchez
Hale	Santiesteban
Harding	Schulle
Hawkins	Semos
Hawn	Shannon, Joe, Jr.,
Haynes	of Tarrant
Head	Shannon, Tommy,
Heatly	of Tarrant
Hendricks	Sherman
Hinson	Short
Holland	Slack
Holmes of Hood	Slider
Howard	Solomon
Hubenak	Stewart
Hull	Stroud
Jones of Lubbock	Swanson
Jones of Taylor	Tarbox
Jungmichel	Traeger
Kilpatrick	Truan

Uher
Vale
Ward
Wayne
Weldon

Wieting
Williams
Williamson
Willis
Wright

Nays—24

Allen of Harris	Holmes of Dallas
Allred	Johnson
Armstrong	Jones of Harris
Bass of Van Zandt	McAlister
Bigham	Moore
Braun	of McLennan
Clark of Dallas	Nichols
Daniel	Nugent of Kerr
Farenthold	Ratcliff
Finck	Reed
Graves	Thomas
Hannah	Vance
Harris	

Absent

Smith

The Speaker then laid Senate Bill No. 1 before the House on third reading and final passage.

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

Yeas—126

Abraham	Cummings
Adams	Davis of Harris
Allen of Gregg	Davis of Travis
Angly	Dickson
Archer	Doran
Atwell	Dramberger
Atwood	Earthman
Baker	Evans
Bass of Harris	Finnell
Bass of Van Zandt	Finner
Beckham	Floyd
Blaine	Garcia
Blanton	Golman
Braecklein	Hale
Bray	Harding
Burgess	Hawkins
Burnett	Hawn
Caldwell	Haynes
Calhoun	Head
Carrillo	Heatly
Cavness	Hendricks
Christian	Hinson
Clark of Harris	Holland
Clayton	Holmes of Hood
Cobb	Howard
Cole	Hubenak
Cory	Hull
Craddick	Jones of Lubbock
Cruz	Jones of Harris

Jones of Taylor
Jungmichel
Kilpatrick
Knapp
Kothmann
Kubiak
Lee
Lemmon
Ligarde
Lombardino
Longoria
Lovell
McDonald
McKissack
McLaughlin
Moore of Hill
Moore of Dallas
Moreno
Moyer
Muniz
Murray
Musgrove
Nabers
Neugent
of Galveston
Newman
Niland
Nowlin
Nugent of Kerr
Ogg
Orr
Parker
of Jefferson
Parker of Denton
Patterson
Pickens

Pickett
Poerner
Presnal
Price
Ray
Rosson
Salem
Salter
Sanchez
Santiesteban
Schulle
Semos
Shannon, Joe, Jr.,
of Tarrant
Shannon, Tommy,
of Tarrant
Sherman
Short
Slack
Slider
Solomon
Stewart
Stroud
Swanson
Tarbox
Traeger
Truan
Uher
Vale
Ward
Wayne
Weldon
Wieting
Williamson
Willis
Wright

Nays—22

Allen of Harris	Holmes of Dallas
Allred	Johnson
Armstrong	McAlister
Bigham	Moore
Braun	of McLennan
Clark of Dallas	Nichols
Daniel	Ratcliff
Farenthold	Reed
Finck	Thomas
Graves	Vance
Hannah	Williams
Harris	

Absent

Smith

The Speaker stated that S. B. No. 1 was passed subject to the provisions of Section 49A, Article III of the Constitution of Texas.

Mr. Weldon moved to reconsider the vote by which S. B. No. 1 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

My reason for voting against S. B. No. 1 is that I did not have a copy of the bill and could not vote for a bill of such consequence in such haste without first having an opportunity to read it.

Signed: REX BRAUN

REASON FOR VOTE

I voted against passage of S. B. No. 1 for the following reasons:

1. This effectively takes all pressure off the conferees to pass a tax bill. At eleven o'clock tonight I would vote for this type of stopgap measure, but there was still time when this was done today at 4:30.

2. By cutting the salaries of the college presidents, the deans, and the department heads in government we are seriously jeopardizing the ability of Texas to hire and keep responsible people in these positions.

3. The need for these salaries was apparent during the 6 months of appropriations hearings in the regular session. It was reaffirmed during the hearings in the special session. To cut back these people at this time today simply does not make sense.

Signed: ARMSTRONG

REASONS FOR VOTES ON S. B. 1

I voted "Aye" on S. B. 1 because I was misled as to the effect of the bill which was unprinted. It was necessary to rely on the accuracy of the Chairman of the Appropriations Committee as to the effect of this Bill. Subsequent investigation on my part has revealed the Chairman was in error. I believe his statement was honest but incorrect.

Signed: NEIL CALDWELL

REASON FOR VOTE

August 26, 1969

I voted for S. B. No. 1 as an emer-

gency measure after hearing the statements from the Appropriations Committee Chairman and others that state employee salaries would not be cut, the welfare program would not be cut, and that the General Revenue funds would not be reduced. I considered this a last hour "good faith" measure to keep the state government operating.

Signed: JIM CLARK of Harris

REASON FOR VOTE

I voted for S. B. 1 on the basis of statements made by Mr. Heatly and its proponents that the bill would not in any way affect welfare recipients nor state employee salaries.

In the last few remaining hours of a legislative session Members are required to take in good faith allegations made in behalf or against legislation. Time does not usually permit the printing in this situation of all tax and appropriation bills in order that each Member may determine for himself what is in such bills.

This is one of the weaknesses of our system.

I would be one of the first Members to insist on a recall of this bill by the House if and when the allegations made in behalf of the bill are proven incorrect.

Signed: VERNON STEWART

REASON FOR VOTE

I voted for S. B. No. 1 to avoid a financial crisis of our government after September 1, 1969. My vote in no way should be interpreted to mean I condone the manner nor the method by which this bill was written. I merely put aside my personal objections to the bill to give our government some form of an appropriation bill rather than none.

Signed: WILL LEE

REASON FOR VOTE

I voted for S. B. 1 as an emergency measure based on statements made by the Chairman of the Appropriations Committee that welfare payments, state employee salaries and General Revenue funds would

not be reduced below the current level.

Signed: CARL A. PARKER
of Jefferson

REASON FOR VOTE

I voted for S. B. No. 1, the appropriations bill, in the closing hours of the session on August 26, 1969, with the understanding that the action would not cause a reduction in the current level of expenditures for state employees salaries on the classified level, welfare payments of all types, old age pensions, and school teachers' salaries. It is understood that this bill is a stopgap measure only, strictly in order that state government could function until the Legislature could again meet in order that a tax bill and an appropriations bill could be enacted for a two-year basis.

This must be stressed. It was necessary that some type of appropriation be enacted, before one dime of the state's money could be expended, after August 31, 1969.

Signed: CLYDE HAYNES, JR.

REASON FOR VOTE

August 26, 1969

I voted for S. B. No. 1 because the Chairman of the Appropriations Committee, Mr. Heatly, swore before the House that no funds would be reduced, whatsoever, from welfare, our prison system or any function of State Government.

Signed: DAN KUBIAK

REASON FOR VOTE

August 26, 1969

I voted for the committee amendment to S. B. No. 1 today because the Chairman of the House Appropriations Committee, Mr. Heatly, assured everyone from the House floor that the bill would not affect general fund items or the welfare program.

Signed: J. D. WELDON

COMMITTEE AMENDMENT NO. 1
TO S. B. NO. 1 ORDERED NOT
PRINTED IN THE HOUSE JOURNAL

Mr. Heatly moved that Committee

Amendment No. 1 to S. B. No. 1 be not printed in the House Journal.

The motion prevailed without objection and it was so ordered.

RESOLUTIONS SIGNED BY
THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 8, Creating an interim committee to investigate all matters pertaining to the taxation of farm, ranch and forest lands.

H. C. R. No. 10, To grant Fredrick P. Adams permission to sue Harris County.

H. C. R. No. 12, Creating a Joint Interim Water Study Committee.

H. C. R. No. 31, To grant Malcolm Patterson, as guardian of the estate of Caleb Perry Patterson, permission to sue the State, et al.

H. C. R. No. 35, Congratulating Hardy Ward of Mt. Pleasant, Texas.

RECESS

Mr. Hale moved that the House recess until 8:00 o'clock p.m. today.

The motion prevailed without objection.

The House accordingly, at 4:35 o'clock p.m., took recess until 8:00 o'clock p.m. today.

NIGHT SESSION

The House met at 8:00 o'clock p.m. and was called to order by the Speaker.

RESOLUTION SIGNED BY
THE SPEAKER

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

S. C. R. No. 18, Creating a special committee to study space require-

ments for the Texas Legislature and the legislative service agencies.

SENATE BILL NO. 4 ON SECOND READING

Mr. Hinson moved that all necessary rules be suspended to take up and consider at this time S. B. No. 4.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to third reading,

S. B. No. 4, A bill to be entitled An Act appropriating all moneys in the Texas Opportunity Plan Fund and Texas College Student Loan Bonds Interest and Sinking Fund to the Coordinating Board; and declaring an emergency.

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

SENATE BILL NO. 4 ON THIRD READING

Mr. Hinson moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

- | | |
|-------------------|-----------------|
| Abraham | Carrillo |
| Adams | Cavness |
| Allen of Harris | Christian |
| Allen of Gregg | Clark of Dallas |
| Allred | Clayton |
| Angly | Cobb |
| Archer | Cole |
| Armstrong | Cory |
| Atwell | Craddick |
| Baker | Cruz |
| Bass of Harris | Cummings |
| Bass of Van Zandt | Daniel |
| Beckham | Davis of Travis |
| Bigham | Dickson |
| Blaine | Doran |
| Blanton | Dramberger |
| Braecklein | Farenthold |
| Braun | Finck |
| Bray | Finnell |
| Burgess | Finney |
| Burnett | Floyd |
| Caldwell | Garcia |
| Calhoun | Golman |

- | | |
|------------------|--------------------|
| Hale | Orr |
| Harding | Parker |
| Harris | of Jefferson |
| Hawkins | Parker of Denton |
| Hawn | Patterson |
| Haynes | Pickens |
| Head | Pickett |
| Heatly | Poerner |
| Hendricks | Presnal |
| Hinson | Price |
| Holland | Ratcliff |
| Holmes of Hood | Ray |
| Holmes of Dallas | Reed |
| Howard | Rosson |
| Hubenak | Salem |
| Hull | Salter |
| Johnson | Sanchez |
| Jones of Harris | Santiesteban |
| Jungmichel | Schulle |
| Kilpatrick | Semos |
| Knapp | Shannon, Joe, Jr., |
| Kothmann | of Tarrant |
| Kubiak | Shannon, Tommy, |
| Lee | of Tarrant |
| Lemmon | Sherman |
| Ligarde | Short |
| Lombardino | Slack |
| Longoria | Slider |
| Lovell | Smith |
| McAlister | Solomon |
| McKissack | Stewart |
| McLaughlin | Stroud |
| Moore of Hill | Swanson |
| Moore of Dallas | Tarbox |
| Moore | Thomas |
| of McLennan | Traeger |
| Moreno | Truan |
| Muniz | Uher |
| Murray | Vale |
| Musgrove | Vance |
| Nabers | Ward |
| Neugent | Wayne |
| of Galveston | Weldon |
| Newman | Wieting |
| Nichols | Williams |
| Niland | Williamson |
| Nowlin | Willis |
| Ogg | Wright |

Nays—8

- | | |
|-----------------|------------------|
| Atwood | Graves |
| Clark of Harris | Jones of Lubbock |
| Earthman | McDonald |
| Evans | Nugent of Kerr |

Absent

- | | |
|-----------------|-----------------|
| Davis of Harris | Jones of Taylor |
| Hannah | Moyer |

The Speaker then laid Senate Bill No. 4 before the House on third reading and final passage.

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

Yeas—146

Abraham	Hendricks
Adams	Hinson
Allen of Harris	Holland
Allen of Gregg	Holmes of Hood
Allred	Holmes of Dallas
Angly	Howard
Archer	Hubenak
Armstrong	Hull
Atwell	Johnson
Atwood	Jones of Lubbock
Baker	Jones of Harris
Bass of Harris	Jones of Taylor
Bass of Van Zandt	Jungmichel
Beckham	Kilpatrick
Bigham	Knapp
Blaine	Kothmann
Blanton	Kubiak
Braecklein	Lee
Braun	Lemmon
Bray	Ligarde
Burgess	Lombardino
Burnett	Longoria
Caldwell	Lovell
Calhoun	McAlister
Carrillo	McKissack
Cavness	McLaughlin
Christian	Moore of Hill
Clark of Harris	Moore of Dallas
Clark of Dallas	Moore
Clayton	of McLennan
Cobb	Moreno
Cole	Muniz
Cory	Murray
Craddick	Musgrove
Cruz	Nabers
Cummings	Neugent
Daniel	of Galveston
Davis of Travis	Newman
Dickson	Nichols
Doran	Niland
Dramberger	Nowlin
Earthman	Nugent of Kerr
Evans	Ogg
Farenthold	Orr
Finck	Parker
Finnell	of Jefferson
Finney	Parker of Denton
Floyd	Patterson
Garcia	Pickens
Golman	Pickett
Graves	Poerner
Hale	Presnal
Hannah	Price
Harding	Ratcliff
Harris	Ray
Hawkins	Reed
Hawn	Rosson
Haynes	Salem
Head	Salter
Heatly	Sanchez

Santiesteban	Tarbox
Schulle	Thomas
Semos	Traeger
Shannon, Joe, Jr., of Tarrant	Truan
Shannon, Tommy, of Tarrant	Uher
Sherman	Vale
Short	Vance
Slack	Ward
Slider	Wayne
Smith	Weldon
Solomon	Wieting
Stewart	Williams
Stroud	Williamson
Swanson	Willis
	Wright

Absent

Davis of Harris	Moyer
McDonald	

Mr. Hinson moved to reconsider the vote by which S. B. No. 4 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker stated that S. B. No. 4 was passed subject to the provisions of Section 49A, Article III, of the Constitution of Texas.

HOUSE AT EASE

At 8:30 o'clock p.m. the Speaker stated that the House would stand at ease until 8:45 o'clock p.m. today.

The Speaker called the House to order at 8:45 o'clock p.m.

MEMORIAL RESOLUTION
ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

H. S. R. No. 102, By Patterson: In memory of J. W. Dellinger of Taylor, Texas.

CONSIDERATION
OF H. S. R. NO. 58

The Speaker laid before the House for consideration at this time,

H. S. R. No. 58, Censuring Land Commissioner Jerry Sadler for failure to cooperate with the House of Representatives.

The resolution had been referred to the Committee on Rules and was reported favorably by the Committee.

Mr. Ogg offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend H. S. R. No. 58 by deleting all of the body of said Resolution and substituting in lieu thereof the following:

Whereas, Jerry Sadler, the present holder of the Constitutional Office of Commissioner of the General Land Office, has refused to cooperate with the Legislature, its Committees and its individual Members in the following respects:

(1) On April 9, 1969, Commissioner Sadler appeared before the House of Representatives Governmental Affairs and Efficiency Committee regarding House Bill No. 734 which related to a proposed Antiquities Code;

(2) Commissioner Sadler was evasive and misleading in his testimony to said Committee and its appointed Subcommittee and the subsequent investigation and work of said Subcommittee;

(3) Commissioner Sadler concluded that he had entered into the best possible contract with an Indiana salvage firm known as Platoro, Inc., and asked the Committee to ratify such unseen contract, but some time later Commissioner Sadler contended that there was no such contract and still later in testimony before the House Rules Committee stated that the contract was a document entered into only by the said salvage firm and had not been executed by him (Commissioner Sadler);

(4) On April 28, 1969, Commissioner Sadler, at a Subcommittee meeting held at the Capital National Bank, after some preliminary questions regarding the artifacts were answered, informed the Subcommittee that no further questions of any nature would be answered by him or his employees that were present;

(5) On April 29, 1969, Commissioner Sadler advised a member of the Subcommittee that he had notified

representatives of Platoro, Inc., not to meet with the Subcommittee, despite Commissioner Sadler's previous offer to contact Platoro, Inc., and request that they send a spokesman to meet with the Subcommittee;

(6) On July 29, 1969, Commissioner Sadler barred two elected Members of the Texas Legislature from viewing antiquities in his temporary custody;

(7) Commissioner Sadler in his testimony before the House Rules Committee on August 23, 1969, admitted his original testimony was evasive and misleading but necessary due to pending investigation of all matters concerned;

(8) That Commissioner Sadler has hindered proper inquiry by the Legislature and its Committees into matters within its jurisdiction and has thereby impeded its process and his conduct to the Legislature and its individual Members regarding the aforesaid matters has not at all times been with propriety; now, therefore, be it

Resolved, That The House of Representatives of the 61st Legislature in 1st Called Session go on record in disapproval of the actions and conduct of Commissioner Sadler in his relations with the Legislature and reprimand him for such action and conduct and as a matter of Legislative Policy hereby states that it expects all who appear before it or its Committees, and particularly officials of the State of Texas, to conduct themselves in a forthright, cooperative, and direct manner in the best spirit and letter of the laws and policies of said Legislature.

A record vote was requested on the adoption of Committee Amendment No. 1.

Committee Amendment No. 1 was adopted by the following vote:

Yeas—71

Allen of Harris	Braun
Angly	Bray
Archer	Caldwell
Armstrong	Calhoun
Bass of Harris	Carrillo
Bass of Van Zandt	Cavness
Bigham	Clark of Harris

Clark of Dallas	McLaughlin
Craddick	Moore
Cruz	of McLennan
Cummings	Moreno
Davis of Travis	Muniz
Doran	Musgrove
Dramberger	Nichols
Earthman	Nowlin
Evans	Ogg
Farenthold	Orr
Finney	Parker
Floyd	of Jefferson
Graves	Patterson
Hale	Pickens
Hannah	Presnal
Harris	Ratcliff
Haynes	Reed
Holland	Salem
Holmes of Dallas	Santiesteban
Howard	Shannon, Joe, Jr.,
Hull	of Tarrant
Johnson	Shannon, Tommy,
Jones of Harris	of Tarrant
Jungmichel	Stroud
Kothmann	Swanson
Kubiak	Truan
Lee	Vale
Ligarde	Vance
Lombardino	Williamson
Longoria	Wright
McAlister	

Nays—29

Allen of Gregg	Moore of Hill
Atwell	Neugent
Baker	of Galveston
Blaine	Nugent of Kerr
Clayton	Parker of Denton
Cole	Poerner
Golman	Price
Harding	Ray
Hawkins	Short
Hinson	Slider
Hubenak	Solomon
Jones of Lubbock	Tarbox
Kilpatrick	Wieting
Knapp	Williams
McKissack	Willis

Present-Not Voting

Abraham	Head
Allred	Hendricks
Beckham	Holmes of Hood
Braecklein	Jones of Taylor
Burgess	Lemmon
Burnett	Lovell
Christian	McDonald
Cory	Moore of Dallas
Daniel	Murray
Dickson	Nabers
Finck	Rosson
Finnell	Salter
Garcia	Schulle

Semos	Ward
Stewart	Wayne
Thomas	Weldon
Uher	

Absent

Adams	Newman
Atwood	Niland
Blanton	Pickett
Cobb	Sanchez
Davis of Harris	Sherman
Hawn	Slack
Heatly	Smith
Moyer	Traeger

(Mr. Slack occupied the Chair temporarily.)

(Speaker in the Chair)

Mr. Joe Shannon, Jr., of Tarrant moved to postpone further consideration of H. S. R. No. 58 until August 27, at 12:05 o'clock a.m.

Mr. Ratcliff moved to table the motion to postpone further consideration of H. S. R. No. 58.

A record vote was requested by Representatives Johnson, Farenthold and Ratcliff on the motion to table.

The motion to table the motion to postpone further consideration of H. S. R. No. 58 was lost by the following vote:

Yeas—56

Allen of Harris	Graves
Angly	Hale
Archer	Hannah
Armstrong	Harris
Bass of Harris	Haynes
Bass of Van Zandt	Holmes of Dallas
Bigham	Johnson
Braun	Jones of Harris
Caldwell	Jungmichel
Calhoun	Kothmann
Cavness	Lee
Clark of Harris	Lombardino
Clark of Dallas	Longoria
Clayton	Moore
Cruz	of McLennan
Cummings	Moreno
Daniel	Muniz
Davis of Travis	Musgrove
Doran	Nichols
Earthman	Ogg
Evans	Orr
Farenthold	Parker
Finney	of Jefferson
Floyd	Patterson

Presnal
Ratcliff
Ray
Reed
Salem

Shannon, Tommy,
of Tarrant
Stroud
Truan
Vale
Vance

Nays—78

Abraham	McDonald
Adams	McKissack
Allen of Gregg	Moore of Hill
Allred	Moore of Dallas
Atwell	Moyer
Atwood	Murray
Baker	Nabers
Beckham	Neugent
Blaine	of Galveston
Blanton	Nowlin
Braecklein	Parker of Denton
Bray	Pickens
Burgess	Pickett
Burnett	Poerner
Carrillo	Price
Christian	Rosson
Cobb	Salter
Cole	Sanchez
Craddick	Santiesteban
Davis of Harris	Schulle
Dickson	Semos
Finck	Shannon, Joe, Jr.,
Finnell	of Tarrant
Garcia	Short
Golman	Slack
Harding	Slider
Hawkins	Smith
Hendricks	Solomon
Hinson	Swanson
Holland	Tarbox
Holmes of Hood	Thomas
Howard	Traeger
Hubenak	Uher
Kilpatrick	Ward
Knapp	Wayne
Kubiak	Weldon
Lemmon	Wieting
Ligarde	Williams
Lovell	Williamson
McAlister	Willis

Present-Not Voting

Cory	McLaughlin
Dramberger	Newman
Head	Sherman
Jones of Taylor	

Absent

Hawn	Niland
Heatly	Nugent of Kerr
Hull	Stewart
Jones of Lubbock	Wright

Question recurring on the motion to

postpone further consideration of H. S. R. No. 58, a record vote was requested by Representatives Johnson, Farenthold and Ratcliff.

The motion to postpone further consideration of H. S. R. No. 58 until August 27, at 12:05 o'clock a.m., prevailed by the following vote:

Yeas—78

Adams	McAlister
Allen of Gregg	McDonald
Allred	McKissack
Atwell	Moore of Hill
Atwood	Moore of Dallas
Baker	Moyer
Beckham	Nabers
Blaine	Neugent
Blanton	of Galveston
Braecklein	Nowlin
Burgess	Nugent of Kerr
Burnett	Parker of Denton
Christian	Pickens
Clayton	Pickett
Cobb	Poerner
Cole	Price
Craddick	Ray
Davis of Harris	Rosson
Dickson	Salter
Dramberger	Sanchez
Finck	Schulle
Finnell	Semos
Garcia	Shannon, Joe, Jr.,
Golman	of Tarrant
Harding	Slack
Hawkins	Slider
Hawn	Smith
Heatly	Solomon
Hendricks	Stewart
Hinson	Swanson
Holland	Tarbox
Holmes of Hood	Thomas
Howard	Uher
Hubenak	Ward
Jones of Lubbock	Wayne
Kilpatrick	Wieting
Knapp	Williams
Kubiak	Williamson
Lemmon	Willis
Ligarde	Wright

Nays—54

Allen of Harris	Carrillo
Angly	Cavness
Archer	Clark of Harris
Armstrong	Clark of Dallas
Bass of Harris	Cruz
Bass of Van Zandt	Cummings
Bigham	Daniel
Braun	Davis of Travis
Caldwell	Doran
Calhoun	Earthman

Evans	Muniz
Farenthold	Musgrove
Finney	Nichols
Floyd	Ogg
Graves	Orr
Hale	Parker
Hannah	of Jefferson
Harris	Patterson
Haynes	Presnal
Johnson	Ratcliff
Jones of Harris	Salem
Jungmichel	Santiesteban
Kothmann	Shannon, Tommy,
Lee	of Tarrant
Lombardino	Stroud
Longoria	Truan
Moore	Vale
of McLennan	Vance
Moreno	

Present-Not Voting

Abraham	Murray
Bray	Newman
Cory	Reed
Head	Sherman
Jones of Taylor	Short
Lovell	Traeger
McLaughlin	Weldon

Absent

Holmes of Dallas	Niland
Hull	

REASON FOR VOTE
ON H. S. R. NO. 58

I voted present and not voting as this resolution was not introduced into the House until August 21, 1969, although the acts complained of were dated in April, 1969, and I do not believe, any public official should be reprimanded without a full and complete investigation of all facts and matters in dispute, which was, of course, impossible as this session ends August 26, 1969.

Signed: R. H. CORY

REASON FOR VOTE
ON H. S. R. NO. 58

I voted "Nay" because the House of Representatives has an Investigating Committee for such purposes, which should completely investigate all these charges before Mr. Sadler is censured. All the House should be fully informed before judgment is passed on him.

Signed: LEROY WIETING

REASON FOR VOTE

August 26, 1969

I voted present on H. S. R. No. 58 as I did not feel sufficient facts had been presented to the House of Representatives for me to determine whether or not this elected State Official should be reprimanded.

Signed: MENTON J. MURRAY

REASON FOR VOTE

We voted to postpone H. S. R. No. 58 because we feel each person deserves a full and complete hearing before he is censured, reprimanded or convicted.

Signed: DOYLE WILLIS
JOE H. GOLMAN
LINDON WILLIAMS

REASON FOR VOTE

I voted present-not voting on Record Vote No. 10 because I was working on the Tax Subcommittee and was in the Senate while most of the testimony was being given and did not feel that I had enough information to cast a fair vote.

Signed: JOHN TRAEGER

(Mr. Bass of Harris in the Chair.)

REMARKS ORDERED PRINTED
IN THE JOURNAL

On motion of Mr. Reed, and by unanimous consent, the remarks of Mrs. Farenthold made on today in addressing the House on personal privilege on H. S. R. No. 58 were ordered printed in the House Journal.

(Speaker in the Chair)

BILL SIGNED BY
THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 4, An Act appropriating all moneys in the Texas Opportunity Plan Fund and Texas College Student Loan Bonds Interest and Sinking Fund to the Coordinating Board; and declaring an emergency.

MESSAGE FROM THE SENATE

Austin, Texas, August 26, 1969

Hon. Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to Senate Bill No. 1 by a vote of 29 Ayes and 0 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

ADDRESS BY THE HONORABLE
CARL PARKER

On motion of Mr. Floyd, and by unanimous consent, the following remarks of Mr. Parker of Jefferson made on today in addressing the House on personal privilege on S. B. No. 1 were ordered printed in the Journal:

"Mr. Speaker and Members: This afternoon the House voted 122 to 24 for the adoption of Senate Bill 1. Although this measure was not intended by the House as a two year solution, it has been so interpreted by the Senate. I and many others voted for this measure because of statements made by the Chairman of the House Appropriations Committee, the same man that the presiding officer of the Senate named for two sessions as his Appropriations Committee Chairman. We were told that welfare payments, state employees, except for line item salaries, and appropriations from the General Revenue Fund would not be reduced below the current level of spending. In view of the fact that it is apparent that we will not enact a tax bill this session, some measure is absolutely necessary to insure that welfare checks and other state checks can be issued on September 1st. While the Senate chooses to discuss drastic cuts in a two year period, it is time that we rake the garbage off the real issue and have it clearly before us. The issue is whether or not the State of Texas is better off with or without an Appropriations Bill of some type. This can best be demonstrated by example. As the example of a State School, without an Appropriations Bill on September 1st

there is no money available. The same State School, with an Appropriations Bill, even having drastic cuts on September 1st can juggle its unallocated funds and maintain, for at least a month, its salaries and other necessities at the present level. I and those of us who voted for Senate Bill 1, may be mistaken, but if so, it was one growing out of an honest effort to provide emergency relief for the State. I at least have tried to do something and can only say to the demigods in the Senate if we reach September 1st without an Appropriations Bill, send the would-be welfare recipients copies of your grand speeches. I am sure that it will offer them a great deal of consolation in place of their welfare checks."

EXTENDING CONGRATULATIONS
AND BIRTHDAY GREETINGS TO
ALL MEMBERS OF THE HOUSE
WHOSE BIRTHDAYS DO NOT
FALL DURING REGULAR OR
SPECIAL SESSIONS

Mr. Armstrong offered the following resolution:

H. S. R. No. 101

Whereas, All resolutions begin with Whereas; and

Whereas, It is the custom of the House to honor its Members on their birthdays with resolutions just like this; and

Whereas, Certain Members are discriminated against because they were born under the signs Leo, Virgo, Libra, Scorpio, Sagittarius, and part of Capricorn, which stars don't rise during the regular or most special sessions; and

Whereas, All of these Members have had histories of almost unbelievable achievement in their chosen fields and have been high school cheerleaders, student body presidents, 4-H club boosters, outstanding Jaycees, and the like; and

Whereas, These Members whose birthdays fall outside the regular session and most special sessions, have lovely wives and talented, pretty children, all too numerous to mention; and

Whereas, It is the desire of the

House that some token of appreciation be extended to these Members even though it's just a token; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, That congratulations and birthday greetings be extended to all Members whose birthdays fall outside the regular session and who have never had a resolution, and who, but for this resolution, never would have; and, be it further

Resolved, That sufficient copies of this Resolution be prepared to deliver to these Members in an effort to atone for their misfortune of being born on a day when the Legislature does not regularly meet.

The resolution was adopted without objection.

(Mr. Nugent of Kerr in the Chair.)

HOUSE AT EASE

At 10:58 o'clock p.m. the Chair stated that the House would stand at ease.

(Speaker in the Chair)

At 11:35 o'clock p.m. the Speaker called the House to order.

TO ASSURE ALL STATE EMPLOYEES THAT SALARIES ACCRUING AFTER SEPTEMBER 1, 1969, WILL BE PAID IN FULL

Mr. Angly offered the following resolution:

H. C. R. No. 36

Concurrent Resolution reassuring State Employees that salaries and wages accruing after Sept. 1, 1969, will be paid in full by the State of Texas and that appropriations therefor will hereafter be made to cover such payment.

Whereas, The Legislature has been unable to pass an appropriations bill for the biennium commencing Sept. 1, 1969; and

Whereas, Retention of present state employees at their respective posts of employment in the various agencies of state government is in the best in-

terest of the orderly transaction of governmental business; and

Whereas, Without an appropriation bill should be enacted prior to the first of September, 1969, the employees of the state will be in doubt as to whether they will be paid for their labors in behalf of State Government or whether they will be left unpaid.

Therefore, Be It Resolved, by the House of Representatives, the Senate concurring, that the employees of all state agencies and institutions be, and they are hereby, assured that they will be paid for their efforts in behalf of our state government and that any salary or wages which shall not be paid on a current basis after September 1, 1969, will be paid by the State of Texas in full and that appropriations to pay such salaries and wages will be made.

The resolution was referred to the Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Austin, Texas, August 26, 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:

S. C. R. No. 26, By Jordan: The First Called Session of the 61st Legislature stand adjourned sine die at 11:30 p.m., August 26, 1969.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HOUSE AT EASE

At 11:40 o'clock p.m. the Speaker stated that the House would stand at ease.

(Mr. Moore of Hill and Mr. Braun occupied the Chair temporarily.)

(Speaker in the Chair)

At 11:57 o'clock p.m. the Speaker called the House to order.

ADJOURNMENT SINE DIE

Mr. Hale moved that the House of Representatives of the First Called Session of the Sixty-first Legislature adjourn Sine Die.

The motion prevailed.

Speaker Mutscher then, at 11:58 o'clock p.m., pronounced the House of Representatives of the First Called Session of the Sixty-first Legislature adjourned Sine Die.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions as follows:

Appropriations: S. B. No. 1, S. B. No. 4.

House Administration: H. S. R. No. 77, S. C. R. No. 18, H. S. R. No. 96.

Interim Activities: H. S. R. No. 49, H. S. R. No. 60, H. S. R. No. 78, H. S. R. No. 80, H. S. R. No. 82, H. S. R. No. 83.

Parks and Wildlife: H. S. R. No. 93.

Rules: H. S. R. No. 58.

REPORTS OF THE COMMITTEE
ON ENROLLED AND
ENGROSSED BILLS

Austin, Texas, August 25, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 35,

H. C. R. No. 31,

H. C. R. No. 10,

H. C. R. No. 24,

has carefully compared same and finds the resolutions correctly engrossed.

WARD, Chairman

Austin, Texas, August 25, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom was referred

H. C. R. No. 32,

has carefully compared same and finds it correctly enrolled.

WARD, Chairman

Austin, Texas, August 26, 1969

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

Sir: Your Committee on Enrolled and Engrossed Bills to whom were referred

H. C. R. No. 8,

H. C. R. No. 10,

H. C. R. No. 12,

H. C. R. No. 31,

H. C. R. No. 35,

has carefully compared same and finds the resolutions correctly enrolled.

WARD, Chairman

SENT TO GOVERNOR

August 26, 1969

H. C. R. No. 8

H. C. R. No. 12

H. C. R. No. 31

H. C. R. No. 35

H. C. R. No. 10

H. C. R. No. 32

In Memory of The
Honorable Cary M. Abney

Mr. Ray offered the following resolution:

H. S. R. No. 92

Whereas, The State of Texas has lost one of its outstanding attorneys and former legislative leaders with the death of Cary M. Abney in Marshall on June 15, 1969; and

Whereas, This distinguished lawyer was born on August 8, 1883, and attended Texas A&M University, the University of Virginia, and The University of Texas; and

Whereas, After being admitted to the state bar upon his graduation from The University of Texas in 1904, Mr. Abney actively practiced law in Texas for more than 60 years: at the time of his death he was senior counsel for the Marshall legal firm of Abney and Baldwin; and

Whereas, He was an active member of the Harrison County Bar Association, the Northeast Texas Bar Association, and the Texas Bar Association; he was also a member of the First Presbyterian Church in Marshall; and

Whereas, Mr. Abney was a former Member of the Texas Legislature, representing District 6 during the 38th Legislature in 1923; and

Whereas, Interested in Marshall business affairs, he was for many years a director of the Marshall Federal Savings and Loan Association, and was a director of the Arkansas Louisiana Gas Company; and

Whereas, On May 20, 1909, he married the former Miss Katherine Young in Marshall, and the couple had four children, Thomas Y. Abney, Ruben K. Abney, and Anna Abney

Hightower, who now survive him, and Cary M. Abney, Jr., who lost his life during World War II; and

Whereas, This fine gentleman is remembered as a notable attorney, a distinguished legislator, and an active citizen; and

Whereas, The House of Representatives wishes to pay tribute to Mr. Cary M. Abney for his many contributions to civic affairs and the legal profession, and extend sympathy to his family; now, therefore, be it

Resolved, by the House of Representatives of the 61st Legislature, 1st Called Session, That this Resolution stand in memory of Cary M. Abney; and, be it further

Resolved, That copies of this Resolution, under the Seal of the House of Representatives, be prepared for the members of his family as an expression of sympathy from the House of Representatives and citizens of Texas.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Cory the names of all the Members of the House were added to H. S. R. No. 92 as signers thereof.

INTERIM COMMITTEES APPOINTED

Speaker G. F. (Gus) Mutscher announced the appointment of interim committees, on the part of the House of Representatives, as follows:

(Dates shown denote date of appointment of committee)

COMMITTEE ON METHODS OF ECONOMIZING IN STATE GOVERNMENT

(Pursuant to H. S. R. No. 82)
(November 14, 1969)

Representatives Newman, Chairman; Hawkins, Traeger, Pickett and Vale.

LUNAR LANDING COMMISSION OF TEXAS

(Pursuant to S. C. R. No. 6)
(October 9, 1969)

Representatives Tommy Shannon of Tarrant, Chairman; Ogg and Haynes.

INTERIM COMMITTEE ON MILITARY AFFAIRS

(Pursuant to H. S. R. No. 77)
(December 22, 1969)

Representatives Johnson, Chairman; Blaine, Moore of Hill, Williamson and Schulle.

STUDY COMMITTEE ON DESALINATION OF WATER

(Pursuant to H. S. R. No. 49)
(December 16, 1969)

Representatives Finney, Chairman; Moyer, Wright, Niland and Archer.

COMMITTEE TO STUDY TRAFFIC SAFETY AND FIRE PROTECTION ON THE HOUSTON SHIP CHANNEL

(Pursuant to H. S. R. No. 83)
(December 22, 1969)

Representatives Clark of Harris, Chairman; Lovell, Swanson, Daniel and Jungmichel.

COMMITTEE TO STUDY PROBLEMS OF ELDERLY TEXANS

(Pursuant to H. S. R. No. 19)
(December 23, 1969)

Representatives Hannah, Chairman; Dramberger and Jones of Lubbock.

COMMITTEE TO STUDY TAXATION OF FARM, RANCH AND FOREST LANDS

(Pursuant to H. C. R. No. 8)
(January 27, 1970)

Representatives Burgess, Chairman; Blanton, Ligarde, Swanson and Short.

COMMITTEE TO ARRANGE FOR DISPLAY OF SPANISH TREASURE

(Pursuant to H. S. R. No. 78)
(October 23, 1969)

Representatives Salem, Chairman; Atwood, Evans, Pickett and Wieting.

INTERIM STUDY COMMITTEE ON WATER

(Pursuant to H. C. R. No. 12)
(October 20, 1969)

Representatives Clayton, Chairman; Allen of Gregg and Braun.

COMMITTEE TO STUDY LEGISLATIVE REGULATION FOR PRIVATE VOCATIONAL-TECHNICAL EDUCATION

(Created by Speaker Mutscher)
(July 30, 1970)

Representatives Ratcliff, Chairman; Farenthold, Tommy Shannon of Tarrant, Neugent of Galveston, Cummings, Jones of Lubbock and Bigham.

APPENDIX

HOUSE BILLS, AUTHORS OF

(NOTE—First signer of a bill is given credit for authorship.
First number following subject indicates page where
introduced. For history of a bill see
"History of Bills.")

HOUSE BILLS, AUTHORS OF—

Allen, John, of Gregg County:

H. B. No. 74, Relating to the authority of counties to issue revenue bonds for the purpose of establishing, etc., county airports, 189.

Atwell, Ben:

H. B. No. 2, Raising the rate on limited sales, excise and use tax; removing exemptions on alcoholic beverages; raising the tax rate on the retail sale of motor vehicles; levying an additional tax on cigarettes; etc., 13.

H. B. No. 3, Including certain services under the state and local sales and use taxes; increasing the rate of the state sales tax; excluding certain gas from the natural gas tax; etc., 13.

Bass, William (Bill), of Van Zandt County:

H. B. No. 18, Providing for appeals in eminent domain proceedings initiated by water control and improvement districts, 45.

Bigham, John R.:

H. B. No. 82, Relating to the creation of the 169th Judicial District for Bell County, 206.

Blanton, Jack:

H. B. No. 89, Removing the limitation on the net effective interest rate on public securities issued and sold by public agencies, subject to certain exceptions, 218.

HOUSE BILLS, AUTHORS OF— Continued.

Bray, Jamie:

H. B. No. 19, To increase the occupation taxes on production of oil and gas, 46.

Burgess Steve:

H. B. No. 85, Making it a misdemeanor for any person engaged in commercial harvesting of trees willfully to cause trees or limbs to fall on any electric transmission or distribution line, 214.

Caldwell, Neil:

H. B. No. 22, Establishing an Antiquities Code for the State of Texas, 46.

Carrillo, Oscar, Sr.:

H. B. No. 49, Relating to the creation of the Starr County Hospital District, 165.

Cavness, Don:

H. B. No. 70, Relating to certain exemptions from the definition of dentistry, 189.

Clark, Jim, of Harris County:

H. B. No. 33, Relating to the printing of Legislators' official cards and stationery by printers with union shops, 51.

H. B. No. 90, Making unlawful certain acts relating to the use of strikebreakers by any person who is not the employer directly involved in a labor dispute, 224.

HOUSE BILLS, AUTHORS OF—
Continued.

Clayton, Bill:

H. B. No. 88, Authorizing political subdivisions to sell water improvement bonds, use the proceeds for purchase of state bonds, and resell state bonds to the highest bidder even at a discount, 214.

Cobb, L. Dean:

H. B. No. 68, Relating to the status of retired judges as judicial officers, 178.

Cory, R. H. (Dick):

H. B. No. 29, Amending various provisions of the Family Code, 50.

H. B. No. 31, Relating to the issuance of certain bonds by certain cities, 51.

H. B. No. 42, Relating to certain motor vehicle liability insurance policies involving vehicles owned or held for sale or repair by a person engaged in such business, etc., 157.

H. B. No. 86, Requiring reflective "caution" signs and flashing devices on certain motor vehicles selling certain food or drink preparations, 214.

Doran, Hilary, B., Jr.:

H. B. No. 5, Relating to the time limit on payment of the tax on liquor, other than ale or malt liquor, 18.

Finck, Bill:

H. B. No. 79, Creating the Village Utility District of Bexar County, 205.

Finnell, Charles A.:

H. B. No. 69, Authorizing any river authority to provide fresh water, etc., in certain areas, 189.

Finney, Dave:

H. B. No. 34, Relating to death or disablement pension benefits of firemen from heart or lung disease, 55.

HOUSE BILLS, AUTHORS OF—
Continued.

Garcia, J. A., Jr.:

H. B. No. 83, Granting the Willacy County Navigation District the power to acquire land and air space by condemnation, gift or purchase for certain purposes, 214.

H. B. No. 84, To create housing authorities for Willacy County Navigation District, 214.

Golman, Joe H.:

H. B. No. 62, Providing an exemption for tuition and laboratory fees at state institutions of higher education for certain children of state employees, 172.

H. B. No. 72, Providing for the office of county purchasing agent in certain counties, 189.

Graves, Curtis M.:

H. B. No. 39, Relating to reports by manufacturers and wholesalers of certain drugs, 157.

Hale, L. DeWitt:

H. B. No. 6, Creating new judicial districts, 22.

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 8. By Swanson: Relating to increasing the membership of the Texas State Board of Plumbing Examiners, 22.—Read first time, referred to the Committee on Governmental Affairs and Efficiency, 22.
 9. By Swanson: Relating to the display of certain prohibited weapons by persons engaged in the business of selling, buying or renting these weapons, 22.—Read first time, referred to the Committee on Criminal Jurisprudence, 22.
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35. By Lombardino: Prohibiting the commission of certain offences by a person entering a private residence by force, threats or fraud at night, 55.—Read first time, referred to the Committee on Criminal Jurisprudence, 55.
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67. By Parker of Denton: Creating the 158th Judicial District for Denton County, 178.—Read first time, referred to the Committee on Judicial Districts, 178.
68. By Cobb: Relating to the status of retired judges as judicial officers, 178.—Read first time, referred to the Committee on Judiciary, 178.
69. By Finnell: Authorizing any river authority to provide fresh water, etc., in certain areas, 189.—Read first time, referred to the Committee on Conservation and Reclamation, 189.
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75. By Ray: Making the Texas Professional Corporation Act effective on September 1, 1969, 189.—Read first time, referred to the Committee on Judiciary, 190.
76. By Newman: Relating to annexation of territory by the DeWitt County Drainage District No. 1, 195.—Read first time, referred to the Committee on Conservation and Reclamation, 195.
77. Swanson: Relating to tax exemption of certain personal property of a contractor performing a contract for the improvement of realty for certain exempt organizations, 195.—Read first time, referred to the Committee on Revenue and Taxation, 195.
78. By Salem: Relating to prescribing a maximum time period for disposition of damage claims resulting from transporting property by specialized motor carrier, 205.—Read first time, referred to the Committee on Motor Traffic, 205.
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80. By Jones of Taylor: Relating to liability insurance under the Texas Tort Claims Act, 206.—Read first time, referred to the Committee on Insurance, 206.
81. By Hinson: Including Upshur County under the provisions of the Uniform Wildlife Regulatory Act, 206.—Read first time, referred to the Committee on Parks and Wildlife, 206.

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82. By Bigham: Relating to the creation of the 169th Judicial District for Bell County, 206.—Read first time, referred to the Committee on Judicial Districts, 206.
83. By Garcia: Granting the Willacy County Navigation District the power to acquire land and air space by condemnation, gift or purchase for certain purposes, 214.—Read first time, referred to the Committee on Conservation and Reclamation, 214.
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85. By Burgess: Making it a misdemeanor for any person engaged in commercial harvesting of trees willfully to cause trees or limbs to fall on any electric transmission or distribution line, 214.—Read first time, referred to the Committee on Criminal Jurisprudence, 214.
86. By Cory: Requiring reflective "caution" signs and flashing devices on certain motor vehicles selling certain food or drink preparations, 214.—Read first time, referred to the Committee on Highways and Roads, 214.
87. By Willis: Relating to salaries of certain county and district employees and officials, 214.—Read first time, referred to the Committee on Counties, 214.
88. By Clayton: Authorizing political subdivisions to sell water improvement bonds, use the proceeds for purchase of state bonds, and resell state bonds to the highest bidder even at a discount, 214.—Read first time, referred to the Committee on Conservation and Reclamation, 215.
89. By Blanton: Removing the limitation on the net effective interest rate on public securities issued and sold by public agencies, subject to certain exceptions, 218.—Read first

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92. By Musgrove: Relating to the boundaries of the South Eastland County Hospital District, 233.—Read first time, referred to the Committee on Counties, 233.

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1. By Blaine: Providing for a Joint Session to hear an address by Governor Preston Smith, 3.—Adopted, 3.—Reported engrossed, 18.—Returned from the Senate, 13.—Signed, 18.—Reported, enrolled, 19.—Sent to the Governor, 19.—Committee appointed to escort, 5.—Address by Governor Smith, 6.
2. By Bray: Commending Dr. Robert R. Gilruth, Director of the Manned Spacecraft Center in Houston, Texas, 17.—Adopted, 17.—Reported engrossed, 23.—Returned from the Senate, 34.—Signed, 35.—Reported enrolled, 35.—Sent to the Governor, 49.
3. By Heatly: Granting permission to each House for adjournment from Thursday, July 31, 1969, to Tuesday, August 5, 1969, 18.—Adopted, 18.—Record of vote, 35.—Reported engrossed, 23.—Returned from the Senate, 35.—Signed, 35.—Reported enrolled, 35.—Sent to the Governor, 49.
4. By Reed: To memorialize the Congress of the United States to disregard, and to consider S. C. R. No. 24 of the 59th Legislature of Texas a total and complete nullity, 42.—Referred to the Committee on State Affairs, 43.
5. By Clark of Harris: Instructing the Board of Control to accept bids for printing Members' cards and stationery only from printers with union shops, etc., 43.—Referred to the Committee on House Administration, 43.
6. By Lemmon: Providing for the

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- appointment of the Lunar Landing Commission of Texas, 43.—Referred to the Committee on State Affairs, 44.
7. By Clark of Dallas: Explaining the purpose of H. B. No. 579, enacted by the 61st Legislature, Regular Session, relating to coin-operated machines, 154.—Referred to the Committee on Judiciary, 154.
 8. By Burgess: Creating an interim committee to investigate all matters pertaining to the taxation of farm, ranch and forest lands, 155.—Referred to the Committee on Interim Activities, 156.—Reported favorably, 206.—Adopted, 215.—Reported engrossed, 235.—Returned from the Senate, 240.—Signed, 251.—Reported enrolled, 260.—Sent to the Governor, 260.—Committee appointed, 263.
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