

School.

S.R. 487 - By Senator Mauzy: Extending welcome to David W. Carter High School.

S.R. 488 - By Senator Mauzy: Extending welcome to His Excellency L. O. Kibinge, Ambassador from Kenya.

S.R. 489 - By Senator Braecklein: Extending welcome to Texas Environmental Education Conference.

S.R. 490 - By Senator Ogg: Extending welcome to 5th Grade Long Point Baptist Day School.

**RECESS**

On motion of Senator Aikin the Senate at 12:22 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

**APPENDIX**

**Sent to Governor**

**April 4, 1973**

**S.C.R. 72**

**FORTY-EIGHTH DAY**

**(Continued)**

**(Thursday, April 5, 1973)**

**After Recess**

The Senate met at 8:30 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. 260 (Blanchard) (31-0)(31-0)

S.B. 261 (Hightower) (31-0)(31-0)

S.B. 266 (Adams) (31-0)(31-0)

S.B. 346 (Wolff) (31-0)(31-0)

S.B. 401 (Jones) (31-0)(31-0)

C.S.S.B. 489 (Kothmann) (31-0)(31-0)

S.B. 530 (Schwartz) (31-0)(31-0)

S.B. 531 (Schwartz) (31-0)(31-0)

S.B. 595 (Mauzy) (31-0)(31-0)

S.B. 682 (Jones) (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

S.B. 683 (Patman) (31-0)(31-0)

S.B. 845 (Hightower) (31-0)(31-0)

C.S.S.C.R. 53 (Ogg) (vv) Aikin, Sherman "Nay"

H.C.R. 34 (Herring) (vv)

H.C.R. 66 (Longoria) (vv)

The following bills and resolutions 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.)

C.S.S.B. 268 (Schwartz and Harrington)---

Senator Schwartz offered the following amendment to the bill:

Amend Section 9, S.B. 268, to read as follows:

"Sec. 9. PENALTY. Any person or association of persons, corporate or otherwise, who shall violate the provisions of this act shall be fined not more than \$200. Each day that a violation occurs constitutes a separate offense."

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Amend the Committee Substitute for S.B. 268 by adding thereto a new subsection to section 3 which shall read as follows:

"(D) Provided, however, that the provision of this act shall not apply to any island or peninsula not accessible by public road or common carrier ferry facility for so long as said condition shall exist."

The amendment was read and was adopted.

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

S.B. 437 (Traeger and Jones)---

Senator Traeger offered the following Committee Amendment to the bill:

Amend S.B. 437 by adding a new Section 2 reading as follows:

"Section 2. Nothing in this Act shall apply to River Authorities created by Act of the Legislature."

and renumber the succeeding Sections.

The Committee Amendment was read and was adopted.

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

S.B. 439 (Traeger and Jones)---

Senator Traeger offered the following Committee Amendment to the bill:

Amend S.B. 439 by adding a new section 4 reading as follows:

"Section 4. Nothing in this Act shall apply to River Authorities created by Act of the Legislature."

and renumber the succeeding Sections.

The Committee Amendment was read and was adopted.

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

S.B. 513 (Adams)---

Senator Adams offered the following amendment to the bill:

Amend S.B. 513 by striking the word "general" anywhere it appears in connection with the phrase "general supervision of the board".

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend S.B. 513 by striking the last sentence in section 1 and substituting the following:

"Under the supervision of the board, the state forester is further authorized to cooperate in the development of rural fire protection plans, to provide training in suppression of fires, and to sell, lend, or otherwise make available to organized firefighting groups obsolete fire control equipment available to the Texas Forest Service, including federal excess or surplus property."

The amendment was read and was adopted.

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

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, April 5, 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. 76, A bill to be entitled An Act relating to reports by the comptroller to cities imposing the City Sales and Use Tax; providing for lists of delinquent taxpayers; providing for lists of taxpayers not included in reports; requiring the consent of a city before the dismissal, settlement, or compromise of tax suits when the city is a party; amending Section 5 and Subsection A of Section 12, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 543, A bill to be entitled An Act amending the provisions of Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-1.01 et seq., V.T.C.S.), by adding thereto a new chapter, to be designated as Chapter 11, providing for the regulation of the financing of insurance premiums, providing for licensing of companies engaging in such business by the Consumer Credit Commissioner, providing for regulation and administrative enforcement by the Consumer Credit Commissioner, establishing disclosure requirements, providing penalties for violation of the act, providing for severability and declaring an emergency.

H.B. 4, A bill to be entitled An Act regulating campaign contributions and expenditures and political advertising in behalf of or in opposition to candidates for nomination or election to public offices or offices of political parties or in behalf of or in opposition to measures submitted to the voters; containing both civil and criminal penalties for violations; creating the State Ethics Commission and prescribing powers and duties of the commission; repealing Section 237 through 248, Texas Election Code, as amended (Articles 14.01 through 14.12, Vernon's Texas Election Code), and enacting Sections 237 through 258, Texas Election Code, to replace the repealed sections; also amending Subsection (b), Section 19, Texas Election Code, as amended (Article 3.05, Vernon's Texas Election Code), and repealing Article 213, Penal Code of Texas, 1925, as amended; and declaring an emergency.

H.B. 833, A bill to be entitled An Act relating to including under the Uniform Wildlife Regulatory Act all coastal waters in this state; providing exceptions for shrimp; repealing Article 947, Penal Code of Texas, 1925; amending the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code), by adding a Section 1A; and declaring an emergency.

H.B. 759, A bill to be entitled An Act relating to the appointment of an attorney to represent the state when the attorney for the state is unable to perform the duties of his office; amending Article 2.07, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

H.B. 209, A bill to be entitled An Act relating to payment for jury service; amending Section (a), Article 2122, Revised Civil Statutes of Texas, 1925, as amended; amending Subsection (e), Article 1056, Code of Criminal Procedure, 1925, as amended; and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was

concluded.

### ADJOURNMENT

On motion of Senator Schwartz the Senate at 8:53 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

### FORTY-NINTH DAY (Thursday, April 5, 1973)

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

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

A quorum was announced present.

The Reverend William E. Denham, Jr., First Baptist Church, Austin, Texas, offered the invocation as follows:

O Lord, there are times when we are quiet, but don't listen. There are times when we talk and say nothing. There are times when all we do is feed our own ego. O Lord, may this day not be like that.

Help us in this stillness to believe that you can speak to us. Help us to hear what you are saying.

We get so caught up in our own importance and our own concerns. Help us at some point today to open up some little crack so that new truth may come in.

It's a beautiful day today. Help us to enjoy some of this beauty and to share it with someone else. It's a day for healing also. Help us to find and to share this balm for our wounded and perplexed souls.

May this be a good day for the citizens of Texas, because the elected officials here have been sensitive to Thee and to the finest impulses within each one. This is our earnest prayer, In Jesus' name.

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 Aikin submitted the following report for the Committee on Finance:

C.S.S.B. 836 (Read first time)

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

C.S.H.B. 11 (Read first time)

concluded.

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May this be a good day for the citizens of Texas, because the elected officials here have been sensitive to Thee and to the finest impulses within each one. This is our earnest prayer, In Jesus' name.

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 Aikin submitted the following report for the Committee on Finance:

C.S.S.B. 836 (Read first time)

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

C.S.H.B. 11 (Read first time)

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

S.B. 468  
 S.B. 676  
 C.S.S.B. 695 (Read first time)  
 S.B. 703

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

S.B. 850  
 S.B. 867 (Amended)  
 H.C.R. 61  
 H.C.R. 24  
 H.B. 260

Nominations of Louis Stumberg and John Green to be Members of the Parks and Wildlife Commission.

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

S.B. 317  
 S.B. 297  
 S.B. 678  
 S.B. 785  
 C.S.S.B. 701 (Read first time)  
 C.S.S.B. 748 (Read first time)  
 C.S.H.B. 1087 (Read first time)  
 C.S.S.B. 33 (Read first time)

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
 Austin, Texas, April 5, 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. 340, A bill to be entitled An Act relating to the qualifications for taking the examination for admission to the State Bar of Texas; amending Article 306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 2, Chapter 3, page 68, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 306a, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,  
 DOROTHY HALLMAN  
 Chief Clerk, House of Representatives

#### PRESENTATION OF GUEST

By unanimous consent, Senator Aikin presented as a guest of the Senate today Mrs. Nancy Barnes, wife of former Lieutenant Governor Ben Barnes.

**VOTE ON ADOPTION OF SENATE CONCURRENT  
RESOLUTION 53 RECONSIDERED**

On motion of Senator Ogg and by unanimous consent, the vote by which S.C.R. 53 was adopted was reconsidered.

Question, Shall S.C.R. 53 be adopted?

**SENATE BILL 433 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 engrossment:

S.B. 433, A bill to be entitled An Act relating to the penalty for failing to file certain reports with the Texas Water Rights Commission; amending Section 50.106, Water Code; and declaring an emergency.

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

**SENATE BILL 433 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 S.B. 433 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**SENATE BILL 434 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 engrossment:

S.B. 434, A bill to be entitled An Act relating to the supervisory authority of the Texas Water Rights Commission over certain water districts; amending Section 6.074, Water Code; and declaring an emergency.

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

**SENATE BILL 434 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 S.B. 434



be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

#### **COMMITTEE SUBSTITUTE SENATE BILL 435 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 engrossment:

C.S.S.B. 435, A bill to be entitled An Act relating to the audit of certain districts authorized under Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution; amending Chapter 50, Water Code, by adding Subchapter K; and declaring an emergency.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 435 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 C.S.S.B. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**SENATE BILL 436 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 engrossment:

S.B. 436, A bill to be entitled An Act relating to the definition of the term "district"; amending Subdivision (1), Section 50.001, Water Code; and declaring an emergency.

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

Senator Traeger offered the following Committee Amendment to the bill:

Amend S.B. 436 by adding a new Section 2, reading as follows:

"(2) Nothing in this Act shall apply to River Authorities created by Act of the Legislature."

and renumbering the succeeding sections.

The Committee Amendment was read and was adopted.

Senator Traeger offered the following Committee Amendment to the bill:

Amend quoted Subdivision (1) in Section 1 of Senate Bill 436 to read as follows:

"(1) 'District' means any district or authority created under this title or any district or authority created by special act of the legislature which is authorized to provide water and sewer service, if the district or authority is created under the authority of either Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution."

The Committee Amendment was read and was adopted.

**VOTE ON ADOPTION OF COMMITTEE AMENDMENT 2  
TO SENATE BILL 436 RECONSIDERED**

On motion of Senator Traeger and by unanimous consent, the vote by which Committee Amendment 2 to S.B. 436 was adopted was reconsidered.

Question, Shall Committee Amendment 2 to S.B. 436 be adopted?

On motion of Senator Traeger and by unanimous consent, the Committee Amendment was withdrawn.

Senator Traeger offered the following amendment to the bill:

Amend quoted Subdivision (1) in Section 1 of Senate Bill 436 to read as follows:

"(1) 'District' means any district or authority created under this title or any district or authority created by special act of the legislature which is authorized to provide water and sewer service, if the district or authority is created under the authority of either Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution. 'District' does not mean or include any district or authority which does not furnish water and/or sewer services to household users as the prime functions of the district."

The amendment was read and was adopted.

On motion of Senator Traeger 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.

#### **SENATE BILL 436 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 S.B. 436 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

#### **COMMITTEE SUBSTITUTE SENATE BILL 438 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 engrossment:

C.S.S.B. 438, A bill to be entitled An Act relating to the disqualifications of tax assessors and collectors of certain water districts created under authority of Article XVI, Section 59, of the Texas Constitution; adding Sections 50.023, 51.0851, 53.0721, and 54.1231 to the Water Code; providing penalties; and declaring an emergency.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 438 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 C.S.S.B. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**COMMITTEE SUBSTITUTE SENATE BILL 440  
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 engrossment:

C.S.S.B. 440, A bill to be entitled An Act relating to notification of certain persons of the proposed creation or existence of certain taxing districts; amending Section 53.017 of and adding Subchapter I and Sections 51.195, 51.0181, 51.0281, 53.127, 54.0191, and 54.234 to the Water Code; repealing Section 53.018, Water Code; and declaring an emergency.

The bill was read second time and passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 440  
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 C.S.S.B. 440 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**SENATE BILL 441 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 engrossment:

S.B. 441, A bill to be entitled An Act amending Statutes relating to contracts for acquisition of water supply and treatment systems, water distribution systems, sanitary sewer and collection treatment systems and

drainage systems by cities and towns; providing a severability clause; and declaring an emergency.

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

#### **SENATE BILL 441 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 S.B. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

#### **SENATE BILL 807 ON SECOND READING**

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

S.B. 807, A bill to be entitled An Act relating to the disqualification of members of governing boards of certain districts created under Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution; amending the Water Code, by adding sections 50.024, 51.0721, 53.0631, and 54.1021; and declaring an emergency.

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

#### **SENATE BILL 807 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 807 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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

31, Nays 0.

Yeas: 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.

**SENATE BILL 809 ON SECOND READING**

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

S.B. 809, A bill to be entitled An Act relating to advertisement prior to the sale of bonds of certain districts authorized under Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution; etc.; and declaring an emergency.

The bill was read second time.

Senator Gammage offered the following Committee Amendment to the bill:

Amend S.B. 809 by adding a new Section 4 reading as follows:

"Section 4. Nothing in this Act shall apply to River Authorities created by Act of the Legislature."  
and renumbering the succeeding sections.

The Committee Amendment was read and was adopted.

On motion of Senator Gammage 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.

**SENATE BILL 809 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 809 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**SENATE BILL 811 ON SECOND READING**

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

S.B. 811, A bill to be entitled An Act relating to the maximum debt which may be incurred by certain districts authorized under Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution; etc.; and declaring an emergency.

The bill was read second time.

Senator Gammage offered the following Committee Amendment to the bill:

Amend S.B. 811 by adding a new Section 2 reading as follows:

"Section 2. Nothing in this Act shall apply to River Authorities created by Act of the Legislature."  
and renumbering the succeeding sections.

The Committee Amendment was read and was adopted.

On motion of Senator Gammage 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.

**SENATE BILL 811 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 811 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**SENATE BILL 812 ON SECOND READING**

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

S.B. 812, A bill to be entitled An Act relating to the district office, meeting place, and records of certain districts created under the authority of Article III, Section 52, and Article XVI, Section 59, of the Texas

Constitution; etc.; and declaring an emergency.

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

#### **SENATE BILL 812 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 812 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

#### **SENATE BILL 826 ON SECOND READING**

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

S.B. 826, A bill to be entitled An Act relating to the inclusion of municipal utility districts and fresh water supply districts within the terms and provisions of Section 2(a) of Article 1182c-1 Revised Civil Statutes of Texas; and declaring an emergency.

The bill was read second time.

Senator Gammage offered the following Committee Amendment to the bill:

Amend Senate Bill 826 by adding a new Section 2 reading as follows:

"Section 2. Nothing in this Act shall apply to River Authorities created by Act of the Legislature."  
and renumbering the succeeding Sections.

The Committee Amendment was read and was adopted.

On motion of Senator Gammage 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.

#### **SENATE BILL 826 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 826 be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: 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.

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 31, Nays 0.

Yeas: 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.

**CO-AUTHOR OF SENATE BILL 433**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 433.

**CO-AUTHOR OF SENATE BILL 434**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 434.

**CO-AUTHOR OF SENATE BILL 435**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 435.

**CO-AUTHOR OF SENATE BILL 436**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 436.

**CO-AUTHOR OF SENATE BILL 438**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 438.

**CO-AUTHOR OF SENATE BILL 439**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 439.

**CO-AUTHOR OF SENATE BILL 440**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 440.

**CO-AUTHOR OF SENATE BILL 441**

On motion of Senator Traeger and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 441.

**COMMITTEE SUBSTITUTE HOUSE BILL 10  
ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business and take up C.S.H.B. 10 for consideration at this time.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up C.S.H.B. 10 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Blanchard, Creighton, Harrington, Jones, Mengden, Moore and Patman.

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

C.S.H.B. 10, A bill to be entitled An Act providing that no person engaged in the work of, connected with, or employed by any newspaper, or other printed publication, press association, wire service, news agency, radio or television or network shall be compelled to disclose any information or any source of such information procured or obtained by such person in the course of his news-related activities; that no ordained minister, priest, rabbi or duly accredited Christian Science practitioner shall be compelled to disclose information or any source of such information confidentially communicated to him in his professional capacity that would violate a sacred or moral trust; authorizing petition for mandamus to the Supreme Court in connection with a newsman's privilege and granting original jurisdiction in the Texas Supreme Court to adjudicate said petition; amending Article 38.10, as heretofore amended, and by adding Article 38.102; adding Article 1733a to Chapter 3, Title 37, Revised Civil Statutes of Texas, 1925, as amended; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend the Committee Substitute for H.B. 10 by striking the words "this state" where they appear consecutively on Line 15, Page 2 of the bill and substituting in lieu thereof the following: "Travis County".

The amendment was read and was adopted.

**RECORD OF VOTE**

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

Senator Mengden offered the following amendment to the bill:

Amend C.S.H.B. 10 by inserting the following between the words "person"

and "seeking" in Section 2, Subsection (B), on line 5 of the printed bill:

"acting within the scope of a legal proceeding under Section (A) of this article, or any private citizen acting on his own behalf, who is".

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.

The bill as amended was passed to third reading by the following vote: Yeas 26, Nays 5.

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

Nays: Blanchard, Creighton, Harrington, Moore and Patman.

**VOTE ON PASSAGE OF COMMITTEE SUBSTITUTE  
HOUSE BILL 10 TO THIRD READING RECONSIDERED**

Senator McKnight asked unanimous consent that the vote by which C.S.H.B. 10 was passed to third reading be reconsidered.

There was objection.

Senator McKnight then moved that the vote by which C.S.H.B. 10 was passed to third reading be reconsidered.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Blanchard, Braecklein, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Moore, Ogg, Patman, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Aikin, Andujar, Clower, Creighton, Harris, Herring, Meier, Mengden, Santiesteban and Schwartz.

Question, Shall C.S.H.B. 10 be passed to third reading?

**VOTE ON ADOPTION OF AMENDMENT BY SENATOR BROOKS  
TO COMMITTEE SUBSTITUTE HOUSE BILL 10 RECONSIDERED**

On motion of Senator Ogg and by unanimous consent, the vote by which the amendment by Senator Brooks to C.S.H.B. 10 was adopted was reconsidered.

Question, Shall the amendment by Senator Brooks to C.S.H.B. 10 be adopted?

The amendment was again adopted by the following vote: Yeas 17, Nays 14.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harris, Herring, Kothmann, Mauzy, McKinnon, Meier, Mengden, Schwartz and Wolff.

Nays: Blanchard, Harrington, Hightower, Jones, Longoria, McKnight, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wallace.

The bill as amended was again passed to third reading.

### RECORD OF VOTES

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

### COMMITTEE SUBSTITUTE HOUSE BILL 10 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 10 be placed on its third reading and final passage.

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

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

Nays: Blanchard, Creighton, Harrington, Jones, Moore and Patman.

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

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

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

Nays: Blanchard, Creighton, Harrington, Jones, Moore and Patman.

### REASON FOR VOTE

I have voted against C.S.H.B. 10 because I feel that the safeguards provided under the 1st Amendment to the Constitution of the United States and Section 8 of the Bill of Rights of the Texas Constitution give far more protection to freedom of press than any possible legislative act. When the legislature passes a bill setting forth definitions of the "press" and provides that the press shall not be required to divulge the source of their information unless the Supreme Court of Texas decides to the contrary, we have opened a hole through which much abuse may rush to the detriment of the press and the people of Texas.

The Constitution of the United States has prevailed for almost 200 years and the present Constitution of Texas for almost 100 years and both of these documents provide that "Freedom of Press" shall not be abridged. They have stood the test of time and should continue to protect freedom of the press. There has not been a single cited instance of any newsman in Texas being compelled to divulge the source of his information where he claimed his rights to refuse to testify under rights guaranteed by the Constitution of the United States\* or the Constitution of Texas\*\*.

I fear that the passage of this bill will weaken the position of the free press of this state and could conceivably lead to the end of complete freedom as it now exists in the State of Texas. This bill may in fact be the foundation for censorship and abridgement of the rights of free speech and freedom of the press.

**\*United States Constitution Amendment No. 1---**

"Congress shall make no law respecting an Establishment of Religion, or prohibiting the free exercise thereof; or abridging the Freedom of Speech, or of the press; . . ."

**\*\*Section 8 Texas Constitution**

"Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. . . ."

**BLANCHARD**

**REASON FOR VOTE**

Having studied the provisions of this bill in detail, I believe that adequate safeguards have been included to protect the public's right to know the source of information when the public health and welfare is in danger or grave injustice may be done. Accordingly, I felt that C.S.H.B. 10 is an approach to a news shield which is acceptable.

**MENGDEN**

**SENATE RESOLUTION 499**

Senator Hightower offered the following resolution:

WHEREAS, Forty-five years ago on April 8, 1928, in the farm community of Sidon, Arkansas, a memorable event was recorded in the birth of James P. "Jim" Wallace; and

WHEREAS, From a one-room schoolhouse in Sidon, Jim learned the importance of education and resolved to pursue his quest for knowledge; he finished high school at Harding Academy in Searcy, Arkansas, then attended Ouachita Baptist College until 1945, when he joined the United States Navy; and

WHEREAS, After discharge from the Navy in 1949, he enrolled in the University of Arkansas where he earned his Bachelor of Science Degree in Business Administration; he entered law school immediately and in 1957 received his Juris Doctor Degree from the University of Houston; since then, he has practiced law in Houston as a partner in the firm of White and Wallace; and

WHEREAS, He made his first bid for public office in 1970 and was elected to the Texas Senate; he co-sponsored the only two peices of major environmental legislation to pass the 62nd Legislature; he also worked toward insurance reform, tax relief for the elderly and disabled, and supported various veterans bills; and

WHEREAS, Jim Wallace's vital interest in physical fitness and youth has motivated him to serve as director of the downtown Houston Y.M.C.A. for some time; he has held several positions of leadership in the Lions International; and he is an active member and Deacon in the Baptist Church; he presently serves on the Texas Baptist Christian Life Commission; and

WHEREAS, Senator Wallace's most important achievment in his successful career occurred on September 18, 1954, when Miss Martha Jack of Little Rock, Arkansas, whose fame for household mechanics, forthright wit and constant encouragement spurred the sexy-legged runner to win the Buffalo Bayou Canoe Race in 1971, and who knows what in 1973, became his wife; their home has been brightened and enlivened by their three delightful children, Jack and Jill running up the Bill, and Jim, Jr. running passes for the football team; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature of Texas take this

opportunity to wish Senator James P. "Jim" Wallace of Houston, Harris County, Texas, charter member of the "run for lunch bunch", a very happy birthday, and may he have many more to come; and be it further

RESOLVED, That copies of this Resolution, under the seal of the Senate of Texas, be prepared for him as an indication of our high regard and as a memento of this occasion.

The resolution was read.

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

On motion of Senator Aikin, the resolution was adopted.

**COMMITTEE SUBSTITUTE SENATE BILL 642  
ON SECOND READING**

Senator Wallace asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 642 for consideration at this time.

There was objection.

Senator Wallace then moved to suspend the regular order of business and take up C.S.S.B. 642 for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-Not Voting 1.

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

Nays: Brooks and Kothmann.

Present-Not Voting: Blanchard.

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

C.S.S.B. 642, A bill to be entitled An Act authorizing the creation and organization in metropolitan areas of rapid transit authorities; making findings and defining terms; prescribing the functions, powers and duties of such authorities; authorizing the levy and collection of motor vehicle emission taxes by such authorities; authorizing the issuance of bonds and notes and making a provision for securing their payment by such authorities; authorizing the adoption of rules and regulations and the prescribing of penalties, containing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Wallace offered the following amendment to the bill:

Amend the Committee Substitute for Senate Bill 642 by amending the first paragraph of Section 5 to read as follows:

"Section 5. Confirmation and Emission Tax Election. After the original Board is organized, it shall call an election at which the following proposition shall be submitted to the qualified voters within the Authority:

**'SHALL THE CREATION OF THE ----- RAPID TRANSIT AUTHORITY BE CONFIRMED AND SHALL THE BOARD OF SUCH AUTHORITY BE AUTHORIZED TO LEVY AND COLLECT MOTOR VEHICLE EMISSION TAXES?'**

Notice of such election shall state the day and place or places for holding the election, the maximum Vehicle Emission Taxes, by category, that may be authorized, and the proposition to be voted on and shall be published once a week for two consecutive weeks in a newspaper of general circulation within the Authority. The first publication shall be at least fifteen (15) days before the date set for the election. The election shall be conducted in accordance with the provisions of the Texas Election Code."

The amendment was read.

Senator Ogg offered the following substitute for the pending amendment to the bill:

Amend Committee Substitute for S.B. 642 by striking Sections 5, 8, 9, and 10 and substituting a new Section 8 as follows and renumbering all subsequent sections.

"The authority shall be authorized to levy taxes and cause the same to be collected provided however that said tax must first be initially approved, by a majority vote by public referendum of the voters of the authority's jurisdiction. The board shall submit a minimum of three alternative methods of taxation to the voters of said authority."

The substitute for the pending amendment was read.

Senator Wallace moved to table the substitute for the pending amendment.

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

The motion to table prevailed by the following vote: Yeas 22, Nays 6, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Clower, Creighton, Gammage, Harris, Hightower, Jones, Mauzy, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Brooks, Kothmann, Longoria, McKinnon and Ogg.

Present-Not Voting: Braecklein.

Absent: Harrington and Herring.

Question recurring on the adoption of the amendment by Senator Wallace, the amendment was adopted.

#### **RECORD OF VOTES**

Senators Ogg, Kothmann and Brooks asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for S.B. 642 by inserting in the first sentence of Section 6 after the word "Act.", the following:

"subject to the approval of the Governor's Interagency Transportation Council".

The amendment was read.

Senator Wallace moved to table the amendment.

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

The motion to table prevailed by the following vote: Yeas 20, Nays 7, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Clower, Creighton, Gammage, Harris, Jones, Mauzy, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Brooks, Kothmann, Longoria, McKinnon, Ogg and Patman.

Present-Not Voting: Braecklein.

Absent: Harrington, Herring and Hightower.

Senator Ogg offered the following amendment to the bill:

Amend Senate Committee Substitute for S.B. 642 by adding a new sentence to Sec. 7(a) as follows:

"All bond issues and expenditures shall first be subject to approval by a majority of the voters of the authority when called by a majority of the members of the authority and placed on the ballot."

The amendment was read.

Senator Wallace moved to table the amendment.

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

The motion to table prevailed by the following vote: Yeas 20, Nays 7, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Clower, Gammage, Harris, Hightower, Jones, Mauzy, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Brooks, Kothmann, Longoria, McKinnon, Ogg and Patman.

Present-Not Voting: Braecklein.

Absent: Creighton, Harrington and Herring.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for S.B. 642 by striking Section 18 from the substitute and adding a new Section 18 and renumbering all subsequent sections as follows:

"No State funds shall be appropriated by the Legislature of Texas without the prior recommendation of the Governor's Interagency Transportation Council."



The amendment was read.

Senator Wallace raised the Point of Order that the amendment was not germane to the bill as the bill does not in fact appropriate State funds.

The President sustained the Point of Order.

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

Question, Shall C.S.S.B. 642 as amended be passed to engrossment?

#### **HOUSE BILL 449 RE-REFERRED**

On motion of Senator Adams and by unanimous consent, H.B. 449 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Intergovernmental Relations.

#### **MOTION TO RE-REFER HOUSE BILL 569**

Senator Brooks asked unanimous consent, that H.B. 569 be withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Human Resources.

There was objection.

#### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

By Senator Snelson:

S.B. 886, A bill to be entitled An Act amending Chapter 302, Acts of the 52nd Legislature, 1951 (Article 6701g, Vernon's Texas Civil Statutes), relating to establishment of restricted traffic zones by the Commissioners Court of any county; providing for severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Aikin:

S.B. 887, A bill to be entitled An Act creating the Rio Grande State Center for Mental Health and Mental Retardation Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency.

To Committee on Education.

By Senator Aikin:

S.B. 888, A bill to be entitled An Act creating the Brenham State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency.

To Committee on Education.

By Senator Herring:

S.B. 889, A bill to be entitled An Act relating to payments made from the Bicentennial Fund; amending Subsection D, Section 4, Chapter 868, Acts of the 61st Legislature, Regular Session, 1969 (Article 6145-8, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Finance.

By Senator Harrington:

S.J.R. 37, Proposing an amendment to Article VI, Section 2, of the Texas Constitution, to revise provisions on age and residence requirements for voting in conformity with mandates of the Constitution of the United States; to eliminate the requirement for annual registration; and to add a requirement for renewal of registration at intervals not exceeding four years.

To Committee on State Affairs.

By Senator Snelson:

S.C.R. 78, Granting Penroc Oil Corporation permission to sue the State of Texas.

To Committee on Jurisprudence.

### HOUSE BILLS ON FIRST READING

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

H.B. 833, To Committee on Natural Resources.  
 H.B. 76, To Committee on State Affairs.  
 H.B. 209, To Committee on Jurisprudence.  
 H.B. 759, To Committee on Jurisprudence.  
 H.B. 340, To Committee on Jurisprudence.  
 H.B. 4, To Committee on State Affairs.  
 H.B. 543, To Committee on Economic Development.

### NOTICES OF INTENT

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

Friday, April 6, 1973

H.B. 120 - Senator Gammage  
 S.C.R. 71 - Senator Gammage  
 S.B. 614 - Senator Patman  
 S.B. 398 - Senator Santiesteban  
 S.B. 123 - Senator Gammage  
 S.B. 253 - Senator Moore  
 S.B. 263 - Senator Brooks  
 S.B. 376 - Senator Wallace  
 C.S.S.B. 642 - Senator Wallace

Monday, April 9, 1973

S.B. 187 - Senator Traeger  
 S.B. 305 - Senator Clower  
 S.B. 405 - Senator Clower  
 S.B. 407 - Senator Clower

Wednesday, April 11, 1973

H.B. 36 - Senator Mauzy

### MEMORIAL RESOLUTIONS

S.R. 492 - By Senator Adams: Memorial resolution for Harry Brewton.

S.R. 493 - By Senator Adams: Memorial resolution for Judge W. Q. "Punk" Adams.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 491 - By Senator Adams: Extending congratulations to Miss Kay Henry.

S.R. 494 - By Senator Adams: Extending congratulations to David Foster.

S.R. 495 - By Senator Moore: Extending congratulations to Federal Crop Insurance Corporation.

S.R. 496 - By Senator Brooks: Extending congratulations to Air Force Captain Timothy R. Ayres.

S.R. 497 - By Senator Aikin: Extending welcome to Miss Adell Hale.

S.R. 498 - By Senator Aikin: Extending welcome to Mrs. Alice Bolin, et al.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:53 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

**FIFTIETH DAY**

(Friday, April 6, 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, Braccklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

Absent-excused: Traeger.

A quorum was announced present.

Senator Grant Jones 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 Traeger was granted leave of absence for today on account of official business to attend Conference on "Economy in Government" in Kansas City, Missouri, at the request of the Lieutenant Governor, on motion of Senator Jones.