

Referred to Committee on Judicial Districts.

By Cavness, Hubenak, Jungmichel, Wieting, and Blythe:

HB 208, A bill to be entitled An Act relating to trespass on private property without consent; fixing a penalty; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Bigham and T. Moore:

HB 209, A bill to be entitled An Act authorizing waiver of right to be accused by indictment in noncapital felony cases; amending Chapter 1, Code of Criminal Procedure, 1965, as amended, to add a new Article 1.141; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Bigham:

HB 210, A bill to be entitled An Act relating to eligibility for beginning positions with police departments; amending Section 9 of Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 11:39 a.m., adjourned until 10:00 a.m. tomorrow.

#### ELEVENTH DAY—THURSDAY, JANUARY 28, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

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

Mr. Speaker	Braecklein	Davis, D.	Hale
Adams	Braun	Davis, H.	Hanna, Joe
Agnich	Burgess	Denton	Hannah, John
Allen, Joe	Bynum	Doran	Harding
Allen, John	Caldwell	Doyle	Harris
Allred	Calhoun	Dramberger	Hawkins
Angly	Carrillo	Earthman	Hawn
Atwood	Cates	Farenthold	Haynes
Baker	Cavness	Finck	Head
Bass, B.	Christian	Finnell	Heatly
Bass, T.	Clark	Floyd	Hendricks
Beckham	Clayton	Foreman	Hilliard
Bigham	Coats	Gammage	Holmes, T.
Blanton	Cobb	Garcia	Howard
Blythe	Craddick	Golman	Hubenak
Bowers	Cruz	Grant	Hull
Boyle	Daniel	Graves	Ingram

Johnson	Moncrief	Poff	Slider
Jones, D.	Moore, A.	Presnal	Solomon
Jones, E.	Moore, G.	Price	Spurlock
Jones, G.	Moore, T.	Reed	Stewart
Jungmichel	Moreno	Rodriguez	Swanson
Kaster	Murray	Rosson	Tarbox
Kilpatrick	Nabers	Salem	Traeger
Kost	Nelms	Salter	Truan
Kubiak	Newton	Sanchez	Tupper
Lee	Nichols	Santiesteban	Uher
Lemmon	Niland	Schulle	Vale
Lewis	Nugent, J.	Semos	Von Dohlen
Ligarde	Orr	Shannon	Ward
Lombardino	Parker, C.	Sherman	Wieting
Longoria	Parker, W.	Short	Williams
McAlister	Patterson	Silber	Williamson
McKissack	Pickens	Simmons	Wolf
Mengden	Poerner	Slack	Wyatt

**Absent**

Cole	Neugent, D.	Ogg	Smith
Finney			

**Absent-Excused**

Atwell	Lovell	Stroud	Wayne
Holmes, Z.			

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

**MEMBERS OF APPROPRIATIONS COMMITTEE  
RECORDED PRESENT**

In accordance with a motion adopted on January 25, the following Members of the Appropriations Committee were recorded present and in the Appropriations Committee meeting: Representatives Heatly, Slack, John Allen, Braecklein, Carrillo, Cobb, H. Davis, Doran, Haynes, Hull, Johnson, Longoria, W. Parker, Presnal, Salter, Santiesteban, Slider, Swanson, Tarbox, Ward, and Wolff.

**LEAVES OF ABSENCE GRANTED**

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

Mr. Atwell on motion of Mr. Hawn.

Mr. Stroud on motion of Mr. Tom Bass.

Mr. Zan Holmes, Jr., on motion of Mr. Tom Bass.

Mr. Lovell on motion of Mr. Williamson.

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

Mr. Wayne on motion of Mr. Uher.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled resolution:

HCR 15, Congratulating LeTourneau College on its 25th Anniversary.

MESSAGE FROM THE SENATE

Austin, Texas, January 28, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

SB 2, By Bates: An Act changing the name of Pan American College to Pan American University; and declaring an emergency.

SB 24, By McKool: Relating to sale of lists of registered voters by the registrar; and declaring an emergency.

SB 64, By Mauzy: Relating to the assessment and collection of taxes in certain independent school districts; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

MEMORIAL RESOLUTION ADOPTED

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

HCR 20, by Graves, T. Bass, Joe Allen, Gammage, Braun, and Nichols: In memory of Julius C. Carter.

On motion of Mr. Nichols the names of all the Members of the House were added to the resolution as signers thereof.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 56, by Braun: Commending W. C. Cunningham.

On motion of Mr. Braun the names of all the Members of the House were added to HSR 56 as signers thereof.

HSR 58, by Poff: Expressing appreciation to the members of the Will Rogers Range Riders Gray Horse Drill Team.

Representative Cole entered the House and was announced present.

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CONGRATULATORY RESOLUTIONS ADOPTED (Continued)

HSR 61, by Poff and Christian: Congratulating James Randel "Randy" Matson.

On motion of Mr. Bynum the names of all the Members of the House were added to the resolution as signers thereof.

PROVIDING FOR ADJOURNMENT

Mr. Sherman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

HOUSE JOINT RESOLUTION  
ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Price:

HJR 21, A Joint Resolution proposing an Amendment to Article XVII, Section 1, of the Texas Constitution, to alter the procedure for amending the Constitution.

HOUSE BILLS ON FIRST  
READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Murray:

HB 211, A bill to be entitled An Act relating to a pilot program to treat persons with various respiratory diseases at the Harlingen State Tuberculosis Hospital; and declaring an emergency.

Referred to Committee on Appropriations.

By Caldwell:

HB 212, A bill to be entitled An Act requiring a license for taking oysters with oyster dredge; establishing Commercial and Sports Oyster Dredge Licenses; providing dredge size and number limits; providing a state-wide oyster season; establishing hours for harvest; authorizing the

Parks and Wildlife Commission to close and open areas to oystering; providing possession limits; establishing oyster size limits and providing for the culling of undersize oysters; repealing existing and conflicting laws; providing severability; providing a penalty for violation or failure to comply; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

HB 213, (Read first time and referred to Committee on Appropriations on January 25, 1971.)

(Mr. Solomon in the Chair)

By W. Parker:

HB 214, A bill to be entitled An Act relating to the student union fee at North Texas State University; and declaring an emergency.

Referred to Committee on Higher Education.

By B. Bass and John Hannah:

HB 215, A bill to be entitled An Act relating to the requirement of immunization of children against certain diseases; amending Section 2.09, Texas Education Code; and declaring an emergency.

Referred to Committee on Public Health.

By Cavness:

HB 216, A bill to be entitled An Act creating a Texas Surplus Property Agency and prescribing its power, duties, functions, finances, and procedures; and declaring an emergency.

Referred to Committee on State Affairs.

By Schulle:

HB 217, A bill to be entitled An Act relating to the authority of county commissioners courts to revoke exemptions of counties from the provisions of the Texas law governing sale, use, and transportation of herbicides where relating to applicators and custom applicators; amending Subsection (c), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as added by Section 4, Chapter 474, Acts of the 60th Legislature, Regular Session, 1967 (Article 135b-4, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Agriculture.

By Wolff:

HB 218, A bill to be entitled An Act providing for dismissal of certain prosecutions not tried within 120 days after indictment; amending the Code of Criminal Procedure of Texas, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

**By Harris:**

HB 219, A bill to be entitled An Act relating to the creation, powers, and duties of a research advisory panel for narcotic and dangerous drug research; providing for disposition of certain drugs by the Texas Department of Public Safety; providing for immunity from prosecution in certain cases; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

**By Presnal:**

HB 220, A bill to be entitled An Act authorizing all State Agencies and Institutions to make advance payments to Federal and State Agencies for merchandise purchased from such agencies when advance payments will expedite the delivery of the merchandise; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

**By D. Jones:**

HB 221, A bill to be entitled An Act authorizing the transfer of certain land from Texas Tech University to Texas Tech University School of Medicine; and declaring an emergency.

Referred to Committee on Higher Education.

**By Harris:**

HB 222, A bill to be entitled An Act amending Article 19.01, Code of Criminal Procedure, 1965, relating to the qualifications for jury commissioners, by eliminating the requirement that a jury commissioner be a freeholder; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

**By Orr:**

HB 223, A bill to be entitled An Act providing for the regulation and control of automotive repair dealers; providing penalties for violations; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

**By J. Nugent:**

HB 224, A bill to be entitled An Act amending Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, by adding a new section to provide that certain truck-tractors or commercial motor vehicles and semitrailers be registered in combination and establishing the registration fee rate therefor; placing the registration fees for such combinations on the truck-tractors or commercial motor vehicles; providing a "token" fee and distinguishing license plate for semitrailers registered in combination; specifying the status of semitrailers used in combination with auxiliary axle assemblies; exempting certain vehicles from the provisions of this Act; defining certain terms used in this Act; amending Section 8c, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as

amended (Article 6675a-8c, Vernon's Texas Civil Statutes), to alter the diesel fees for truck tractors or commercial motor vehicles registered in combination; authorizing the promulgation of rules and regulations; making other provisions relating thereto; providing an effective date for this Act; providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Motor Transportation.

By Williams:

HB 225, A bill to be entitled An Act relating to municipal pension systems in certain cities in the state; amending Chapter 358, Acts of the 48th Legislature, Regular Session, 1943, as amended, (Article 6243g, Vernon's Texas Civil Statutes); providing an effective date; providing for severability; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Kaster:

HB 226, A bill to be entitled An Act authorizing cities of more than 250,000 population according to the last preceding federal census to expend money, not exceeding one percent of the city's general fund budget, for advertising the city and promoting its growth and development and providing for the creation and operation of a City Board of Development; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Murray:

HB 227, A bill to be entitled An Act relating to the exchange of benches in probate matters between the Judge of the County Court at Law of Cameron County and the Judge of the County Court of Cameron County; amending Section 6, Chapter 59, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 1970-305, Vernon's Texas Civil Statutes); validating the transfer of certain matters between the dockets of the courts prior to the effective date of this Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Solomon:

HB 228, A bill to be entitled An Act relating to the tuition fee to be paid by residents of states adjacent to Texas for admission to public junior colleges located in counties on the state border; amending Subsection (d), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Appropriations.

By Lovell:

HB 229, A bill to be entitled An Act relating to the assessment, equalization and collection of taxes by the Lovelady Independent School District;

amending Section 4, Chapter 33, Special Laws, 36th Legislature, 2nd Called Session, 1919; and declaring an emergency.

Referred to Committee on School Districts.

By Vale:

HB 230, A bill to be entitled An Act validating and legalizing all special assessments and reassessments for street improvements and the liens and liabilities created thereby heretofore levied or purported to be levied by any and all cities in the State; and validating the proceedings of the governing bodies of such cities levying or purporting to levy such assessments or reassessments; validating all assignable certificates of special assessment issued to evidence such assessments or reassessments; providing that nothing herein shall be construed as validating or legalizing any assessment lien against any interest in property exempt at the time the improvements were ordered from the lien of special assessment for street improvements; providing a nonlitigation clause; providing a severability clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Caldwell and Farenthold:

HB 231, A bill to be entitled An Act relating to noise levels for supersonic transports; amending Sections 1.03 of and adding Subsections (c) and (d) to Section 4.02, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Wieting, Jungmichel, Ward, and Kubiak:

HB 232, A bill to be entitled An Act amending Section 4.23 of the Texas Education Code, Chapter 889, Acts of the Regular Session of the 61st Legislature; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By G. Moore:

HB 233, A bill to be entitled An Act amending Section 12, Chapter 116, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code), relating to exemptions from hairdressing and cosmetologists' license requirement; and declaring an emergency.

Referred to Committee on State Affairs.

By Hale:

HB 234, A bill to be entitled An Act amending Acts 1961, Fifty-seventh Legislature, page 654, Chapter 303, known and cited as the "Legislative Reorganization Act of 1961," to provide statutory authorization for a system of seniority adopted by either House of the Legislature, and providing continuity for such seniority system once adopted; authorizing each House of the Legislature to provide for the conduct of committee work

through the use of subcommittees, and granting to such subcommittees similar powers to those authorized to standing committees; authorizing the filing of bills and resolutions in advance of the convening of the Legislature and prescribing procedures in connection with such prefiling; providing severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Rules.

By Kubiak:

HB 235, A bill to be entitled An Act establishing the duties of public school principals; and declaring an emergency.

Referred to Committee on Public Education.

By Atwell, McKissack, Braecklein, Semos, Golman, and Hawn:

HB 236, A bill to be entitled An Act relating to rights of grandparents to visit a child who has been the subject of a divorce and custody proceeding; amending Article 4639, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Doran, Traeger, Hubenak, Schulle, Moreno, Garcia, Murray, Atwood, J. Nugent, Poerner, Rosson, Baker, Tupper, and Salter:

HB 237, A bill to be entitled An Act providing for a referendum on the issue of daylight saving time; and declaring an emergency.

Referred to Committee on State Affairs.

By Ligarde:

HB 238, A bill to be entitled An Act providing for the compensation of the official court reporter of the 111th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency.

Referred to Committee on Counties.

By Ligarde:

HB 239, A bill to be entitled An Act providing for the compensation of the official court reporter of the 49th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency.

Referred to Committee on Counties.

By Lombardino, Dramberger, and Bowers:

HB 240, A bill to be entitled An Act amending Title 17, Chapter 5, Penal Code of Texas, 1925, by adding a new Article 1391a relating to the breaking and entering of a private residence at night; providing a penalty; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino and Dramberger:

HB 241, A bill to be entitled An Act relating to discharging firearms and other weapons from a motor vehicle or on public roads; amending Section 1, Chapter 3, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 480a, Vernon's Texas Penal Code); providing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Daniel:

HB 242, A bill to be entitled An Act relating to additional compensation for the district judge of the 75th Judicial District; providing for pro rata distribution of the additional compensation between the counties comprising the district; repealing Chapter 75, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6819a-13, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Sanchez:

HB 243, A bill to be entitled An Act amending the Texas Motor Vehicle Safety-Responsibility Act by adding Section 4A (Article 6701h, Vernon's Texas Civil Statutes); relating to providing for impounding by the Department of Public Safety of the motor vehicles operated by persons not domiciled within the United States in certain instances following certain accidents; and declaring an emergency.

Referred to Committee on Judiciary.

By Sanchez and McKissack:

HB 244, A bill to be entitled An Act relating to persons not required to obtain a license to fish; amending Section 2, Chapter 239, Acts of the 55th Legislature, Regular Session, 1957 (Article 4032b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Sanchez:

HB 245, A bill to be entitled An Act providing for the maximum compensation of the mayor of a town or city having a commission form of government with a population greater than 2,000; amending Article 1164, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Murray and Garcia:

HB 246, A bill to be entitled An Act authorizing a self-liquidating navigation district coming under the scope of Chapter 27, Acts of the 42nd Legislature, 3rd Called Session, 1932, to accept bid bonds executed by a

corporate surety in lieu of the certified check currently required; decreasing the limitation on a district's authority to contract for improvements to be paid for in partial payments as the work progresses from an amount not to exceed in the aggregate 80 percent of the contract price of the total amount of the work done to an amount not to exceed 90 percent of the contract price of the total amount of the work done; authorizing a district to secure temporary short-term financing and to issue purchase money notes in the acquisition of certain land; amending Sections 67, 71, and 83, Acts of the 42nd Legislature, 3rd Called Session, 1932 (Article 8263e, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Atwell, McKissack, Hawn, Braecklein, Semos, and Golman:

HB 247, A bill to be entitled An Act relating to the regulation by the Parks and Wildlife Department of the exhibition of wildlife for public purposes and providing penalties for violations; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Gammage:

HB 248, A bill to be entitled An Act amending Section (3), Article 6.02, Chapter 6, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-6.02, Vernon's Texas Civil Statutes), relating to the right of a buyer to rescind a retail installment contract; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Gammage:

HB 249, A bill to be entitled An Act relating to the regulation of practices used in the collection of debts; providing penalties; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Gammage:

HB 250, A bill to be entitled An Act relating to awarding attorneys' fees in any civil action in which the court finds that equity would be served by the award; providing for review of the award; and declaring an emergency.

Referred to Committee on Judiciary.

By Gammage and Nelms:

HB 251, A bill to be entitled An Act removing insurance companies from coverage exemption of Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925; Article 10.03, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-10.03, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Insurance.

By Cobb:

HB 252, A bill to be entitled An Act providing for the appointment by the district judges of the 84th Judicial District of Texas, composed of Hansford, Hutchinson, and Ochiltree Counties; and the 69th Judicial District of Texas, composed of Dallam, Deaf Smith, Hartley, Moore, Oldham, and Sherman Counties, of official shorthand reporters for each respective district; providing their qualifications; providing that the salaries of the said official shorthand reporters shall be fixed and determined by the judge of each respective judicial district and not otherwise; providing for the manner of payment of said salaries and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; repealing Chapter 25, Acts of the 55th Legislature, 2nd Called Session, 1957, (Article 2326J-2, Vernon's Texas Civil Statutes), and Chapter 376, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326J-46, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Cobb:

HB 253, A bill to be entitled An Act relating to the status of retired judges as judicial officers; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by adding a new Section 7A; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Joe Allen:

HB 254, A bill to be entitled An Act relating to release of a defendant on a personal bond; amending Article 17.03, Texas Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Joe Allen:

HB 255, A bill to be entitled An Act relating to the licensing of bail bondsmen; prohibiting certain acts by bail bondsmen and prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Harris and D. Neugent:

HB 256, A bill to be entitled An Act relating to the appointment, powers, and duties of reserve deputy sheriffs and reserve deputy constables; amending Subsections (b) and (c), Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413 (29aa), Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By McAlister:

HB 257, A bill to be entitled An Act relating to the exemption of skating rinks from the admissions tax; amending Section (4), Article 21.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By T. Holmes:

HB 258, A bill to be entitled An Act relating to appointment of a county tax assessor-collector in a county under 10,000 inhabitants following an election adding the separate office; amending Chapter 8, Title 122, Revised Civil Statutes of Texas, 1925, by adding a new Article 7246-1/2; and declaring an emergency.

Referred to Committee on Counties.

By T. Holmes:

HB 259, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of the Hood County Hospital District of Hood County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency.

Referred to Committee on Counties.

By Heatly:

HB 260, A bill to be entitled An Act amending Section 5, Chapter 55, Acts of the 61st Legislature, Regular Session, 1969 (Article 5444a, Vernon's Texas Civil Statutes), relating to appointment and term of Director; and declaring an emergency.

Referred to Committee on Appropriations.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 10:43 a.m., adjourned until 11:00 a.m. next Monday.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and a resolution, as follows:

Appropriations: HB 43, HB 213.

Engrossed and Enrolled Bills: Correctly enrolled—HCR 15.