

SEVENTY-SEVENTH DAY

(Continued)

(Saturday, May 19, 1973)

After Recess

The Senate met at 8:00 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS 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 the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 52 (Mauzy) (31-0) Bill was on third reading

S.B. 194 (Hightower) (30-1) Clower "Nay" (30-1) Clower "Nay"

S.B. 201 (Ogg) (29-2) Brooks and Creighton "Nay". Bill was on third reading

S.B. 262 (Hightower) (31-0)(31-0)

S.B. 443 (Gammage) (30-1) Hightower "Nay" (30-1) Hightower "Nay"

S.B. 601 (Mauzy) (30-1) Clower "Nay" (30-1) Clower "Nay"

S.B. 652 (Snelson) (31-0)(31-0)

C.S.S.B. 733 (Brooks) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 796 (Mauzy) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 882 (Brooks) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 907 (Traeger) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 944 (Ogg) (28-3) Brooks, Creighton and Mauzy "Nay" (28-3) Brooks, Creighton and Mauzy "Nay"

S.B. 969 (Kothmann) (29-2) Creighton and Meier "Nay" (29-2) Creighton and Meier "Nay"

S.B. 978 (Longoria) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 979 (Hightower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 980 (Mauzy) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 982 (Blanchard) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 983 (Hightower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 984 (Traeger and Clower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 985 (Meier and Andujar) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

C.S.S.B. 987 (Gammage) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.B. 988 (Ogg) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

S.C.R. 112 (Hightower) (vv)

S.R. 714 (Brooks) (vv)

H.B. 59 (Harrington) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 171 (Jones) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 367 (Braecklein) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 476 (Sherman) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 486 (Herring) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 492 (Meier) (31-0)(31-0)

H.B. 503 (Harrington) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 574 (Traeger) (28-3) Creighton, Clower and Meier "Nay" (28-3) Creighton, Clower and Meier "Nay"

H.B. 723 (Meier) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 730 (Wolff) (29-2) Herring and Creighton "Nay" (29-2) Herring and Creighton "Nay"

H.B. 731 (Wolff) (28-3) Herring, Creighton and Mauzy "Nay" (28-3) Herring, Creighton and Mauzy "Nay"

H.B. 787 (Clower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 808 (Santiesteban) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 915 (Clower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 931 (Creighton) (31-0)(31-0)

H.B. 958 (Wolff) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1022 (Harrington) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1056 (Wolff) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1114 (Wolff) (29-2) Creighton and Clower "Nay" (29-2) Creighton and Clower "Nay"

H.B. 1182 (Adams) (28-3) Creighton, Mauzy and Clower "Nay" (28-3) Creighton, Mauzy and Clower "Nay"

H.B. 1204 (Wolff) (29-2) Creighton and Clower "Nay" (29-2) Creighton and Clower "Nay"

H.B. 1239 (Moore) (29-2) Herring and Creighton "Nay" (29-2) Herring and Creighton "Nay"

H.B. 1244 (Wolff) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1286 (Jones) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1288 (Schwartz) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1363 (Herring) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1447 (Kothmann) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1448 (Kothmann) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1506 (Herring) (29-2) Creighton and Clower "Nay" (29-2) Creighton and Clower "Nay"

H.B. 1572 (McKnight) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1642 (Wolff) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1645 (Harrington) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1657 (Moore) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1680 (Herring) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.C.R. 25 (Brooks) (vv)

H.C.R. 46 (Creighton) (vv)

H.C.R. 87 (Meier) (vv)

H.C.R. 96 (Schwartz) (vv) Herring and Creighton "Nay"

H.C.R. 103 (Hightower) (vv)

H.C.R. 147 (Meier) (vv)

H.C.R. 187 (Mauzy) (vv)

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

S.B. 233 (Hightower)--

Senator Hightower offered the following amendment to the bill:

Amend S.B. 233, Sec. 20 by deleting the new language in the proposed Section 3.54, Subsection (f) and substituting the following therefor:

"(f) No person who has counseled parties to a suit for divorce under this section is competent to testify in any action involving the parties or their children."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (27-4) Creighton, Kothmann, Blanchard and Patman "Nay" (27-4) Creighton, Kothmann, Blanchard and Patman "Nay"

S.B. 280 (Wolff)--

Senator Wolff offered the following amendment to the bill:

Amend S.B. 280 by striking Section 2 and inserting in lieu thereof the following:

"Sec. 2. The arresting officer shall immediately take the person arrested for violating a city ordinance before a city magistrate in any of the following instances: (1) if the person arrested demands an immediate appearance; (2) if the person arrested is being arrested on a warrant or has outstanding warrants against him; (3) if the safety of the person arrested or the safety of others may be jeopardized by his release in the judgment of the arresting officer or his superiors; (4) if the person arrested fails or refuses to give satisfactory identification; (5) if in the judgment of the arresting officer the person arrested is intoxicated; (6) if the person arrested is a child or a juvenile; (7) if medical treatment or physical examination of the person arrested is required in the judgment of the arresting officer or his superiors; (8) if the arresting officer has used physical force on the person arrested; (9) if the person arrested refused to give his written promise to appear in court as provided in Section 1 of this Act."

The amendment was read and was adopted.

Senator Wolff offered the following amendment to the bill:

Amend S.B. 280 by striking subsection (c) of Section 1.

The amendment was read and was adopted.

Senator Wolff offered the following amendment to the bill:

Amend S.B. 280 by striking all of Section 3.(9) and renumbering the subsequent sections.

The amendment was read and was adopted.

On motion of Senator Wolff and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 356 (Brooks)--

Senator Brooks offered the following amendment to the bill:

Section 1. Chapter 130, Texas Education Code, is amended by adding Subchapter I to read as follows:

"SUBCHAPTER I. EDUCATIONAL OPPORTUNITITES FOR DISADVANTAGED STUDENTS.

"Sec. 130.151. PURPOSE. It is the purpose of this subchapter to enable each junior college which fulfills the provisions of this subchapter to provide useful and meaningful educational programs for any person 17 years of age or older with a high school diploma or its equivalent, or for any person 18 years of age regardless of prior educational experience, cultural background, or economic resources.

"Sec. 130.152. CRITERIA FOR PROGRAMS FOR THE DISADVANTAGED. A junior college may develop programs to serve persons from backgrounds of economic or educational deprivation by submission of a plan based on the following criteria to the Coordinating Board, Texas College and University System:

"(1) an instructional program that accommodates the different learning rates of student and compensates for prior economic and educational deprivation;

"(2) an unrestricted admissions policy allowing the enrollment of any person 18 years of age or older with a high school diploma or its equivalent, who can reasonably be expected to benefit from instruction;

"(3) the assurance that all students, regardless of their differing programs of study, will be considered, known, and recognized as full members of the student body, provided that the administrative officers of a junior college may deny admission to a prospective student or attendance of an enrolled student if, in their judgment, he would not be competent to benefit from a program of the college, or would by his presence or conduct create a disruptive atmosphere within the college not consistent with the statutory purposes of the college;

"(4) the submission of a plan for a financial aid program which removes to the maximum extent possible the financial barriers to the educational aspirations of the citizens of this state;

"(5) an annual evaluation report based on scientific methods and utilizing control groups wherever possible to be submitted to the Coordinating Board at the end of each school year, covering each remedial-compensatory course or program offered at the college; and

"(6) any other criteria consistent with the provisions of this subchapter specified by the Coordinating Board;

"(7) a junior college must obtain approval of the Coordinating Board, Texas College and University System, before offering any courses under the provisions of this Act."

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 and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

S.B. 494 (Brooks)--

Senator Brooks offered the following amendment to the bill:

Amend S.B. 494, Section 1 by adding Subsection (d) to read as follows:

"(d) For the purposes of this Act swimming pool heating units and filter units shall not be considered a pressure vessel."

The amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 494 by adding a new subsection (c) of Section 2 as follows:

"(c) The Commissioner shall fix and collect a filing fee in accordance with the following schedule:

- | | |
|---|-----------|
| (1) for statements covering 1 to 25 vessels | \$ 3 each |
| (2) for statements covering 26 to 100 vessels | \$ 75 |

- | | |
|---|--------|
| (3) for statements covering 101 to 500 vessels | \$150 |
| (4) for statements covering more than 500 vessels | \$300" |

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

C.S.S.B. 815 (Mauzy)--

Senator Mauzy offered the following amendment to the bill:

Amend C.S.S.B. 815 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subsection (b) of Section 3 of Article 21.07-1, Texas Insurance Code, is amended to read as follows:

"(b) No insurer or licensed life insurance agent doing business in this State shall pay directly or indirectly any commission or other valuable consideration to any person for services as a life insurance agent within this State, unless such person shall hold a currently valid license to act as a life insurance agent as required by the laws of this State, or unless such person is a professional corporation organized and existing under the Texas Professional Corporation Act which has as its shareholders only individuals who themselves are duly licensed by the laws of this State to act as life insurance agents under the provisions of this article (except for a holder of a temporary license under the provisions of Section 10); nor shall any person, other than a duly licensed life insurance agent or a professional corporation which has as its officers, directors and shareholders only individuals who themselves are duly licensed life insurance agents under the provisions of this article (except for a holder of a temporary license under Section 10) accept any such commission or other valuable consideration. No professional corporation receiving commissions or other income from the sale of insurance shall at any time distribute any of its income, profits or gains arising from its activities related to insurance to any person other than a licensed life insurance agent under the provisions of this article (except for a holder of a temporary license under the provisions of Section 10). Should the State Board of Insurance, after a public hearing, determine that any of the foregoing provisions of this subsection have been violated, a fine in the amount of triple the commissions received from the unauthorized activity or violation shall be levied against the agent or corporation. No person shall be eligible to hold stock or serve as an officer or director in a professional corporation organized under this Act unless such person holds a license to sell life insurance under the provisions of this article (except for a holder of a temporary license under the provisions of Section 10). Provided, however, that this Section shall not prevent the payment or receipt or renewal or other deferred commissions to or by any natural person solely because such natural person has ceased to hold a license to act as a life insurance agent."

Section 2. Section 1 of Article 21.07-1 of the Insurance Code, as amended, is amended by adding thereto a new subsection to read as follows:

"(g) The term 'person' shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, and any similar entity or any combination of the foregoing acting in concert."

Section 3. Subsection (d) of Section 4 of Article 21.07-1 of the Insurance Code, as amended, is amended to read as follows:

"(d) No corporation, association, partnership or any legal entity or any nature other than a natural person may be licensed as a life insurance agent except a partnership composed at all times exclusively of natural persons licensed under the provisions of this article and a professional corporation organized and existing under the Texas Professional Corporation Act which has

as its shareholders, officers and directors only natural persons who are each duly licensed as a life insurance agent under the provisions of this article (except for a holder of a temporary license under the provisions of Section 10)."

Section 4. Subsection (a) of Section 5 of Article 21.07-1 of the Insurance Code, as amended, shall be amended by adding thereto a new item which states as follows:

"(3) An applicant that is a partnership composed at all times exclusively of natural persons licensed under the provisions of this article and a professional corporation organized and existing under the Texas Professional Corporation Act which has as its shareholders, officers and directors only natural persons who each hold a license to sell life insurance under the provisions of this article (except for a holder of a temporary license under the provisions of Section 10)."

Section 5. Article 21.05 of the Insurance Code, as amended, is repealed and all laws or parts of laws found to be in conflict with any provision of this Act are hereby repealed to the extent that they are in conflict; and this Act shall prevail over any conflicting provisions of law.

Section 6. The fact that life insurance agents are denied the right to be licensed as partnerships and to use the provisions of the Texas Professional Corporations Act because of prohibitions in the Insurance Code with respect to licensing creates 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 Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend C.S.S.B. 815 by striking all above the enacting clause and substituting in lieu thereof the following:

***A BILL**

TO BE ENTITLED

An Act amending Article 21.07-1 of the Insurance Code (Acts 1951, Fifty-second Legislature, Chapter 491, as amended); providing for the payment of commissions to partnerships and to professional corporations whose shareholders are duly licensed as life insurance agents; providing for certification that members of such corporations are primarily life insurance agents; providing penalties for violation of certain provisions; naming the classifications of those license holders who may participate in such a corporation; defining the term 'person'; providing for licensure of partnerships and corporations; repealing Article 21.05 of the Insurance Code and all other laws in conflict; and declaring an emergency."

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend C.S.S.B. 815 as follows:

(1) Add the following language immediately after the word "person" on line 31, page 1 of the Committee Substitute:

"is a corporation organized and existing under the laws of this State and licensed under Article 12.41 of this Code and which also has as its shareholders only individuals who themselves are duly licensed by the laws of this State to act as life insurance agents, or"

(2) Add the following language immediately after the word "agent" on line

39, page 1 of the Committee Substitute:

"or a corporation which has as its shareholders only individuals who themselves are duly licensed life insurance agents".

(3) Add the following language immediately after the word "article" on line 12, page 2 of the Committee Substitute:

". a corporation organized and existing under the laws of this State and licensed under Article 21.14 of this Code and which also has as its shareholders, officers and directors only natural persons who are each duly licensed as a life insurance agent".

(4) Add the following language immediately after the word "article" on line 39, page 2 of the Committee Substitute:

". a corporation organized and existing under the laws of this State and licensed under Article 12.14 of this Code and which also has as its shareholders, officers and directors only natural persons who each hold an unencumbered Group I license to sell life insurance".

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 177 (Snelson)--

Senator Snelson offered the following amendment to the bill:

Amend H.B. 177 by renumbering Section 5 of the bill as Section 6, and adding thereto a new Section 5 to read as follows:

"Sec. 5. It is further provided that the Texas Highway Department shall reimburse the Texas Department of Corrections for the cost of manufacturing motor vehicle license plates, symbols, tabs, or other devices to be attached to motor vehicle license plates as provided herein and said Department of Corrections shall be reimbursed as license plates, symbols, tabs, or other devices are delivered and invoices are rendered to the Highway Department. At the time manufacture is started, the State Board of Control or its successor shall fix a price to be paid per license plate, symbol, tab, or other device, and shall use as the basis for such price the costs of steel, paint, other materials purchased, the inmate maintenance cost per day, overhead expense, miscellaneous charges, and the amount of profit previously approved for such work, provided however that the annual profit to the Texas Department of Corrections from all contracts entered into for the manufacture of license plates or related manufacturing as previously stated, shall not be less than the amount of said profit received by the Texas Department of Corrections for the manufacture of 1974 State of Texas license plates."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend Committee Amendment No. 1 to H.B. 177 by striking the word "steel" on line 14 and substituting therefor the word "metal".

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 463 (Wolff)--

Senator Wolff offered the following Committee Amendment to the bill:

Amend the last sentence of H.B. 463 Subsection (a) (2) of Section 1 of the bill and substitute in lieu thereof the following:

"Nothing in this Act shall be construed to prohibit an institution, as defined in this subdivision, from simultaneously caring for pregnant women and other women under 50 years of age."

The Committee Amendment was read and was adopted.

On motion of Senator Wolff and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 596 (Snelson)--

Senator Snelson offered the following Committee Amendment to the bill:

Amend H.B. 596 by changing present subsection (c) of Section 4 to be subsection (d) of Section 4, and inserting a new subsection (c) of Section 4 to read as follows:

"(c) The provisions of Section 2 of this Act shall not apply to any agreement providing for indemnity with respect to claims for personal injury or death to indemnitor's employees or agents, or the employees or agents of indemnitor's subcontractors if the parties agree in writing that such indemnity obligation will be supported by available liability insurance coverage to be furnished by indemnitor; provided, however, that such indemnity obligation shall be only to the extent of the coverages and dollar limits of insurance agreed to be furnished; but in no event shall said insurance be required in an amount in excess of twelve times State basic limits for bodily injury, approved by the Board of Insurance Commissioners in accordance with Art. 5.15 of the Texas Insurance Code."

The Committee Amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-2) Creighton and Clower "Nay" (29-2) Creighton and Clower "Nay"

BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR

Bill Number	Senators Objecting
S.B. 594	Creighton, Herring, Brooks
S.B. 53	Creighton, Herring, Sherman
S.B. 445	Blanchard, Creighton, Meier
S.B. 837	Mauzy, Kothmann, Clower
H.B. 1216	Creighton, McKnight, Blanchard
H.B. 750	Blanchard, Creighton, McKnight
H.B. 353	Blanchard, Herring, Hightower
H.B. 859	Patman, Creighton, Meier
H.B. 482	Aikin, Blanchard, Creighton
S.B. 820	Creighton, Meier, Blanchard
S.B. 752	Creighton, Blanchard, Brooks
S.B. 967	Creighton, Herring, Blanchard

**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.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 19, 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. 99, Creating an Interim Committee on Small Business.

H.C.R. 54, In memory of Frank M. Fitzpatrick, Sr.

H.C.R. 55, Proposing that the meetings and hearings of the Legislative Budget Board be tape-recorded and the records or tapes be kept on file.

H.C.R. 116, Granting permission to the Boys State Program of the American Legion, Department of Texas, to use the House and Senate Chambers.

H.C.R. 135, Memorializing Congress to federalize Title XIX (Medicaid) program to provide financial relief to states.

H.C.R. 141, Congratulating the Honorable Pike Powers, Jr., State Representative, on his selection as the Outstanding Young Man of 1973 in Beaumont.

H.C.R. 142, In memory of Judge John F. Sutton.

Motion to reconsider vote by which House concurred in Senate amendments to H.B. 1067 prevailed by a non-record vote.

The House refused to concur in Senate amendments to H.B. 1067 by a record vote of 84 Ayes, 55 Noes, 1 Present-not voting, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees: Kubiak, Chairman; Finney, Bynum, Cobb and Hoestenbach.

H.B. 877, A bill to be entitled An Act establishing certain rights, duties and remedies of residential landlords and tenants in regard to tenants' security deposits; granting persons eighteen years of age and older the right to enter into binding residential rental agreements and/or security deposit agreements; and repealing inconsistent laws; and declaring an effective date.

H.B. 1194, A bill to be entitled An Act relating to dipping and treatment of livestock for scabies; amending Chapter 63, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 1525a, Vernon's Texas Penal Code), by adding Section 2A; and declaring an emergency.

H.B. 1482, A bill to be entitled An Act relating to the Veterans' Land Board; amending Sections 10(A), 14, 16, 17, 19, and 21, Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5421m, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1589, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Electra Hospital District of Wichita County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

H.B. 1655, A bill to be entitled An Act relating to protection of the health and welfare of residents of the state, inhabitants of Harris County Water Control and Improvement District No. 99 and students, teachers, and other personnel of Spring High School and prevention of pollution of the water of the State of Texas; empowering and permitting Harris County Water Control and Improvement District No. 99 to discharge municipal waste at a discharge point on Cypress Creek in Harris County, Texas, within certain volumes and quality standards and to construct a sanitary sewer collection, disposal and treatment system and to operate the same; validating all acts and proceedings of the district relating to construction of a sanitary sewer collection, treatment, and waste disposal system and obtaining authority to discharge municipal wastes therefrom; providing for liberal construction of this Act, including grant of all permissions, certifications, or findings required to be made by the State of Texas under the provisions of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251, et seq.) finding certain facts; providing for severability; and declaring an emergency.

H.B. 1656, A bill to be entitled An Act creating and establishing without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, of the Texas Constitution, known as "North Zulch Municipal Utility District," and declaring the district a governmental agency and body politic and corporate; finding the boundaries form a closure, and related matters; finding that confirmation election is not required; finding that no exclusion hearing is required; defining the boundaries; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Water Code, where not in conflict with the Act, and adopting same by reference; naming the first directors and providing for filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d), of the Texas Constitution, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

H.B. 68, A bill to be entitled An Act relating to the collection of a penalty for late payment of property taxes paid after June 30 of each year; amending Section 4, Article 7100, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

H.B. 702, A bill to be entitled An Act amending Articles 11.07 and 44.34, Code of Criminal Procedure, 1965; relating to the time for preparing the record in writs of habeas corpus cases after felony conviction; and declaring an emergency.

H.B. 835, A bill to be entitled An Act relating to the composition of the 2nd Judicial District and the 145th Judicial District and other provisions relative to those courts; relating to personnel for the office of the district attorney for the 2nd Judicial District; creating the office of district attorney for the 145th Judicial District; amending Subdivision 2, Article 199, Revised Civil Statutes of Texas, 1925, as amended; amending Chapter 492, Acts of the 54th Legislature, 1955, as amended (Subdivision 145, Article 199, Vernon's Texas Civil Statutes); amending Chapter 649, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 326L-1, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

H.B. 837, A bill to be entitled An Act relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

H.B. 995, A bill to be entitled An Act relating to authorizing and regulating group marketing of motor vehicle insurance for persons over 55 years of age; amending Chapter 21, Insurance Code, by adding Article 21.76; amending Section 20, Article 21.14, Insurance Code; and declaring an emergency.

H.B. 1654, A bill to be entitled An Act relating to the creation of the Montague County Probation Department; and declaring an emergency.

H.B. 1684, A bill to be entitled An Act providing for service of process on agents of a residential landlord under certain circumstances; relating to the willful interruption of utility services by a residential landlord; relating to the willful exclusion of a tenant by a residential landlord; relating to residential landlord liens; repealing all laws in conflict and specifically Article 5238a; declaring an effective date; and providing a savings clause.

H.B. 1685, A bill to be entitled An Act relating to regulation of certain rendering plants; amending Section 4, Chapter 405, Acts of the 61st Legislature, 1969, as amended (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

ADJOURNMENT

On motion of Senator Aikin the Senate at 9:36 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

In Memory of**Samuel W. Hudson, Sr.**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up and consider at this time, the following resolution:

(House Concurrent Resolution 187)

WHEREAS, Samuel W. Hudson, Sr., who was born on February 22, 1877, was the son of ex-slaves Josiah Hudson and Jane Hudson; he departed this life on December 15, 1972, at the age of 95; and

WHEREAS, At the time of his death, he left 8 children; he was grandfather to 21 children, and great-grandfather to 17 children; and

WHEREAS, He was the senior Samuel W. Hudson in a line that now includes four generations bearing that name: his son, Samuel W. Hudson, Jr.; a grandson, Samuel W. Hudson III, who is a member of the House of Representatives of the 63rd Legislature; and a great-grandson, Samuel W. Hudson IV; and

WHEREAS, Married to the former Emmie Mae Allen in 1910, Samuel W. Hudson, Sr., and his wife inspired each of their seven children to go to college and all were sent to Bishop College in Marshall, Texas. Through the sacrifice and toil of their parents in financing more than 33 years of total education for them, most of which was accomplished during the Great Depression, all of the Hudson children acquired college degrees; and

WHEREAS, The tradition continued through the following generation, with the senior Samuel W. Hudson's children making similar sacrifices that their own children might receive a college education; and

WHEREAS, The teachings and parental guidance of Emmie Mae and Samuel W. Hudson, Sr., have borne fruit in the success of their children: Samuel W. Hudson, Jr., is today an Equal Opportunity specialist with the Department of Housing and Urban Development; Allie Mae Hudson Jones is a school teacher in the Los Angeles, California, school system; Dorothy Lois Hudson Jones is a school counselor in the Texarkana school system; Elsie Lee Hudson Jackson is a teacher in the Grand Prairie school system; Jacob Eugene Hudson is an Immigration and Naturalization specialist with the United States Department of Immigration and Naturalization in Los Angeles, California; Joseph Alvin Hudson is an attendance counselor with the Los Angeles, California, school system; and Emmie Jean Hudson Whaley is a consultant in teacher training with the Los Angeles, California, school system; and

WHEREAS, In addition to instilling the values of education in their own children, Samuel W. Hudson, Sr., and his wife, Emmie Mae, reared her first cousin, Dr. Adolph E. Jordan, and inspired him to study and graduate from Meharry Medical College in Nashville, Tennessee, where he acquired the doctor of pharmaceutical chemistry degree; and

WHEREAS, The senior Hudson's son by his first marriage, Johnny Hudson, was also very successful and a credit to his father's upbringing; he is a retired employee of the Southern Pacific Railroad Company in Los Angeles, California; and

WHEREAS, Samuel W. Hudson, Sr., was also a college graduate, finishing Tougaloo College at Jackson, Mississippi, before coming to Texas in 1898, where

he soon became active in business and civic affairs; until his death last December, he was the oldest living graduate of Tougaloo College; and

WHEREAS, He worked for Mobil Oil Company until 1941 and retired at that time as supervisor of all office building employees and as assistant building manager; he was part owner of Jordan Drug Company in Dallas, and operated the business for 20 years; and

WHEREAS, In 1916 Samuel W. Hudson, Sr., was one of the organizers and founders of Trinity Methodist Church, located in the Booker T. Washington Addition of Dallas, and he remained a member of this congregation for 30 years before becoming a Seventh Day Adventist with his faithful, devoted, and dutiful wife, Jo Anna Henderson Hudson, in the latter part of his life; and

WHEREAS, He was a member of the Roseland Homes Chorus, which was organized and founded by his daughter-in-law, Mrs. Ella Lois Johnson Hudson, and he helped guide a successful and necessary participation in the Housing Project Tenant Program; and

WHEREAS, A man of seemingly boundless energy and enthusiasm, particularly in Christian and civic endeavors, he was very active in the campaign for funds that created and founded the Mooreland Branch of the Young Men's Christian Association of Dallas; he also supported and helped develop the Dallas Negro Chamber of Commerce and many other civic and community organizations; and

WHEREAS, Always interested in young people and providing opportunities for them to improve themselves and to engage in worthwhile activities, he counseled and inspired many young men and young women to acquire a college education; and

WHEREAS, Because of his service and devotion to his church, he was acclaimed by Methodist leaders as an outstanding layman of his day in the Methodist Church; and

WHEREAS, Samuel W. Hudson, Sr., was not rich in material possessions, but in his spiritual wealth, his ability to inspire those around him to the highest levels of accomplishment, and the love and respect he generated in all those whose lives he touched, he attained a success far beyond riches that many seek and are never able to find; and

WHEREAS, It is appropriate that the Texas Legislature recognize the distinguished contributions of Samuel W. Hudson, Sr., to his family, his friends, his state, and his country; now, therefore, be it

RESOLVED by the House of Representatives of the 63rd Legislature of the State of Texas, the Senate concurring, That the Texas Legislature honor the memory of Samuel W. Hudson, Sr., and that this Resolution stand in tribute to this man whose life was exemplary of Christian service and unselfish devotion to his fellowman; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when the two Houses of the Texas Legislature adjourn this day, they do so in memory of Samuel W. Hudson, Sr.

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

SEVENTY-EIGHTH DAY
(Saturday, May 19, 1973)

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

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, 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.

Senator Jim Wallace offered the invocation.

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

REPORTS OF STANDING COMMITTEES

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 469
S.B. 954
S.B. 955 (Amended)
S.B. 976
C.S.S.B. 761 (Read first time)
C.S.S.B. 497 (Read first time)
H.B. 910
H.B. 974
H.B. 1111
H.B. 999
H.B. 1681
H.B. 233
H.B. 1615
H.B. 1667
H.B. 1109
H.B. 1519
H.B. 1192
H.B. 1024
H.B. 1183
H.B. 1364
H.B. 1240
H.B. 1467
C.S.H.B. 162 (Read first time)

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

The nomination of Mr. Robert Parsley to be a member of the Texas Board of Mental Health and Mental Retardation.

The nomination of Mr. Jackie St. Clair to be Commissioner of the Bureau of Labor Statistics.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 19, 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. 379, A bill to be entitled An Act relating to the authority of navigation districts to issue bonds secured by taxes, bonds secured by revenues and bonds secured by combination of taxes and revenues; amending Chapter 60 of the Water Code by adding Subchapter M; and declaring an emergency.

H.B. 576, A bill to be entitled An Act relating to residency or internship of graduates of foreign medical schools in hospitals in this state; and declaring an emergency.

H.B. 645, A bill to be entitled An Act relating to the membership of the Texas Animal Health Commission; amending Article 7009, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 740, A bill to be entitled An Act relating to maternity leave for certified employees of school districts; amending Chapter 13, Texas Education Code, by adding Section 13.905; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE CONCURRENT RESOLUTION 117

Senator Schwartz offered the following resolution:

S.C.R. 117, Requesting return of S.B. 216 from the Governor.

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

MESSAGE FROM GOVERNOR

The following Message from the Governor was read and referred to the Committee on State Affairs:

Austin, Texas
May 18, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BATTLESHIP TEXAS COMMISSION:

For a six-year term to expire May 1, 1979:

Mr. Lloyd Gregory of Houston, Harris County, for reappointment.

Admiral Joseph B. Hutchison of Tyler, Smith County, for reappointment.

Mr. Ralph F. Block of Houston, Harris County, for reappointment.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE BILL 858 WITH HOUSE AMENDMENT

Senator Schwartz called S.B. 858 from the President's table for consideration of the House amendment to the bill.

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

AMENDMENT NO. 1

Amend S.B. 858 on page 1 by striking all above the enacting clause and substituting the following:

"amending Section 3, Lower Colorado River Authority Act, as amended (Article 8280-107, Vernon's Texas Civil Statutes) and Section 3, Upper Colorado River Authority Act (Article 8280-109, Vernon's Texas Civil Statutes) as amended, to increase per diem payments for directors of the Upper Colorado River Authority and for directors of the Lower Colorado River Authority from \$25 to \$50 per day; and declaring an emergency."

The House amendment was read.

Senator Schwartz moved to concur in House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

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

Absent: Gammage and Harris.

SENATE BILL 990 RE-REFERRED

On motion of Senator Sherman and by unanimous consent, S.B. 990 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

SENATE BILL 263 WITH HOUSE AMENDMENT

Senator Brooks called S.B. 263 from the President's table for consideration of the House amendment to the bill.

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

COMMITTEE AMENDMENT NO. 1

Amend S.B. 263, First Printing, in the following respects:

a. Delete lines 10 through 14, page 1, and substitute therefor the following:

"Article 4. REAL ESTATE LOANS--LIMITATIONS--EXCEPTIONS.

State banks are authorized to make loans upon the security of real estate and invest their funds in obligations secured by real estate subject to such rules and regulations as may be imposed by the Banking Section of the Finance Commission of Texas relating to margin requirements, repayment programs or terms, and the aggregate in the various types and classes of real estate loans;

provided, however, that no state bank shall make a loan upon security of real estate or invest its funds in obligations secured by real estate unless:"

b. Strike the words "of Sections 1, 2 and 3" on line 20, page 3.

c. Strike Sections 2 and 3 of quoted Article 4, in Section 1 of the bill, and renumber the succeeding sections accordingly.

The House amendment was read.

Senator Brooks moved to concur in House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-Not voting 1.

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

Present-Not voting: Blanchard.

Absent: Harris.

HOUSE BILLS ON FIRST READING

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

H.B. 1521, To Committee on Administration.

H.B. 1455, To Committee on Administration.

H.B. 1690, To Committee on Administration.

H.B. 1686, To Committee on Administration.

H.B. 1666, To Committee on Jurisprudence.

H.B. 1674, To Committee on Administration.

H.B. 1648, To Committee on Administration.

H.B. 791, To Committee on Administration.

H.B. 545, To Committee on Jurisprudence.

H.B. 844, To Committee on Jurisprudence.

H.B. 1201, To Committee on Administration.

COMMITTEE SUBSTITUTE SENATE BILL 442 ON THIRD READING

Senator Aikin asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 442 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up C.S.S.B. 442 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Creighton, Herring, McKinnon, Moore and Patman.

Absent: Mengden, Ogg and Wallace.

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

C.S.S.B. 442, A bill to be entitled An Act stating legislative purpose; defining terms; providing certain limitations on the use of convict labor; providing injunctive relief; repealing all laws in conflict; providing for severability; and declaring an emergency.

The bill was read third time.

(President in Chair)

Senator Aikin offered the following amendment to the bill:

Amend the Committee Substitute for S.B. 442 by amending Section 3 to read as follows:

"Sec. 3. The Texas Department of Corrections is prohibited from acting in any way so as to permit, by contract or otherwise, the use of convict labor in the construction of any public or private facility except in the remodeling, modification, or additional construction required of an existing prison facility or in the maintenance only of any park under the sole jurisdiction of the State Department of Parks and Wildlife; provided that this Act should not apply to the use of convict labor for any construction being done by such convict labor on the effective date of this Act."

The amendment was read and was adopted by the following vote: Yeas 29, Nays 1.

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

Nays: Jones.

(Senator Hightower in Chair)

Absent: Ogg.

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 finally passed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Herring, Jones, McKinnon, Meier and Patman.

Absent: Ogg.

**COMMITTEE SUBSTITUTE SENATE BILL 804
ON SECOND READING**

Senator Herring asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 804 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up C.S.S.B. 804 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6, Present-Not voting 1.

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

Nays: Adams, Blanchard, Moore, Patman, Snelson and Wallace.

Present-Not voting: Jones.

Absent: Harrington.

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

C.S.S.B. 804, A bill to be entitled An Act relating to the creation of a Board of Radiologic (X-Ray) Technologists Examiners; setting qualifications for applicants for license; issuing and reviewing licenses, defining violations and penalties; and declaring an emergency.

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Senate Committee Substitute for S.B. 804 by adding thereto a new Section 15 and renumbering Sections 15 and 16 as Sections 16 and 17, to read as follows:

"Section 15. PRACTICE OF MEDICINE NOT AUTHORIZED. Nothing in this Act shall be construed to amend, modify, or repeal any law relating to licensure or the regulation of the practice of medicine nor shall this Act be construed to authorize any person licensed hereunder to practice medicine unless such person is licensed by the Texas State Board of Medical Examiners."

The amendment was read and was adopted.

(President in Chair)

Senator Herring offered the following amendment to the bill:

Amend Senate Committee Substitute for S.B. 804 by adding Subpart (5) to Section 6, Subsection (C) to read as follows:

"(5) A person acting as a radiologic (x-ray) technologist who, under the supervision of a licensed physician, operates radiologic equipment in the office or clinic of such licensed physician."

The amendment was read and was adopted.

Senator Wallace offered the following amendment to the bill:

Amend the Committee Substitute for S.B. 804 by adding a new subsection (a) to Section 12 thereof to read as follows:

"(a) Licenses under this act shall be issued for two year periods. The Board by rule may adopt a system under which registrations expire on various dates during the year. For the year in which the expiration date is changed, registration fees payable on January 1 shall be prorated on a monthly basis so that each registrant shall pay only that portion of the registration fee which is allocable to the number of months during which the registration is valid. On renewal of the registration on the new expiration date, the total registration fee is payable."

The amendment was read and was adopted.

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

The bill as amended was passed to engrossment.

RECORD OF VOTES

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

COMMITTEE SUBSTITUTE SENATE BILL 804 ON THIRD READING

Senator Herring 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. 804 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Adams, Blanchard, Moore, Patman and Wallace.

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

The bill was read third time and was passed.

RECORD OF VOTES

Senators Blanchard, Clower, Wallace, Patman and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 545 RE-REFERRED

On motion of Senator Longoria and by unanimous consent, H.B. 545 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Administration.

CO-AUTHOR OF SENATE BILL 514

On motion of Senator Patman and by unanimous consent, Senator Herring will be shown as Co-author of S.B. 514.

SENATE BILL 60 WITH HOUSE AMENDMENTS

Senator Ogg called S.B. 60 from the President's table for consideration of the House amendments to the bill.

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

COMMITTEE AMENDMENT NO. 1

Amend S.B. 60, First Printing, by striking quoted Article 4591 and substituting the following:

"Article 4591. ENUMERATION. The first day of January, the third Monday in February, the second day of March, the 21st day of April, the last Monday in May, the third day of June, the fourth day of July, the 27th day of August, the first Monday in September, the second Monday in October, the fourth Monday in October, the fourth Thursday in November, and the 25th day of December, of each year, and every day on which an election is held throughout the state, are declared legal holidays, on which all the public offices of the state may be closed and shall be considered and treated as Sunday for all purposes regarding the presenting for the payment or acceptance and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes placed by the law upon the footing of bills of exchange. The third day of June shall be known as 'Confederate Heroes Day' in honor of Jefferson Davis, Robert E. Lee and other Confederate Heroes."

FLOOR AMENDMENT NO. 1

Amend Senate Bill 60, as amended, by striking Section 2 of the printed bill and renumbering the succeeding sections accordingly, and amending the caption to conform to the body of the bill.

The House amendments were read.

Senator Ogg moved to concur in House amendments.

Senator Blanchard made the substitute motion that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the difference between the two Houses on the bill.

Question on the substitute motion, the substitute motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 60 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ogg, Wolff, Blanchard, Schwartz and Traeger.

HOUSE BILL 959 ON SECOND READING

On motion of Senator Traeger 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. 959, A bill to be entitled An Act relating to the delivery of wine and beer to hotel rooms by Mixed Beverages Permittees; amending Subsection (22), Section 15, Article 1, Texas Liquor Control Act, as amended (Article 666-15,

Vernon's Texas Penal Code); and declaring an emergency.

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

RECORD OF VOTES

Senators Aikin, Clower and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 959 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 959 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Adams, Aikin, Hightower, Jones, Mauzy and Sherman.

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 24, Nays 7.

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

Nays: Adams, Aikin, Clower, Hightower, Jones, Mauzy and Sherman.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 340 ADOPTED

Senator Gammage called from the President's Table the Conference Committee Report on H.B. 340. (The Conference Committee Report having been filed with the Senate and read on May 17, 1973.)

On motion of Senator Gammage, the Conference Committee Report was adopted by the following vote: Yeas 21, Nays 9, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson and Wallace.

Nays: Blanchard, Braecklein, Clower, Jones, Mauzy, McKinnon, Patman, Traeger and Wolff.

Present-Not voting: Ogg.

SENATE RESOLUTION 812

By unanimous consent, Senator Sherman offered the following resolution:

S.R. 812, Instructing Senate Natural Resources Committee and Citizens

Advisory Council to distribute information on existing state programs and/or information regarding water resources of the state.

SHERMAN
CREIGHTON

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

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 Committee indicated:

H.C.R. 135, To Committee on Administration.
H.C.R. 116, To Committee on Administration.
H.C.R. 99, To Committee on Administration.
H.B. 68, To Committee on State Affairs.
H.B. 740, To Committee on Administration.
H.C.R. 54, To Committee on Administration.
H.C.R. 55, To Committee on Finance.
H.B. 702, To Committee on Jurisprudence.
H.B. 1482, To Committee on Administration.
H.C.R. 142, To Committee on Administration.
H.B. 1194, To Committee on Administration.
H.B. 877, To Committee on Administration.
H.B. 645, To Committee on Administration.
H.C.R. 141, To Committee on Administration.
H.B. 837, To Committee on Human Resources.

MOTION TO PLACE HOUSE BILL 311 ON SECOND READING

Senator Hightower moved to suspend the regular order, Senate Rule 12, and take up H.B. 311 for consideration at this time.

Senator Patman raised the Point of Order that it is out of order to consider a House Bill on days other than Wednesday and Thursday because of the provisions of Rule 14 of the Joint Rules.

The President overruled the Point of Order, stating: "The language that is now in Rule 14 has been in the Joint Rules since 1937. These Rules have never been interpreted in the way contemplated by the Point of Order raised by the Senator from Jackson. It is true that this is a badly worded Rule, capable of two interpretations. How far, for example, qualification of the word 'only' carries over is ambiguous. Two readings are possible, but the Chair feels that it must follow the existing precedent in the matter and the precedent is all one way. There is no precedent at all for the Chair to rule that it is out of order to consider House Bills on any day.

"In the 46th Regular Session, Lieutenant Governor Stevenson ruled on the point that you rise to now, that the Senate could not consider a House Bill on any days except Wednesday and Thursday, the contention being that since the Senate Rules set aside Wednesday and Thursday for consideration of House Bills, no such Bill may be considered on other days except under suspension of both the Senate and Joint Rules.

"Lieutenant Governor Barry Miller refused to rule on the Point and submitted it to the Senate for its decision. The Senate refused to sustain the Point of Order by a vote of ten 'yeas' and twenty-one 'nays'. That was in the 39th Regular Session.

"There are other precedents, a ruling by Lieutenant Governor Stevenson in

the 46th Regular Session, a ruling by Lieutenant Governor Smith in the 48th Regular Session; therefore, a reading of the Rule permits two constructions - the precedent is entirely on the side of overruling your Point of Order and the Point of Order is overruled."

Question on the motion to suspend the regular order, Senate Rule 12, the motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 17, Nays 13, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, Mengden, Ogg, Schwartz, Traeger, Wallace and Wolff.

Nays: Blanchard, Clower, Harris, Herring, Mauzy, McKinnon, McKnight, Meier, Moore, Patman, Santiesteban, Sherman and Snelson.

Present-Not voting: Braecklein.

REASON FOR VOTE

I voted against suspending the rules to take up H.B. 311 because I knew that if this bill was brought up at this time, it would cause a filibuster. I had hoped, and still hope, that the Senate will consider S.B. 971 today. S.B. 971 is the emergency school finance bill. This vote should not be interpreted by anyone as to how I will vote in the future, either for or against H.B. 311.

MAUZY

NOTICES OF INTENT

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

Monday, May 21, 1973

S.J.R. 26 - Senator Wallace
 S.B. 86 - Senator Brooks
 S.B. 117 - Senator Mengden
 S.B. 181 - Senator Patman
 S.B. 184 - Senator Mengden
 C.S.S.B. 202 - Senator Brooks
 S.B. 285 - Senator Mauzy
 C.S.S.B. 456 - Senator Jones
 S.B. 469 - Senator Mauzy
 C.S.S.B. 490 - Senator Brooks
 C.S.S.B. 495 - Senator Brooks
 S.B. 514 - Senator Herring
 C.S.S.B. 628 - Senator Mengden
 S.B. 687 - Senator Mauzy
 S.B. 712 - Senator Mauzy
 S.B. 783 - Senator Ogg
 S.B. 800 - Senator Mauzy
 C.S.S.B. 837 - Senator Jones
 S.B. 852 - Senator Mauzy
 S.B. 967 - Senator Ogg
 S.B. 971 - Senator Mauzy
 C.S.H.B. 83 - Senator Adams
 H.B. 91 - Senator Patman
 H.B. 167 - Senator Longoria
 C.S.H.B. 169 - Senator Jones

H.B. 181 - Senator Patman
 H.B. 200 - Senator Ogg
 H.B. 370 - Senator Mauzy
 H.B. 371 - Senator Mauzy
 H.B. 441 - Senator Mauzy
 H.B. 569 - Senator Ogg
 H.B. 628 - Senator Traeger
 H.B. 974 - Senator Schwartz
 H.B. 845 - Senator Brooks
 H.B. 865 - Senator Aikin
 H.B. 1422 - Senator Aikin

Wednesday, May 23, 1973

H.B. 316 - Senator Gammage

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 811 - By Senator Wolff: Extending congratulations to Madia Elizabeth Estes.

S.R. 813 - By Senator Aikin: Extending welcome to Jim Asken.

S.R. 814 - By Senator Harrington: Extending congratulations to Judge George D. Taylor.

ADJOURNMENT

Senator Aikin moved the Senate take recess until 2:00 o'clock p.m. today.

Senator McKnight made the substitute motion that the Senate stand adjourned until 11:00 o'clock a.m. Monday.

Question on the motion to adjourn, the motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Adams, Blanchard, Braecklein, Clower, Creighton, Harris, Herring, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Sherman, Snelson and Traeger.

Nays: Aikin, Andujar, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, Mauzy, Ogg, Schwartz, Wallace and Wolff.

Accordingly the Senate at 12:13 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday.

SEVENTY-NINTH DAY (Monday, May 21, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present: Adams,