

**SECOND DAY**

(Wednesday, March 29, 1972)

The Senate met at 9:55 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:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Blanchard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, 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.

**Leave of Absence**

Senator Blanchard was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Sherman.

**Morning Call Dispensed With**

On motion of Senator Aikin and by unanimous consent, Morning Call was dispensed with.

**Report of Standing Committee**

By unanimous consent, Senator Bates submitted the following report for the Committee on Transportation:

S. C. R. No. 1

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
March 29, 1972.

Hon. Ben Barnes, President of the Senate.

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

S. C. R. No. 13, Providing for a Joint Session to hear an address by Governor Preston Smith.

H. C. R. No. 1, In memory of the Honorable Will L. Smith.

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

**Committee Appointed**

Pursuant to the provisions of S. C. R. No. 13, the President announced the appointment of the following Escort Committee for The Honorable Preston Smith, Governor of Texas: Senators Aikin, Hightower, Herring, Brooks and Creighton.

The President announced the time having arrived for the Joint Session, the Senate would proceed to the House of Representatives.

**Joint Session**

(To hear address of Governor Preston Smith)

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 10:00 o'clock a.m. to hear the address of The Honorable Preston Smith, Governor of Texas, pursuant to the provisions of S. C. R. No. 13.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President, on invitation of the Speaker, occupied a seat on the Speaker's Platform.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Rayford Price, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Honorable Preston Smith, Governor of the State of Texas, accompanied by Mrs. Smith, and Mr. and Mrs. Conrad Schmid, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Aikin, Hightower, Herring, Brooks and Creighton on the part of the Senate, and Representatives Ligarde, Braecklein, Golman, Sherman, Schulle, Ward, Short and Moncrief, on the part of the House.

The Speaker, the Honorable Rayford Price, presented His Excellency, The Honorable Preston Smith, Governor of Texas, to the Joint Session.

Governor Smith then addressed the Joint Session as follows:

"Mr. Speaker of the House . . . Mr. President of the Senate . . . Members of the 62nd Legislature . . . Ladies and Gentlemen:

"The Second Called Session of the 62nd Legislature has now convened. I am aware that the timing of this meeting is perhaps not the best.

"A majority of you are involved in campaigns. It is unfortunate that this interruption had to occur. I truly regret the necessity.

"Necessary it was, however, for this Legislature to meet before the primaries. We explored every alternative. There was no way to postpone action on the two subjects stated in the Call:

1. Passing a billboard control law.
2. Financing the party primaries for 1972.

"While both of these issues are vital, there is no need for them to be time-consuming. It is my opinion, and my hope, that this Special Session can be finished before Easter.

"That would leave the passage and funding of fiscal 1973 appropriations and other important measures for another called session, after the party primaries and after the hard fought political campaigns.

\* \* \*

"The two emergency subjects submitted for your attention, while not otherwise related, have two things in common:

—Both have been previously considered by the 62nd Legislature;

—Both are back before us in emergency form.

And, I might add, neither is subject to any further negotiation.

What you do or fail to do will be final and will be solely your responsibility.

#### "1. Billboard and Junkyard Controls

"Since Congress passed the Highway Beautification Bill in 1965, Texas and other states have been threatened with the loss of 10% of their federal highway aid unless and until they complied with the provisions of Title I of the Act—the control of billboards and junkyards on Interstate and Federal Aid primary highways.

"The federal handling of this requirement has been confusing and uncertain, due to congressional objections. This is the first year, actually, that appropriations have been made for a federal share in the cost—theoretically, 75 percent of the bill. A Congressional committee has just recently started a restudy of the entire program. It is understandable why a number of States, including Texas, did not come into compliance earlier.

"That situation has changed significantly. The Congress has appropriated a rather modest sum to activate the billboard program; the Secretary of Transportation many months ago warned us that the holiday was over, and the Regular Session of this 62nd Legislature gave serious consideration to the enactment of a billboard law. I made it an emergency subject at the First Called Session.

"Ladies and gentlemen, this Legislature has procrastinated as long as it can. Time has run out. Last Friday, the Governor's Office received a telegram from Secretary John Volpe stating that he had determined that Texas was out of conformity with the Highway Beautification Act for the year 1971, and was being penalized 10 percent of its federal highway aid for that year (approximately \$23.9 million).

"However, Secretary Volpe said the penalty would be cancelled and the money restored if Texas had an acceptable bill and agreement in effect by May 6. Otherwise, the penalty would stand. And, incidentally, it would stand from now on—each year, until Texas conforms.

"Let me say that I don't blame any Texan for deploring this policy of, in effect, fining us with our own money. I say further that it is no longer a question of how we feel about it.

"Terms of the Highway Beautification Bill are clear, even though the implementation hasn't always been so. The Secretary of Transportation is merely carrying out his statutory

duty. As a matter of fact, Mr. Volpe gave Texas a month's grace, through the efforts of the Governor's Office, that he did not give other States that were out of compliance, by delaying the effective date of his order to May 6. . . . although he did not grant our request for a delay to September 1.

"This is the position in which we find ourselves:

"—We have to make a firm commitment, by passing an acceptable law, to remove all billboards from Interstate and Federal-Aid primary highways to a distance of 660 feet. According to the Highway Department's estimate, there are about 65,500 boards involved, and the removal and reimbursement cost will be approximately \$69 million.

"—We must agree to remove or effectively screen over 1,200 junkyards. The cost is estimated at \$13.2 million.

"That figures to a combined cost of \$82.2 million.

"The impact will be diluted for three reasons:

"—Texas will be reimbursed some \$55.6 million by the federal government.

"—The program will be extended over a period of several years. The effectiveness of the act will hinge upon the availability of federal funds.

"—An agreement will be worked out between the State and federal governments, providing for a system of fees for "legal" billboards—that is, those located on Interstate or primary highways in an industrial or commercial zone as defined by the act and the agreement.

"The need therefore, as far as the State of Texas is concerned, will be only for the nucleus of a revolving fund from which the acquisition of billboards and the control of junkyards can be started. The bill provides that all monies received under the provisions of this act . . . shall be deposited in the Treasury of the State and placed in a special fund to be known as the Texas Highway Beautification Fund . . ."

"It has long been known that the Highway Beautification Act could not be financed from the regular Highway Fund. The Attorney General several years ago ruled it would be a violation of Article 7, Sec. 7a, of the Constitution. For that matter, the federal government's reimbursement funds come from general revenue, rather than from the Federal Highway Fund.

The Texas Highway Department is in the position of suffering from its absence unless the State lends a hand.

"The requested appropriation of \$100,000 will be merely to launch the program. Considerably more will be necessary in future appropriations, although less than was rumored during the last session—partly because, as I have already explained, there will eventually be a significant return through reimbursements and license fees.

"It is my understanding that Senator Wallace and Representative Ogg will introduce legislation that the Department of Transportation has indicated will bring Texas into compliance with the provisions of the Highway Beautification Act.

#### "2. Financing Party Primaries.

"The 62nd Legislature in regular session considered the possibility that our system of financing the primaries would be held unconstitutional by the federal courts as the previous law was. Comprehensive recommendations from the Governor's Office and the Secretary of State for an immediate change to a more moderate and constitutional scale of primary filing fees and more rational operation were not accepted. The bill that was passed failed the federal court test. The bill that will be passed in this session cannot fail to pass the test.

"Although we tried various ways of handling this problem without the Legislature's intervention, as you know these efforts did not succeed. The principal benefit derived was the clarification of what we could and could not do—the almost incidental holding by the Texas Supreme Court that the State of Texas could legally finance party primaries—an issue that had not been resolved for more than 50 years.

"Another benefit stems from the exploratory process conducted by the Governor's Office and the Secretary of State. We have up-to-date estimates on what it will cost to pay for the primaries, and of course those figures will be made available to the Legislature. The cost should not exceed \$2 million this year.

"I will ask the Secretary of State, as the State's Chief Elections Officer, to work closely with you on this measure. Likewise you may call upon my staff for assistance and information. I believe the bill introduced by

Senator McKool will resolve the problem in an equitable and constitutional fashion.

"The first primary date is only a little over one month away. In view of court decisions, financing these elections is no longer a matter for discussion. It is a matter for prompt legislative action.

"I, for one, am not willing to gamble with our people's right to vote.

"I urge you, then, to pass the legislation and the appropriation necessary to finance and operate the 1972 party primaries in Texas.

\* \* \*

"Although the two measures I have outlined are the emergencies for which this session was called, I believe there is another matter that deserves your attention. Although I need not open the call for this purpose, I hope the Legislature will consider and adopt a resolution ratifying the Twenty-Seventh Amendment to the Constitution of the United States, guaranteeing equal rights for women. The adoption of such a resolution, without ignoring our responsibility for resolving the emergencies, would place Texas in its proper place as one of the first states in the nation to voice its approval of granting equal rights, equal opportunity and equal treatment under the law to women.

"As I have already said, only a conviction that the two issues—primary financing and billboard control—are genuine emergencies for which there are no other solutions would lead me to call a Special Session at this particularly inauspicious time.

"I realize what could happen if irresponsibility prevailed and 'politics' took over. We have been living for months in a superheated political atmosphere. In spite of all that, I still have confidence in the basic integrity of the members of our Legislature. I believe there is reason to hope that as reasonable and responsible legislators you will take charge . . . and that the job of this Special Session will be speedily accomplished for the good of all the people of Texas."

The President introduced the First Lady of Texas, Mrs. Ima Smith, and Mr. and Mrs. Conrad Schmid, daughter and son-in-law of the Governor as guests of the Joint Session.

The President announced the purpose of the Joint Session having been concluded, the Senate at 10:25 a.m. would retire to its Chamber.

#### In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 10:35 a.m.

#### Senate Concurrent Resolution 1 Ordered Not Printed

On motion of Senator Bates and by unanimous consent S. C. R. No. 1 was ordered not printed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 29, 1972.

Hon. Ben Barnes, President of the Senate.

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

S. C. R. No. 7, In memory of Francis A. (Frank) Miskell.

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

#### Recess

On motion of Senator Aikin the Senate at 10:40 o'clock a.m. took recess until 1:30 o'clock p.m. today.

#### After Recess

The President called the Senate to order at 1:30 o'clock p.m. today.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 29, 1972.

Hon. Ben Barnes, President of the Senate.

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

S. C. R. No. 6, That all State departments and institutions be closed for a half day, emergency services excepted, beginning at twelve o'clock noon, on Friday, March 31, 1972.

S. C. R. No. 4, Memorial resolution honoring the memory of Mr. Houston Harte.

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

**Reports of Standing Committees**

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

S. C. R. No. 9 (Amended).

S. R. No. 26.

S. B. No. 1 (Amended).

By unanimous consent, Senator Bates submitted the following report for the Committee on Transportation:

S. B. No. 3 (Amended).

S. C. R. No. 2 (Amended).

S. C. R. No. 3 (Committee Substitute).

**Senate Concurrent Resolution 2  
Ordered Not Printed**

On motion of Senator Bates and by unanimous consent S. C. R. No. 2 was ordered not printed.

**Committee Substitute Senate  
Concurrent Resolution 3 Ordered  
Not Printed**

On motion of Senator Bates and by unanimous consent C. S. S. C. R. No. 3 was ordered not printed.

**Senate Bill 3 Ordered Not Printed**

On motion of Senator Bates and by unanimous consent S. B. No. 3 was ordered not printed.

**Senate Bill 1 Ordered Not Printed**

On motion of Senator Aikin and by unanimous consent S. B. No. 1 was ordered not printed, the bill having been ordered advance printed prior to the Committee hearing.

**Co-Author of Senate Concurrent  
Resolution 1**

On motion of Senator Moore and by unanimous consent, Senator Schwartz will be shown as Co-author of S. C. R. No. 1.

**Senate Concurrent Resolution 1  
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 the following resolution:

S. C. R. No. 1, Proposing an amendment to the Constitution of the United States relative to equal rights for women.

The resolution was read and was adopted.

**Senate Bill 1 on Second Reading**

Senator McKool moved that Senate Rules 13 and 36 be suspended and that S. B. No. 1 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kothmann
Bates	Mauzy
Beckworth	McKool
Bernal	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word
Jordan	

Nays—3

Hall	Kennard
Herring	

Absent—Excused

Blanchard

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

S. B. No. 1, A bill to be entitled "An Act relating to the conduct and financing of primary elections held during the year 1972; making appropriations for financing the elections; and declaring an emergency."

The bill was read second time.

Senator McKool offered the following Committee Amendment to the bill:

Amend Senate Bill No. 1 as follows:

(1) On page 2, line 54, insert the word "sworn" immediately before the word "statement".

The Committee Amendment was read.

Senator McKool offered the following amendment to the pending Committee Amendment:

Amend Committee Amendment 1, S. B. 1, by making the following change at line 1, page 3:

Substitute a comma for the period after the word "chairman" and add:

"for such primary election to and including the date of such sworn statement."

The amendment to the pending Committee Amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

Senator McKool offered the following Committee Amendment to the bill:

Amend S. B. No. 1 as follows:

(2) On page 3, line 10, change the period after the word "funds" to a comma and insert the following language immediately after the comma:

"together with the secretary of state's calculation of three-fourths of that amount."

The Committee Amendment was read and was adopted.

Senator McKool offered the following Committee Amendment to the bill:

Amend S. B. No. 1 as follows:

(3) On page 3, line 19, change the semicolon after the word "funds" to a comma and insert the following language immediately after the comma:

"together with the secretary of state's calculation of three-fourths of that amount;"

The Committee Amendment was read and was adopted.

Senator McKool offered the following Committee Amendment to the bill:

Amend S. B. No. 1 as follows:

(4) On page 3, lines 23 and 24, change the words "an itemized report" to "a sworn itemized report."

The Committee Amendment was read and was adopted.

Senator McKool offered the following amendment to the bill:

Amend Senate Bill No. 1 by changing the words "an itemized estimate" as they appear on page 2, line 52, and on page 3, line 15, to "a sworn itemized estimate."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill.

Amend S. B. 1, Sec. 3(c), line 24 by placing a comma after the word "costs" and inserting the following language: "filing fees collected and contributions received,"

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill.

Amend Sec. 3 of S. B. 1 by adding a new subsection (g) to read as follows:

"(g) Wherever the word 'county chairman' is used in this act, it shall apply to the county chairman or his successor in office, and such county chairman shall not be personally liable except for the misapplication of funds."

The amendment was read and was adopted.

On motion of Senator McKool 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 Herring, Kennard, Snellson and Moore asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 1 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—24

Aikin

Bates

Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Wallace
Harrington	Watson
Hightower	Wilson
Jordan	Word

Nays—5

Hall	Moore
Herring	Snelson
Kennard	

Absent

Harris

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—24

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Wallace
Grover	Watson
Harrington	Wilson
Hightower	Word

Nays—5

Hall	Moore
Herring	Snelson
Kennard	

Absent

Harris

Absent—Excused

Blanchard

#### Resolutions Signed

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

S. C. R. No. 7

S. C. R. No. 13

#### House Concurrent Resolution 1 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 1—Memorial resolution for The Honorable Will Smith.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

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

On motion of Senator Harrington the resolution was adopted by a rising vote of the Senate.

#### Senate Bill 3 on Second Reading

Senator Wallace moved that Senate Rules 13 and 110 be suspended and that S. B. No. 3 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word

Nays—1

Snelson

Absent

Harris

Absent—Excused

Blanchard

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

S. B. No. 3, A bill to be entitled "An Act providing for the preservation and enhancement of scenic beauty of lands bordering certain public highways; providing for the control and regulation of outdoor advertising and certain junkyards and automobile graveyards by the Texas Highway Commission; providing for the establishment of a Texas Highway Beautification Fund in the State Treasury; and declaring an emergency."

The bill was read second time.

Senator Wallace offered the following Committee Amendment to the bill:

Amend S. B. 3 by striking Section 13 and inserting in lieu thereof the following:

Section 13. AREAS BEYOND 660 FEET. Should subsequent legislation in this State prohibit any outdoor advertising which is more than 660 feet beyond the nearest edge of the right-of-way, but is visible from the main traveled way, of the interstate or primary system, except:

(a) Signs provided for in Sections 4(a)(1), 4(a)(2) and 4(a)(3) of this Act, and

(b) Signs separated from the nearest edge of the highway right-of-way by an area described in Section 4(a)(4) or 4(a)(5) of this Act, then there shall be no necessity of compensation pursuant thereto upon the removal of any such outdoor advertising which may be hereafter erected.

The amendment was read.

Senator Connally offered the following substitute for the pending Committee Amendment:

Amend Senate Bill 3 by striking Sec. 13 and renumbering subsequent sections in numerical order.

The substitute for the pending Committee Amendment was read and failed of adoption by the following vote:

Yeas—13

Aikin	Connally
Bates	Creighton
Bridges	Hall

Herring	Snelson
Hightower	Watson
Kothmann	Word
Ratliff	

Nays—15

Beckworth	Mauzy
Bernal	McKool
Brooks	Patman
Christie	Schwartz
Grover	Sherman
Harrington	Wallace
Jordan	Wilson
Kennard	

Absent

Harris	Moore
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Absent—Excused

Blanchard

The pending Committee Amendment was then adopted.

Senator Wallace offered the following Committee Amendment to the bill:

Amend Section 10 (A) by striking the words "or within view of" from lines 12 and 13 of this section.

The Committee Amendment was read and was adopted.

Senator Wallace offered the following Committee Amendment to the bill:

Amend Senate Bill 3, Section 4 thereof, by adding a new section to be numbered Section 6 which shall read as follows:

"(6) Signs located on property within the prescribed limits which have as their purpose the protection of life and property."

The Committee Amendment was read and was adopted.

Senator Wallace offered the following Committee Amendment to the bill:

Amend Senate Bill No. 3 by inserting a new Section 15 and renumbering the present Sections 15 and 16 as Sections 16 and 17 respectively. The new Section 15 shall read as follows:

Sec. 15. APPROPRIATIONS. There is hereby appropriated to the Commission from the General Fund of the State of Texas \$100,000.00 to be used by the Commission for the implementation of this Act including but not limited to administrative costs and

initial compensation for removal of billboards and the screening or removal of junkyards as provided under this Act. This appropriation shall be effective for such funding through the remainder of the 1971-1972 fiscal year ending August 31, 1972.

The Committee Amendment was read and was adopted.

#### Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the adoption of the Committee Amendment.

Senator Herring offered the following amendment to the bill:

Amend S. B. 3, Section 2, subsection H by striking the words "desire and" on line 50 and by adding after the comma on line 53 after the word "Congress" the following language:

"provided however that this Act shall be and is conditioned upon the provisions of Public Law 89-285 wherein it establishes the formulae of Federal-State matching funds, on the effective date of this Act, for the purpose of complying with the said Federal Public Law."

The amendment was read and was adopted.

#### Record of Vote

Senator Snelson asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Wallace, 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 Vote

Senator Snelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 3 on Third Reading

Senator Wallace moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Nays—1

Snelson

Absent

Moore

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—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Nays—1

Snelson

Absent

Moore

Absent—Excused

Blanchard

#### Senate Concurrent Resolution 2 On Second Reading

On motion of Senator Mauzy and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 2, Requesting that Dallas-Fort Worth Turnpike revert to State of Texas following retirement of bonded indebtedness.

The resolution was read.

Senator Mauzy offered the following Committee Amendment to the resolution:

Amend S. C. R. 2 by adding at the end of the resolution the following paragraph:

And Be It Further Resolved that nothing contained herein shall be construed as limiting the power of the Turnpike Authority to conduct feasibility studies, if approved by the Highway Commission, concerning the possibility of creating another turnpike between Dallas and Fort Worth.

The amendment was read and was adopted.

**Record of Votes**

Senators Connally and Word asked to be recorded as voting "Present, Not Voting" on the adoption of the amendment.

The resolution as amended was then adopted.

**Record of Votes**

Senators Connally and Word asked to be recorded as voting "Present, Not Voting" on the adoption of the resolution.

**Committee Substitute Senate Concurrent Resolution 3 on Second Reading**

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

C. S. S. C. R. No. 3—Expressing the intent of the Legislature that there be no diversion of Highway Trust Funds.

The resolution was read.

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

**Record of Vote**

Senator Jordan asked to be recorded as voting "Nay" on the adoption of the resolution.

**Senate Resolution 56**

Senator Schwartz offered the following resolution:

S. R. No. 56—Providing for the investigation by the Interim Coastal Zone Study Committee of citizens' complaints regarding the availability of insurance at reasonable rates for property owners in the coastal zone.

SCHWARTZ  
HARRINGTON  
BRIDGES

The resolution was read and was adopted.

**Senate Concurrent Resolution 17 on First Reading**

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

By Senators Grover and Harris:

S. C. R. No. 17—Memorializing Congress to call a convention for proposing an amendment to the Constitution of the United States regarding bussing of students.

To Committee on Constitutional Amendments.

**Senate Concurrent Resolution 9 Ordered Not Printed**

Senator Mauzy asked unanimous consent that S. C. R. No. 9 be ordered not printed.

There was objection.

Senator Mauzy then moved that S. C. R. No. 9 be ordered not printed.

The motion prevailed by the following vote:

Years—27

Aikin	Harrington
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Kothmann
Connally	Mauzy
Creighton	McKool
Hall	Moore

Ratliff	Wallace
Schwartz	Watson
Sherman	Wilson
Snelson	

Nays—3

Grover	Word
Patman	

Absent—Excused

Blanchard

#### Senate Concurrent Resolution 9 on Second Reading

Senator Mauzy moved that Senate Rules 13 and 36 be suspended and that S. C. R. No. 9 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson

Nays—4

Grover	Patman
Harris	Word

Absent—Excused

Blanchard

The President laid before the Senate the following resolution:

S. C. R. No. 9—Providing for the creation of the Public School Finance Committee.

The resolution was read.

Senator Mauzy offered the following Committee Amendment to the resolution:

Amend S. C. R. No. 9 by striking the second resolving clause on the first page of the resolution and substituting in lieu thereof the following:

“Resolved, That seven Senate members of the Public School Finance Committee shall be appointed by the lieutenant governor and that a like number of members of the House of Representatives shall be appointed by the Speaker of the House to serve; the chairman shall be designated by the Lieutenant Governor and the vice chairman shall be designated by the Speaker of the House; and be it further”

The Committee Amendment was read and was adopted.

#### Record of Votes

Senators Moore, Grover, Harris, Patman and Word asked to be recorded as voting “Nay” on the adoption of the amendment.

The resolution as amended was then adopted by the following vote:

Yeas—23

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	Ratliff
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Creighton	Wallace
Hall	Watson
Harrington	Wilson
Herring	

Nays—5

Grover	Patman
Harris	Word
Moore	

Absent

Hightower	McKool
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Absent—Excused

Blanchard

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 29, 1972

Hon. Ben Barnes, President of the Senate

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

H. C. R. No. 7, In memory of Lilly Gresham.

H. C. R. No. 8, In memory of Houston Harte.

H. C. R. No. 10, In memory of Edmunds Travis.

H. C. R. No. 11, In memory of William Fritz.

Respectfully submitted,  
**DOROTHY HALLMAN,**  
 Chief Clerk, House of Representatives

**Senate Resolution 58**

By unanimous consent, Senator Harris offered the following resolution:

S. R. No. 58—Amending S. R. No. 1400 of the Regular Session of the 62nd Legislature to add four members to the committee to conduct a comprehensive study of the pari-mutuel System of horse racing.

The resolution was read and adopted.

**Senate Concurrent Resolution 19**

By unanimous consent, Senator Aikin offered the following resolution:

S. C. R. No. 19—Providing for the sine die adjournment of the Second Called Session of the 62nd Legislature.

Be It Resolved, By the Senate of the 62nd Legislature, Second Called Session, the House of Representatives concurring, that the 62nd Legislature, Second Called Session, stand adjourned sine die at 5:00 o'clock P.M., March 30, 1972.

The resolution was read.

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

**Memorial Resolutions**

S. C. R. No. 15 — By Senator Brooks: Memorial resolution for Truxton J. Hathaway, Jr.

S. C. R. No. 16 — By Senator Brooks: Memorial resolution for Delbert Leroy Atkinson.

H. C. R. No. 7—Memorial resolution for Lilly Gresham.

H. C. R. No. 8: Memorial resolution for Houston Harte (amended).

H. C. R. No. 10: Memorial resolution for Edmunds Travis (amended).

H. C. R. No. 11: Memorial resolution for William Fritz.

S. R. No. 29—By Senator Wallace: Memorial resolution for George R. "Pop" Hatten, Sr.

S. R. No. 31—By Senator Watson: Memorial resolution for Mrs. Wilford W. Naman.

S. R. No. 33—By Senator Watson: Memorial resolution for Willard McLaughlin.

S. R. No. 37—By Senator Watson: Memorial resolution for King W. Bridges, Sr.

S. R. No. 38—By Senator Watson: Memorial resolution for Sam W. Davis, Sr.

S. R. No. 39—By Senator Watson: Memorial resolution for Lloyd E. Crocker.

S. R. No. 40—By Senator Watson: Memorial resolution for Mrs. V. M. Cox.

S. R. No. 41—By Senator Watson: Memorial resolution for Dr. A. B. Conner.

S. R. No. 42—By Senator Snelson: Memorial resolution for Charles B. Perry.

S. R. No. 49—By Senator Aikin: Memorial resolution for Martin Fitzhugh Wise.

S. R. No. 54—By Senator Herring: Memorial resolution for Miss Leah Moncure.

**Resolutions**

S. C. R. No. 18—By Senator Herring: Urging the Governor of Texas to declare one week of the year as Texas Law Enforcement Student Association Week.

S. R. No. 28—By Senator Bridges: Commending Dr. Hector P. Garcia for his many contributions toward making Texas a better place to live.

S. R. No. 30—By Senator Watson: Extending congratulations to Alton Pearson on his appointment as administrator of Hillcrest Baptist Hospital in Waco.

S. R. No. 32—By Senator Watson: Commending Mrs. Mildred Mauldin for her contributions to the field of botany.

S. R. No. 34—By Senator Watson: Extending congratulations to M. F. Kruse for his dedicated service to education.

S. R. No. 35—By Senator Watson: Commending the Killeen Fire Department on winning National Fire Prevention award.

S. R. No. 36—By Senator Watson: Extending congratulations to Mrs. Irma Lee Buchanan for her contributions to the citizens of Texas.

S. R. No. 43—By Senator Watson: Extending welcome to Elwood Ware.

S. R. No. 44—By Senator Watson: Extending welcome to Jarrell Warren.

S. R. No. 45—By Senator Watson: Extending welcome to Bob Mullin.

S. R. No. 46—By Senator Watson: Extending welcome to A. J. Van Armon.

S. R. No. 47—By Senators Aikin and Wilson: Commending Ward Burke for his dedicated service to mentally ill.

S. R. No. 48—By Senators Aikin and Hall: Extending congratulations to Bob Cantrell on receipt of Sam Holloway Award.

S. R. No. 50—By Senator Watson: Extending welcome to Leon Petty, et al.

S. R. No. 51—By Senator Watson: Extending welcome to Vickie Jones, et al.

S. R. No. 52—By Senator Watson: Extending welcome to Mrs. Thomas Maxwell, et al.

S. R. No. 53—By Senator Hall: Extending best wishes to Mickey Mantle for a speedy recovery.

S. R. No. 55—By Senator Brooks: Commending Houston Fire Department and Bob Wolfe for courageous actions in rescuing four Houston youngsters. (Amended)

S. R. No. 57—By Senator Watson: Extending welcome to Hugh Dillard.

#### Adjournment

On motion of Senator Aikin the Senate at 3:20 o'clock p.m. adjourned until 11:30 o'clock a.m. tomorrow.

#### APPENDIX

Sent to Governor

March 29, 1972

S. C. R. No. 7

S. C. R. No. 13

#### THIRD DAY

(Thursday, March 30, 1972)

The Senate met at 11:30 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:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Blanchard	Moore
Grover	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, 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.

#### Leaves of Absence

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Creighton.