

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 353 - By Senator Wolff: Extending welcome to 2nd grade class of Lockhill School.

S.R. 356 - By Senator Aikin: Extending welcome to Mr. and Mrs. Al Yeager.

S.R. 358 - By Senator Clower: Extending welcome to Rusty Ormishen.

S.R. 360 - By Senator Adams: Extending congratulations to Mark Ward.

S.R. 361 - By Senator Clower: Extending welcome to Tommy Martin and Bill Cook.

S.R. 362 - By Senator Gammage: Extending welcome to students from Lamar Consolidated High School.

S.R. 363 - By Senator Clower: Extending welcome to senior class from Red Oak High School.

RECESS

Senator Aikin moved that the Senate take recess until 8:30 o'clock a.m. tomorrow.

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

The motion prevailed by the following vote: Yeas 16, Nays 15.

Yeas: Adams, Aikin, Blanchard, Creighton, Harris, Herring, Hightower, Mauzy, Meier, Moore, Ogg, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Jones, Kothmann, Longoria, McKinnon, McKnight, Mengden, Patman, Santiesteban and Snelson.

Accordingly, the Senate at 12:10 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 21, 1973

S.C.R. 31

FORTIETH DAY

(Continued)

(Thursday, March 22, 1973)

After Recess

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three Day Rule and final passage indicated after each bill.)

H.B. 245 (Herring) (31-0)(31-0)

H.B. 619 (Hightower) (28-3) Aikin, Sherman and Herring "Nay" (28-3)
Aikin, Sherman and Herring "Nay"

H.C.R. 70 (Jones) (vv)

C.S.S.B. 327 (Schwartz) (31-0)(31-0)

S.B. 328 (Schwartz) (31-0)(31-0)

S.B. 459 (Moore) (31-0)(31-0)

S.B. 526 (Schwartz) (31-0)(31-0)

C.S.S.C.R. 20 (Hightower) (vv)

S.C.R. 34 (Jones) (vv)

C.S.S.R. 271 (Braecklein) (vv)

S.R. 286 (Brooks) (vv)

The following resolution was laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following resolution number, as well as vote on suspension of Constitutional Three Day Rule and final passage.)

S.C.R. 44 (Hightower)--

Senator Hightower offered the following amendment to the resolution:

Amend S.C.R. 44, page 2, line 4, by deleting the words "within 30 days" and substituting the words, "within not more than 60 days".

The amendment was read and was adopted. (vv)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 8:40 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

FORTY-FIRST DAY
(Thursday, March 22, 1973)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard.

A quorum was announced present.

The Reverend Cal E. Permenter, St. David's Episcopal Church, Austin, Texas, offered the invocation as follows:

O Lord God Almighty, our Heavenly Father, guide we pray thee, all who are members of this Senate, and grant to them at this time special gifts of wisdom and understanding, of counsel and strength; that upholding what is right and following what is true, they may obey thy holy will and fulfill thy divine purpose, to the glory of Thy name and the good of the people of this State. Some of us ask this in the name of the Law and the Prophets; others of us ask it in Jesus Christ name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

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

REPORTS OF STANDING COMMITTEES

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 340

Senator Aikin submitted the following reports for the Committee on Finance.

S.B. 386

C.S.S.B. 617 (Read first time)

ADJOURNMENT

On motion of Senator Aikin the Senate at 8:40 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

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(Thursday, March 22, 1973)

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The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

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On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

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

REPORTS OF STANDING COMMITTEES

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 340

Senator Aikin submitted the following reports for the Committee on Finance.

S.B. 386

C.S.S.B. 617 (Read first time)

H.B. 699

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 232 (Amended)

Senator Moore submitted the following reports for the Committee on State Affairs:

S.J.R. 15
S.C.R. 59
S.B. 309
S.B. 310
S.B. 311
S.B. 314

Senator Sherman submitted the following reports for the Committee on Natural Resources:

S.B. 255
S.B. 465
S.B. 434
C.S.S.B. 256 (Read first time)
C.S.S.B. 344 (Read first time)
H.B. 469
H.B. 104

Senator Mauzy submitted the following report for the Committee on Education:

H.B. 34 (Amended)

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 22, 1973

Honorable William P. Hobby
President of the Senate

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

H.B. 7, A bill to be entitled An Act amending Article 5428, Revised Civil Statutes of Texas, 1925, relating to the election of the Speaker of the House of Representatives; and declaring an emergency.

H.B. 40, A bill to be entitled An Act relating to the publication of notices advising that land owned by a political subdivision of the state is to be offered in exchange for other land; amending Chapter 455, Acts of the 61st Legislature, Regular Session, 1969, (Article 5421c-12, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 131, A bill to be entitled An Act prohibiting an incorporated city or town from abolishing or restricting the use of a sanitary landfill or solid waste disposal site owned or operated by another city, town, or political subdivision under certain circumstances; adding Section 6a to the Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 167, A bill to be entitled An Act relating to the authority of commissioners courts to approve subdivision plats for subdivisions in areas outside the corporate limits of cities and towns; providing methods of enforcing the provisions of subdivision plats; authorizing the commissioners court to establish building codes and require the acquisition of building permits; providing penalties; repealing Chapter 436, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes) and Chapter 151, Acts of the 52nd Legislature, 1951 (Article 2372k, Vernon's Texas Civil Statutes; and declaring an emergency.

H.B. 236, A bill to be entitled An Act relating to the admissibility of certain evidence in a wrongful death action; amending Title 77, Revised Civil Statutes of Texas, 1925, as amended, by adding an Article 4675a; and declaring an emergency.

S.C.R. 68, Congratulating Air Force Major John Wendell, Jr.

H.B. 246, A bill to be entitled An Act relating to the compensation of the District Attorney of the 34th Judicial District and the appointment and compensation of assistants, investigators, and stenographers; amending Section 1, Chapter 12, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 3886h, Vernon's Texas Civil Statutes); amending Section 3, Chapter 9, Acts of the 39th Legislature, General Laws, 1st Called Session, 1926, as amended (Article 326b, Vernon's Texas Civil Statutes); repealing Sections 2, 4, and 5, Chapter 9, Acts of the 39th Legislature, General Laws, 1st Called Session, 1926 (Article 326a, 326c, and 326d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 268, A bill to be entitled An Act relating to county attorneys, district attorneys, and criminal district attorneys; authorizing and providing qualifications for assistants, investigators, secretaries and other office personnel; authorizing supplies, equipment, and other expenses for the office of prosecuting attorney; and declaring an emergency.

H.B. 301, A bill to be entitled An Act relating to including Collin County under the provisions of the Uniform Wildlife Regulatory Act, amending Section 1, The Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

H.B. 448, A bill to be entitled An Act relating to the open season for the taking of deer in Wood County; amending Section 1, Chapter 589, Acts of the 61st Legislature, Regular Session, 1969, as amended; and declaring an emergency.

The House has concurred in Senate amendments to House Bill 185 by vote of 90 ayes, 47 noes.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 133 (Again Signed)

SENATE BILLS AND RESOLUTION ON FIRST READING

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

By Senator Harrington:

S.B. 839, A bill to be entitled An Act authorizing the board of regents of Lamar University to convey a certain tract of land to the City of Port Arthur, Texas, in exchange for a certain tract of land owned by the City of Port Arthur; and declaring an emergency.

To Committee on State Affairs.

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Wolff:

S.B. 840, A bill to be entitled An Act providing for negotiation of an agreement with the Secretary of Health, Education and Welfare enabling the Commissioner of Health to make recommendations to the Secretary of Health, Education and Welfare with respect to capital expenditures in the construction of health care facilities and health maintenance organizations within this state; defining terms; requiring persons proposing capital expenditures as defined in the Act to obtain a recommendation that the expenditures are consistent with standards, criteria or plans developed pursuant to certain federal acts, as defined herein; establishing methods of administration and control; authorizing the acceptance and expenditure of any grant, gift or contribution to assist in meeting the cost of carrying out the purposes of this Act; providing for cooperation with the public health planning regions and the Division of Hospital Survey and Construction of the Texas State Department of Health; repealing all laws in conflict; providing for severability; and declaring an emergency.

To Committee on State Affairs.

By Senator Wallace:

S.B. 841, A bill to be entitled An Act relating to the handling of trust funds paid into court in an interpleader action; amending Chapter 14, General Laws, Acts of the 41st Legislature, 4th Called Session, 1930, as amended (Article 2558a, Vernon's Texas Civil Statutes), by adding a Section 4c; and declaring an emergency.

To Committee on State Affairs.

By Senator Wallace:

S.B. 842, A bill to be entitled An Act establishing the Texas Air Control Board as an independent state agency; amending Sections 2.08, 2.09, and 2.10 of the Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Harris:

S.B. 843, A bill to be entitled An Act relating to validating boundary lines of certain cities housing a population of not more than 49,000 according to the last preceding federal census; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

S.B. 844, A bill to be entitled An Act relating to the number and qualifications of Commissioners of the Texas Animal Health Commission; amending Article 7009, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 845, A bill to be entitled An Act relating to the authority of the Texas Library and Historical Commission to accept certain gifts and donations; amending Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5442b, Vernon's Texas Civil Statutes), by adding Section 2A; and declaring an emergency.

To Committee on Administration.

By Senator Herring:

S.C.R. 69, Granting Arthur E. Postel, doing business as Postel Securities Company, permission to sue the State of Texas.

To Committee on Jurisprudence.

PRESENTATION OF GUESTS

By unanimous consent, Senator McKnight presented as guests of the Senate today Members of the Apache Belles and the Apache Band of Tyler Junior College.

Senator McKnight asked unanimous consent that Susan Trainer and Jerry Fischer, representatives of the Apache Belles, be granted permission to proceed to the President's Rostrum.

There was no objection.

The Members of the Apache Belles presented Mrs. William P. Hobby a bouquet of red roses and the President a certificate designating him an "Honorary Apache Beau".

Senator McKnight then presented Mrs. Eva Saunders, Director of the Apache Belles; Alfred Gilliam, Choreographer; and Jack Smith, Board Director, as guests of the Senate.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 22, 1973

Honorable William P. Hobby
President of the Senate

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

H.C.R. 16, Creating a joint interim study committee on surface mining operations.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

H.B. 448, To Committee on Natural Resources.
H.B. 301, To Committee on Natural Resources.
H.B. 268, To Committee on Intergovernmental Relations.
H.B. 246, To Committee on Intergovernmental Relations.

H.B. 236, To Committee on Jurisprudence.
 H.B. 167, To Committee on Intergovernmental Relations.
 H.B. 131, To Committee on Intergovernmental Relations.
 H.B. 40, To Committee on Intergovernmental Relations.
 H.B. 7, To Committee on Jurisprudence.
 H.C.R. 112, To Committee on Administration.
 H.C.R. 16, To Committee on Administration.

SENATE BILL 361 ON SECOND READING

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

S.B. 361, A bill to be entitled An Act authorizing the board of regents of Stephen F. Austin State University to sell and convey certain land; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 361 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard.

COMMITTEE SUBSTITUTE SENATE BILL 106 ON THIRD READING

Senator Traeger asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 106 for consideration at this time.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up C.S.S.B. 106 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Clower, Creighton, Harris, Herring, Mauzy, McKnight and Moore.

Absent-excused: Blanchard.

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

C.S.S.B. 106, Relating to the role and scope of Texas A and I Univeristy at Laredo; amending Sections 104.41 and 104.43, Texas Education Code; and declaring an emergency.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Aikin, Braecklein, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Andujar, Clower, Creighton, Harris, Herring, Mauzy, McKnight and Moore.

Absent-excused: Blanchard.

HOUSE BILL 262 ON SECOND READING

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

H.B. 262, A bill to be entitled An Act repealing Section 8, Chapter 177, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes) relating to the adoption of children by members of the same race; and declaring an emergency.

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

RECORD OF VOTES

Senators Adams and Harris asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE SENATE BILL 458 ON SECOND READING

Senator Moore asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 458 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up C.S.S.B. 458 for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria,

McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Mauzy and Patman.

Absent-excused: Blanchard.

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

C.S.S.B. 458, A bill to be entitled An Act relating to title insurance companies insuring titles to personal property; amending quoted Articles 9.02(a) and (c), 9.03, 9.08, 9.19, and 9.38(a), of Section 1, Chapter 219, Acts of the 60th Legislature, Regular Session, 1967 (Articles 9.02(a) and (c), 9.03, 9.08, 9.19 and 9.38(a), Insurance Code) as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senator Mauzy, Patman and Adams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 458 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Jones, Mauzy and Patman.

Absent-excused: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Jones, Mauzy, Patman and Sherman.

Absent-excused: Blanchard.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 22, 1973

Honorable William P. Hobby
President of the Senate

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

S.C.R. 67, Congratulating Mrs. E. B. Cartwright, President of the Weatherford Garden Club, Mark Reynolds, City Manager, and all participating residents of Weatherford.

S.B. 143, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Mabank-Kemp Hospital District, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency. (With amendments)

S.B. 102, A bill to be entitled An Act relating to the appointment of deputy savings and loan commissioners; amending Subsection (b), Article 5, Subchapter II, Banking Code of 1943, as amended (Article 342-205, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 251, A bill to be entitled An Act relating to Public Law (Federal) 92-159, Section (b) (1) (85 Stat. 480, 16 U.S.C. 742 j-1) and to the use of aircraft for predator animal control in certain counties in circumstances which are necessary to protect human and natural resources; providing for the issuance of permits; requiring reports; authorizing Parks and Wildlife Commission to make regulations; providing penalties; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 485 ON SECOND READING

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

S.B. 485, A bill to be entitled An Act to supplement the appropriation to Texas A and M University for utilities for the year ending August 31, 1973, by the amount of \$401,975.00 to pay additional costs of fuel to provide utilities to the educational and general facilities of the University; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 485 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santicsteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard.

SENATE BILL 143 WITH HOUSE AMENDMENT

Senator Adams called S.B. 143 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 143 by adding Subsection (e) to Section 3 to read as follows:

"(e) Van Zandt County, Kaufman County, and Henderson County shall each pay one-third of the expenses involved in any election held under the provisions of this section. If the creation of the district is confirmed at such an election, the district shall reimburse the counties within a reasonable time, not to exceed one year, for all funds they expended on the election."

The House amendment was read.

Senator Adams moved the Senate concur in the House amendment.

The motion prevailed.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 89

CONFERENCE COMMITTEE ON HOUSE CONCURRENT RESOLUTION 3

Senator Schwartz called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.C.R. 3 and moved that the request be granted.

The motion prevailed.

SENATE RESOLUTION 357

By unanimous consent, Senator Schwartz offered the following resolution:

WHEREAS, The people of the State of Texas deserve the most responsible and responsive government; and

WHEREAS, The members of the Texas Senate believe that the adoption of

strong, effective ethics and reform legislation is the first and most important prerequisite to insuring that the people of Texas will always have the high caliber of government which they deserve; and

WHEREAS, The past has demonstrated that proper ethics and reform legislation can be adopted only after the most thorough study and the most precise drafting; and

WHEREAS, The members of the Texas Senate believe that the people of Texas have a right to a direct input into the scope and detail of ethics and reform legislation; and

WHEREAS, The Citizens Conference on Ethics in Government was called to assist the legislature in ascertaining the views of the people in the areas of ethics, lobby control and campaign regulations; and

WHEREAS, Each participant gave of his own time to take part in the conference and, through the conference, in the decisionmaking process; and

WHEREAS, The citizen in-put and work which was done by the conference will greatly assist in the adoption of strong, lasting ethics legislation; now, therefore, be it

RESOLVED, By the Senate of the 63rd Legislature of the State of Texas that each participant in the Citizens Conference on Ethics in Government be commended for the contributions which he has made to the conference and his state; and, be it further

RESOLVED, That a copy of this Resolution be presented to each participant of the Citizens Conference on Ethics in Government.

The resolution was read and was adopted.

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

On motion of Senator Herring, the resolution was adopted.

LEAVE OF ABSENCE

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

NOTICE OF EXECUTIVE SESSION

Senator McKinnon asked unanimous consent that the Executive Session of the Senate be held at 11:19 o'clock a.m. today (he having given Notice for 11:35 o'clock a.m. on yesterday).

There was no objection.

EXECUTIVE SESSION

Senator McKinnon then announced that the time had arrived for an Executive Session of the Senate.

Senator McKinnon moved that the Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 17, Nays 12.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Hightower, Longoria, Mauzy, McKinnon, Ogg, Patman, Schwartz, Sherman and Wolff.

Nays: Andujar, Creighton, Herring, Jones, Kothmann, Meier, Mengden, Moore, Santiesteban, Snelson, Traeger and Wallace.

Absent-excused: Blanchard and McKnight.

Accordingly, the President at 11:19 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:35 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees considered in Executive Session.

Senator Clower requested a severance on Dr. Robert E. Day to be a Member of the State Commission for the Blind.

There was no objection.

Senator Clower then moved to recommit the nomination of Dr. Robert E. Day to the Sub-Committee on Nominations.

There was no objection.

NOMINEES CONFIRMED

DISTRICT JUDGE OF THE 117TH JUDICIAL DISTRICT UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

The Honorable Jack R. Blackmon, of Corpus Christi, Nueces County.

DISTRICT JUDGE OF THE 189TH JUDICIAL DISTRICT UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

The Honorable Jackson B. Smith, Jr., of Houston, Harris County.

DISTRICT JUDGE OF THE 201ST JUDICIAL DISTRICT UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

The Honorable David S. McAngus, of Austin, Travis County.

JUDGE OF DOMESTIC RELATIONS COURT NO. 5 HARRIS COUNTY, TEXAS UNTIL THE NEXT GENERAL ELECTION AND UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

Mrs. Ruby Kless Sondock, of Houston, Harris County.

MEMBER OF THE STATE BOARD OF VOCATIONAL NURSE EXAMINERS:

Mrs. Patricia Rachel, of Dallas, Dallas County, term to expire September 6, 1977.

MEMBERS OF THE BOARD OF OPTOMETRY:

For terms to expire January 31, 1979:

E.R. Friedman, O.D., of Dallas, Dallas County;
Hugh Sticksel, Jr., O.D., of Amarillo, Potter County.

MEMBER OF THE TEXAS TURNPIKE AUTHORITY:

Dee J. Kelly, of Fort Worth, Tarrant County, term to expire February 15, 1979.

MEMBER OF THE TEXAS CIVIL AIR PATROL COMMISSION:

Jerry Puckett, of Fort Stockton, Pecos County, term to expire May 31, 1977.

PECOS RIVER COMPACT COMMISSIONER:

R. B. McGowen, of Pecos, Reeves County, term to expire January 23, 1975.

The nominees were confirmed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and McKnight.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

S.C.R. 68

COMMITTEE SUBSTITUTE SENATE BILL 41 ON SECOND READING

Senator Gammage asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 41 for consideration at this time.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up C.S.S.B. 41 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Jones, Kothmann, Longoria, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Adams, Clower, Herring, Hightower, Mauzy, McKinnon, Meier and Snelson.

Present-Not voting: Traeger.

Absent-excused: Blanchard and McKnight.

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

C.S.S.B. 41, A bill to be entitled An Act relating to the qualifications

for taking the examination for admission to the State Bar of Texas; amending Article 306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 2, Chapter 3, page 68, General Laws Acts of the 46th Legislature, 1939, as amended (Article 306a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 11.

Yeas: Aikin, Andujar, Brooks, Creighton, Gammage, Harrington, Harris, Kothmann, Longoria, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman and Wallace.

Nays: Adams, Braecklein, Clower, Herring, Hightower, Jones, Mauzy, McKinnon, Meier, Snelson and Wolff.

Present-Not voting: Traeger.

Absent-excused: Blanchard and McKnight.

HOUSE BILL 88 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up H.B. 88 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up H.B. 88 for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

Nays: Andujar, Jones and Traeger.

Absent-excused: Blanchard and McKnight.

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

H.B. 88, A bill to be entitled An Act relating to reform of civil suits based on negligence; etc.; and declaring an emergency.

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend House Bill 88 by striking subsection (d) of Section 3 on page 5 of the printed bill and substituting therefor the following:

"(d) If an alleged joint tort-feasor pays an amount to a claimant in settlement, but is never joined as a party defendant, or having been joined, is dismissed or non-suited after settlement with the claimant (for which reason the existence and amount of his negligence are not submitted to the jury), each defendant is entitled to deduct from the amount for which he is liable to the claimant a percentage of the amount of the settlement based on the relationship

the defendant's own negligence bears to the total negligence of all defendants."

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend House Bill 88 by striking Section 2 of the printed bill and renumbering the succeeding sections accordingly.

The Committee Amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend H.B. 88 by striking Section 1 and substituting the following:

"Section 1. MODIFIED COMPARATIVE NEGLIGENCE. Contributory negligence shall not bar recovery in an action by any person or party or the legal representative of any person or party to recover damages for negligence resulting in death or injury to persons or property if such negligence was not as great as the negligence of the person or party or persons or parties against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence to the person or party recovering. In cases tried before a jury the Court shall instruct the jury to make separate findings of fact respecting the total damages sustained by the person or persons recovering without regard to the negligence of any party to the event or occurrence, and shall further instruct the jury to make separate findings of fact respecting the percentage of negligence attributable to the person or persons recovering and the total damages found by the jury shall be diminished by the Court in proportion to the percentage of negligence attributed to the person or persons recovering as determined by the trier of fact."

The amendment was read.

Senator Mauzy moved to table the amendment.

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

The motion to table prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Andujar, Harris, Jones, Mengden, Snelson and Traeger.

Absent: Moore.

Absent-excused: Blanchard and McKnight.

Senator Jones offered the following amendment to the bill:

Amend H.B. 88 by striking all of Section 4 and renumbering subsequent sections accordingly.

The amendment was read.

Senator Mauzy moved to table the amendment.

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

The motion to table prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Wallace and Wolff.

Nays: Andujar, Harris, Jones, Mengden, Sherman, Snelson and Traeger.

Absent: Moore.

Absent-excused: Blanchard and McKnight.

Senator Sherman offered the following amendment to the bill:

Amend Sec. 4 of H.B. 88 by striking all of Article 670lb, Section 1(c), and inserting in lieu thereof the following:

"(c) When any liability claim is made by a guest against the owner or operator on his liability insurance carrier, the owner or operator or his liability insurance carrier shall be entitled to an offset, credit, or deduction against any award made to such guest in an amount of money equal to the amounts paid by the owner, operator or his automobile liability insurance carrier for medical expenses or other expenses of such guest, including any benefits paid by the owner, operator or his automobile liability insurance carrier to such guest; provided, however, that nothing herein shall be construed to authorize a direct action against a liability insurance company if such right does not presently exist at law."

The amendment was read.

Senator Mauzy moved to table the amendment.

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

The amendment was tabled by the following vote: Yeas 17, Nays 11.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, Ogg, Patman, Santiesteban, Schwartz, Wallace and Wolff.

Nays: Andujar, Creighton, Harris, Herring, Jones, McKinnon, Meier, Mengden, Sherman, Snelson and Traeger.

Absent: Moore.

Absent-excused: Blanchard and McKnight.

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

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Traeger and Jones asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 88 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 88 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

Nays: Jones and Traeger.

Absent-excused: Blanchard and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Traeger and Jones asked to be recorded as voting "Nay" on the final passage of the bill.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, March 26, 1973

S.B. 129 - Senator Longoria
 S.B. 180 - Senator Hightower
 S.B. 221 - Senator Patman
 S.B. 264 - Senator Moore
 C.S.S.B. 274 - Senator Schwartz
 C.S.S.B. 348 - Senator Ogg
 S.B. 386 - Senator Herring
 S.B. 392 - Senator Snelson
 C.S.S.B. 636 - Senator Traeger

Tuesday, March 27, 1973

S.B. 593 - Senator Mauzy
 C.S.S.B. 268 - Senator Schwartz
 C.S.S.B. 269 - Senator Schwartz

Wednesday, March 28, 1973

C.S.H.B. 3 - Senator Brooks

MEMORIAL RESOLUTION

S.R. 373 - By Senator Aikin: Memorial resolution for H. L. Hollis.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 364 - By Senator Adams: Extending congratulations to Debbie Crawford.

S.R. 365 - By Senator Adams: Extending congratulations to Prue Benson.

S.R. 366 - By Senator Ogg: Extending welcome to Bob Robinson.

S.R. 367 - By Senator Mengden: Extending welcome to senior government and economics classes of Alief High School.

S.R. 368 - By Senator Gammage: Extending welcome to students from Westbury High School.

S.R. 369 - By Senator Gammage: Extending welcome to students from Mt. Carmel High School.

S.R. 370 - By Senator Brooks: Commending several oil companies for including in their contracts health and safety clauses.

S.R. 371 - By Senators Aikin and Sherman: Extending welcome to Charles E. Ball and Glenn Deen.

S.R. 372 - By Senator Andujar: Commending James Hamrick and members of Plumbers and Steam Fitters Local 286.

S.R. 374 - By Senator McKinnon: Extending congratulations to American G.I. Forum and its founder, Dr. Hector P. Garcia on its 25th anniversary.

S.R. 375 - By Senator Aikin: Extending welcome to Mr. and Mrs. Robert Voelkel.

S.R. 376 - By Senator Aikin: Extending welcome to Mr. and Mrs. Wilson Norris.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:23 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 26, 1973.

APPENDIX**Sent To Governor****March 22, 1973**

S.B. 133 (Again sent)
S.C.R. 68