

SB 89 to the Committee on Conservation and Reclamation.

ADJOURNMENT

In accordance with a previous motion, the House, at 1:27 p.m., adjourned until 10:30 a.m. tomorrow.

APPENDIX

BILLS TRANSMITTED TO GOVERNOR UNDER ARTICLE 16, SECTION 59

HB 922 transmitted by the Chief Clerk to the Governor on March 4, 1971.

HB 923 transmitted by the Chief Clerk to the Governor on March 4, 1971.

STANDING COMMITTEE REPORTS

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

Engrossed and Enrolled Bills: Correctly engrossed—HB 253, HB 448, HB 730. Correctly enrolled—HB 283.

Highways and Roads: HB 32, HB 71.

Public Health: HB 63, HB 89, HB 106, HB 107, HB 166.

State Affairs: HB 40, HB 156.

THIRTY-FOURTH DAY—TUESDAY, MARCH 9, 1971

The House met at 10:30 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	Bynum	Earthman	Hendricks
Adams	Caldwell	Farenthold	Hilliard
Agnich	Calhoun	Finck	Holmes, Z.
Allen, Joe	Cates	Finnell	Howard
Allen, John	Cavness	Floyd	Hull
Allred	Christian	Foreman	Ingram
Angly	Clark	Gammage	Johnson
Atwood	Clayton	Garcia	Jones, E.
Baker	Coats	Grant	Jones, G.
Bass, B.	Cobb	Graves	Jungmichel
Bass, T.	Cole	Hale	Kaster
Beckham	Craddick	Hanna, Joe	Kilpatrick
Bigham	Cruz	Hannah, John	Kost
Blanton	Daniel	Harding	Kubiak
Blythe	Davis, D.	Harris	Lee
Bowers	Davis, H.	Hawkins	Lemmon
Boyle	Denton	Hawn	Lewis
Braecklein	Doran	Haynes	Lombardino
Braun	Doyle	Head	Longoria
Burgess	Dramberger	Heatly	McAlister

McKissack	Ogg	Santiesteban	Swanson
Moncrief	Parker, W.	Schulle	Tarbox
Moore, A.	Patterson	Semos	Traeger
Moore, G.	Pickens	Shannon	Truan
Moore, T.	Poerner	Sherman	Tupper
Moreno	Poff	Short	Uher
Murray	Presnal	Silber	Vale
Nabers	Price	Simmons	Von Dohlen
Nelms	Reed	Slack	Ward
Neugent, D.	Rodriguez	Slider	Wayne
Newton	Rosson	Solomon	Wieting
Nichols	Salem	Spurlock	Williams
Niland	Salter	Stewart	Wolff
Nugent, J.	Sanchez	Stroud	Wyatt

Absent

Atwell	Golman	Lovell	Parker, C.
Carrillo	Jones, D.	Mengden	Smith
Finney	Ligarde	Orr	Williamson

Absent-Excused

Holmes, T. Hubenak

(Mr. Short occupied the Chair temporarily)

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVE OF ABSENCE GRANTED

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

Mr. Hubenak on motion of Mr. Shannon.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

HCR 74, by Jungmichel: In memory of E. A. "Doc" Woods, Sr.

HSR 194, by Ward: In memory of L. E. Tennison.

HSR 196, by Cates: In memory of John Emmitt Dwyer.

MESSAGE FROM THE SENATE

Austin, Texas, March 9, 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:

HB 1, By Head: Relating to compensation of the official shorthand reporter for the 4th Judicial District; and declaring an emergency.

HCR 42, By Salem: Condemning North Vietnam and the Viet Cong for their inhuman and barbarous treatment of Americans imprisoned by them.

SB 43, By Schwartz: Relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables; and declaring an emergency.

SB 187, By Wallace: Enabling County Commissioners Courts to supplement compensation of Justices of the Courts of Civil Appeals from county funds; and declaring an emergency.

SB 223, By Aikin: Authorizing the transfer of funds currently appropriated to the State Securities Board; and declaring an emergency.

SB 433, By Connally: Relating to the quarantine powers of the Texas Animal Health Commission; and declaring an emergency.

SJR 9, By Harrington: Amending the Texas Constitution to eliminate the prohibition against receiving state pension retirement funds or direct aid from the State of Texas from more than one retirement fund.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 197, by Wyatt: Congratulating the Victoria High School Stingettes Basketball Team.

HSR 200, by Ogg and Swanson: Congratulating the 1970-1971 University of Houston Cougar Basketball Team.

Representatives Smith, Lovell, Orr, and Williamson entered the House and were announced present.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was read and was adopted unanimously:

HSR 199, by Ogg and Swanson: Congratulating Elmo Wright of The University of Houston Cougars.

Representatives Mengden and Delwin Jones entered the House and were announced present.

HSR 199—(Consideration continued)

On motion of Mr. Edmund Jones and Mr. Swanson, the names of all the Members of the House were added to HSR 199 as signers thereof.

INTRODUCTION OF GUESTS

The Speaker recognized the Honorable Jack Ogg who addressed the House briefly and introduced All-American Elmo Wright of The University of Houston football team. Mr. Ogg also introduced Coach Bill Yeoman of The University of Houston.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was read and was adopted unanimously:

HSR 195, by Kubiak: Commending students from Rockdale High School.

Representatives Finney and Carrillo entered the House and were announced present.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Finck, Mr. Tom Holmes was granted leave of absence for today on account of illness.

Representatives Golman and Carl Parker entered the House and were announced present.

ADDRESS BY THE HONORABLE
JACK HAWKINS

(Mr. Shannon in the Chair)

On motion of Mr. Floyd, the following remarks made by Mr. Hawkins in addressing the House on personal privilege on today were ordered printed in the Journal:

Mr. Speaker, Fellow Members of the House:

We worked real hard last Wednesday and Thursday and passed a t bill. As was pointed out by Representative Dick Reed in the final deb

Thursday morning: "All but thirteen Members of the House voted for this tax bill in some form or other." I think this statement by Mr. Reed is important to remember, because it establishes the fact that very few Members of the House disputed the fact that a tax bill is needed, though all did not agree as to what the bill should contain, but in spite of this lack of unanimity, the tax bill received a vote of 100 to 49 on final passage.

I have been somewhat surprised at some of the remarks that I have heard over the airwaves and read in the press regarding this tax bill.

"If they are hell-bent on passing a big tax bill, let's make it a fair tax bill," is the comment Hank Brown, President of the AFL-CIO, is quoted as having made. Now, Hank Brown is a very knowledgeable man about everything that goes on in the Texas Legislature. He knows fullwell that nobody in the State Legislature, whether a Member of the House or Senate, is hell-bent on passing a big tax bill or even a small tax bill. This task is approached with the enthusiasm that a small boy approaches the task of taking castor oil. So why does Hank Brown or anyone else deliberately seek to leave the impression that the House of Representatives passed the tax bill and also the increased state college tuition bill last Thursday with gleeful abandon.

Lieutenant Governor Ben Barnes also is quoted as making remarks somewhat similar to those of Mr. Brown. The Lieutenant Governor is quoted as having said: "I don't think the Senate is going to like this tax bill or tuition increase on resident college students either." Now who said anything about the Senate liking the House tax bill? Even the House does not like the House tax bill, because nobody, simply nobody, likes a tax bill of any kind.

Other remarks attributed to the President of the Senate seem to express some doubt as to the need of a tax bill at all. To say the least I think a point of order can be raised that his remarks have been "vague and indefinite."

For instance, Mr. Barnes is credited with having said: "The Senate will take its time in considering the tax bill. First, we will make a ball park estimate of how much money is needed, then consider the tax bill."

The surprising thing to me about this statement is the terminology "ball park estimate." If these matters are to be determined on a "ball park estimate," why do we have the expensive computers down here and why do we have a Legislative Budget Board working the year around to determine the financial needs of the State of Texas?

The entire matter of a tax bill resolves itself around this question: "Is the passage of a tax bill at the 62nd Session of the Texas Legislature a necessity if the services of the State of Texas are to be maintained at customary standards for the next two years?"

The growing needs for more revenue for public school education, higher education, medical schools, mental hospitals, schools for the mentally handicapped and mentally retarded, which now have a huge waiting list, and in addition to this, welfare in its many phases which not only includes Old Age Assistance, Aid to Dependent Children, Aid to Needy Blind, and Aid to the Totally Disabled, all of which come under the

present eighty million dollar constitutional ceiling, but also Medical Care, known as Medicaid which in itself exceeds in state expense all of the other welfare that does come under the eighty million dollar ceiling, are answers to this question.

In conclusion, it has been thoroughly established by the Legislative Budget Board to keep up the above mentioned services even at present standards, calls for at least five hundred million dollars in new revenue. As the House of Representatives in accordance with the Constitution of the State of Texas must originate all revenue measures, let it be noted that the House has carried out an unpleasant duty early in the 62nd Session. Now if the Texas Senate does not like the bill, the Senate now has an opportunity to come up with one which it deems to be a better revenue bill. Let it be hoped that they hit a home run and knock the ball clear out of the ball park.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 202, by Pickens: Congratulating Miss Bellinda Myrick.

Representative Ligarde entered the House and was announced present.

MASCOT RESOLUTION

The following Mascot resolution was referred to the Committee on House Administration:

HSR 193, by Presnal: Naming Kimberly, Jessica and Laura Coats Mascots of the House.

HCR 67—REFERRED TO COMMITTEE

(Encouraging trustees of major Texas Pension and Retirement Systems to invest in government insured or guaranteed mortgage backed securities)

Mr. Golman offered the following resolution:

HCR 67

Whereas, The rapid population growth and obsolescence in existing housing has created a critical need for additional housing to be built in the State of Texas; and

Whereas, Availability of mortgage funds to the housing industry and to homebuyers is necessary to adequately provide for decent housing for all Texans; and

Whereas, The Texas Retirement Systems are authorized to invest in mortgages, thereby assisting in the production of housing for the citizens of the State of Texas; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the trustees of the major Texas Pension and Retirement Systems be encouraged to consider investing a substantial portion of their available resources in government insured or guaranteed mortgage backed securities, insofar as the law may permit; and, be it further

Resolved, That a copy of this resolution be mailed to the various trustees of the Texas Pension and Retirement Systems.

The resolution was referred to the Committee on State Affairs.

HCR 68—REFERRED TO COMMITTEE

(Memorializing Congress concerning nations which permit cultivation, production, or processing of narcotic and dangerous drugs)

Mr. Mengden offered the following resolution:

HCR 68

Whereas, Drug abuse, particularly among American youths—those under 30—has reached major proportions in this country despite the enactment of strong state and federal laws designed to control the problem; and

Whereas, All-out drives to enforce this legislation have met with limited success because as fast as one source of drugs is cut off another springs up due to an apparently never ending supply of narcotics and other dangerous drugs available through illicit foreign markets; and

Whereas, It appears that the greatest success in efforts against illicit drug traffic could be obtained if directed at the sources of the supply, those countries outside the United States which permit the cultivation, production, and processing of the drugs that find their way into the illicit traffic in this country; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature of the State of Texas hereby memorialize the Congress of the United States to put all possible pressure, including rupture of diplomatic relations and embargo on all trade if that becomes necessary, on those nations which permit within their borders the cultivation, production, or processing of narcotic and dangerous drugs which find their way into the illicit traffic in the United States; and, be it further

Resolved, That upon adoption of this Resolution, the Secretary of State be requested to deliver forthwith copies of this Resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and each Member of the Congress from the State of Texas.

The resolution was referred to the Committee on Federal Relations.

HCR 70—REFERRED TO COMMITTEE

(Authorizing Parks and Wildlife Department to investigate feasibility of locating its offices at McKinney Falls State Park)

Mr. Foreman offered the following resolution:

HCR 70

Whereas, The Parks and Wildlife Department recently acquired by gift a tract of land containing 632 acres located adjacent to the Austin city limits on Onion Creek at McKinney Falls; and

Whereas, The Parks and Wildlife Department proposes to develop an outstanding state park at McKinney Falls for the enjoyment of the citizens of Texas, as well as those who visit our State Capitol from other states; and

Whereas, A portion of this new park is ideally suited for the State Headquarters Building of the Parks and Wildlife Department; and

Whereas, The Department, because of a critical shortage of office space in the state-owned buildings of the Capitol complex, is forced to carry out state business in eight (8) separate buildings, several of which are rented from private individuals at considerable cost to the state; and

Whereas, The operation of the Parks and Wildlife Department from one state-owned complex would increase its efficiency and save rental costs; now, therefore, be it

Resolved, That the Parks and Wildlife Commission is authorized to investigate the feasibility of locating its offices at McKinney Falls State Park by preparing preliminary estimates, plans and specifications in accord with its needs; and, be it further

Resolved, That the State Building Commission is directed to provide planning assistance to the Parks and Wildlife Department for the development of preliminary estimates, plans and specifications as are necessary; and, be it further

Resolved, That the Parks and Wildlife Commission, in cooperation with the State Building Commission, shall submit a report of its findings and recommendations to the 63rd Legislature for proper consideration and action.

The resolution was referred to the Committee on Parks and Wildlife.

HCR 71—REFERRED TO COMMITTEE

(Creating a special interim committee to study statutes pertaining to Texas Parks and Wildlife Department)

Mr. Foreman offered the following resolution:

HCR 71

Whereas, The Game Laws (Title 13, Chapter 6, Vernon's Texas Penal Code) and various other related statutes administered by the Texas Parks and Wildlife Department are in need of revision; and

Whereas, A revision of these statutes would allow the elimination of certain sections which have been repealed, duplicated, found to be unconstitutional, expired or proven ineffective and would allow a revision of the language to meet modern legislative standards; and

Whereas, A revision of these statutes into a more logical order would increase their accessibility and comprehensiveness; and

Whereas, The Legislature has looked with favor on efforts to revise and codify various portions of the laws of Texas; now, therefore, be it

Resolved, That there is hereby created a special interim committee to study the statutes pertaining to the Texas Parks and Wildlife Department and the recodification of these laws; and, be it further

Resolved, That the special interim study committee be composed of five (5) Members of the Senate appointed by the Lieutenant Governor and five (5) Members of the House of Representatives appointed by the Speaker of the House; and, be it further

Resolved, That the committee be charged with the duty and responsibility of directing the recodification of the Game Laws as they now exist and it shall submit such conclusions and recommendations the committee finds desirable for making these laws more meaningful, understandable and effective; and, be it further

Resolved, That the Texas Legislative Council is directed to draft a proposed code for consideration and approval of the committee; and, be it further

Resolved, That the committee report its findings, together with recommended legislation, to the 63rd Legislature for further action as it deems necessary.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HCR 72—REFERRED TO COMMITTEE

(Requesting Parks and Wildlife Department to issue additional bonds for acquisition and development of new parks)

Mr. Foreman offered the following resolution:

HCR 72

Whereas, The citizens of Texas on November 11, 1967, adopted an Amendment to Article III of the Constitution of Texas by adding Section 49-e authorizing the Parks and Wildlife Department to sell general obligation bonds not to exceed Seventy-five Million Dollars (\$75,000,000.00) for the acquisition and development of new state parks; and

Whereas, The Parks and Wildlife Commission on July 30, 1968, authorized the sale of Five Million Seven Hundred and Fifty Thousand Dollars (\$5,750,000.00) of these bonds to be supported by entrance fees at state parks as authorized by Article III, Section 49-e of the Constitution and its enabling legislation, Article 6070h, Vernon's Texas Civil Statutes; and

Whereas, Nine new state parks, including Dinosaur Valley State Park, Galveston Island State Park, Hardeman County State Park, Hueco Tanks State Park, Lake Arrowhead State Park, Lake Colorado City State Park, McKinney Falls State Park, Pedernales Falls State Park and Somerville

State Park, have been acquired or will be developed with bond funds, matched with Federal Land and Water Conservation Funds from the Bureau of Outdoor Recreation; and

Whereas, Several additional park sites are under study for areas of the state where state parks are critically needed which, in addition to development, would exhaust the original \$5,750,000.00 and the interest earned pending purchase of park sites; and

Whereas, It appears that the revenue from entrance fees at state parks will be insufficient to support an additional bond issue prior to 1975; and

Whereas, There remains a critical shortage of recreational facilities to serve our metropolitan centers and the bonds are designated as general obligation bonds of the State of Texas; now, therefore, be it

Resolved, That the Parks and Wildlife Commission is requested by the Legislature to issue an additional series of bonds not to exceed the sum of Ten Million Dollars (\$10,000,000.00) when, at its discretion, it appears expedient to do so, in order to continue its acquisition and development program of obtaining new state park sites throughout the state; and, be it further

Resolved, That the Parks and Wildlife Department, following the issuance of additional bonds, is requested to continue its present entrance fee program as authorized by the Constitution to make its bond program self-supporting to every extent feasible, except that at the maturity date of these bonds, if the entrance fee program has failed to provide sufficient revenue, the Legislature recognizes the need for the Parks and Wildlife Department to invoke the general obligation provision of the Constitution to allow general revenue to provide the additional funds necessary for payment of the premiums then due.

The resolution was referred to the Committee on Parks and Wildlife.

HCR 73—REFERRED TO COMMITTEE

(Granting Robert Truxell and wife permission to sue the state)

Mr. Atwood offered the following resolution:

HCR 73

Whereas, Robert Truxell and wife, Betty Truxell, allege that they are assignees of a vendor's lien to B and B Growers and Packers, Inc., of the following property situated in Hidalgo County, Texas, to wit: The South one-half of Lot 299, Bentsen Groves Subdivision "C", Hidalgo County, Texas; and

Whereas, The State of Texas subsequently took judgment against said B and B Growers and Packers, Inc., for state franchise taxes unpaid and the lien resulting therefrom attached to the above described property unbeknown to the holders of the vendor's lien; and

Whereas, The said B and B Growers and Packers, Inc., is a defunct corporation and its beneficial owners have failed to pay to the holders

of the vendor's lien or anyone else the purchase price of the described property; and

Whereas, Said holders of the vendor's lien allege that their lien is superior to that of the State of Texas, as described above, but that no release of said lien of the State of Texas can be lawfully obtained, nor can title be quieted in said property, in the absence of a lawsuit so establishing the rights of the holders of the vendor's lien and the State of Texas, respectfully, and that the State of Texas would be a necessary and indispensable party to such a suit; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That

1. Robert Truxell and wife, Betty Truxell, their heirs, executors, successors, and assigns be, and they are, hereby granted permission to sue the State of Texas in any court of competent jurisdiction in Hidalgo County, Texas,

2. In the event a suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas, and

3. The suit shall be conducted as in other civil suits; and, be it further

Resolved, That

1. Nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of the action must be proved under the laws of this state as in other civil suits; and

2. Nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

(Speaker in the Chair)

HB 278 WITH SENATE AMENDMENTS

Mr. Slack moved to suspend all necessary rules to take up and consider at this time with Senate Amendments,

HB 278, Establishing the Higher Education Facilities Bond program of 1971.

A record vote was requested.

The motion to suspend the rules prevailed by the following vote:

Yeas—102

Adams	Baker	Boyle	Bynum
Allen, John	Blanton	Braecklein	Calhoun
Atwood	Blythe	Burgess	Carrillo

Cates	Hawkins	Moore, G.	Short
Cavness	Hawn	Murray	Silber
Christian	Haynes	Nabers	Simmons
Clayton	Head	Neugent, D.	Slack
Coats	Heatly	Newton	Slider
Cobb	Hilliard	Nichols	Solomon
Cole	Hull	Niland	Spurlock
Craddick	Ingram	Nugent, J.	Swanson
Cruz	Johnson	Orr	Tarbox
Davis, D.	Jones, D.	Parker, C.	Traeger
Davis, H.	Jones, G.	Parker, W.	Tupper
Doyle	Jungmichel	Pickens	Uher
Dramberger	Kilpatrick	Poff	Vale
Finck	Kost	Price	Von Dohlen
Finnell	Lemmon	Rosson	Ward
Floyd	Ligarde	Salem	Wayne
Foreman	Lombardino	Salter	Wieting
Garcia	Longoria	Sanchez	Williams
Golman	Lovell	Santiesteban	Williamson
Graves	McAlister	Schulle	Wolff
Hale	McKissack	Semos	Wyatt
Hanna, Joe	Moncrief	Shannon	
Harding	Moore, A.	Sherman	

Nays—40

Agnich	Caldwell	Hannah, John	Moore, T.
Allen, Joe	Clark	Harris	Moreno
Allred	Daniel	Hendricks	Nelms
Angly	Denton	Holmes, Z.	Patterson
Bass, B.	Doran	Howard	Poerner
Bass, T.	Earthman	Jones, E.	Presnal
Beckham	Farenthold	Kaster	Reed
Bigham	Finney	Kubiak	Rodriguez
Bowers	Gammage	Lee	Stroud
Braun	Grant	Mengden	Truan

Absent

Atwell	Ogg	Smith	Stewart
Lewis			

Absent-Excused

Holmes, T.	Hubenak
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On motion of Mr. Slack the House concurred in the Senate Amendments to HB 278 by the following vote:

Yeas—128

Adams	Baker	Braun	Cavness
Agnich	Beckham	Burgess	Christian
Allen, Joe	Blanton	Bynum	Clark
Allen, John	Blythe	Calhoun	Clayton
Angly	Boyle	Carrillo	Coats
Atwood	Braecklein	Cates	Cobb

Cole	Hendricks	Murray	Sherman
Craddick	Hilliard	Nabers	Short
Cruz	Holmes, Z.	Nelms	Silber
Daniel	Hull	Neugent, D.	Simmons
Davis, D.	Ingram	Newton	Slack
Davis, H.	Johnson	Nichols	Slider
Doyle	Jones, D.	Niland	Solomon
Dramberger	Jones, E.	Nugent, J.	Spurlock
Finck	Jones, G.	Orr	Stewart
Finnell	Jungmichel	Parker, C.	Swanson
Finney	Kaster	Parker, W.	Tarbox
Floyd	Kilpatrick	Pickens	Traeger
Foreman	Kost	Poerner	Truan
Gammage	Kubiak	Poff	Tupper
Garcia	Lemmon	Presnal	Uher
Golman	Ligarde	Price	Vale
Grant	Lombardino	Reed	Von Dohlen
Hale	Longoria	Rodriguez	Ward
Hanna, Joe	Lovell	Rosson	Wayne
Harris	McAlister	Salem	Wieting
Hawkins	McKissack	Salter	Williams
Hawn	Moncrief	Sanchez	Williamson
Haynes	Moore, A.	Santiesteban	Wolff
Head	Moore, G.	Semos	Wyatt
Heatly	Moreno	Shannon	

Nays—21

Allred	Denton	Harding	Patterson
Bass, B.	Doran	Howard	Schulle
Bass, T.	Earthman	Lee	Stroud
Bigham	Farenthold	Lewis	
Bowers	Graves	Mengden	
Caldwell	Hannah, John	Moore, T.	

Absent

Atwell	Ogg	Smith
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Absent-Excused

Holmes, T.	Hubenak
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Mr. Slack moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 278 and to table the motion to reconsider.

The motion to table prevailed.

HB 278—TEXT OF SENATE AMENDMENTS

Amendment No. 1

Amend Section 4 of Senate Committee Amendment No. 1 to HB 278 to read as follows:

"Section 4. The Board of Regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire, pur-

chase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for any or all of the institutions set out below in this Section, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each institution, branch, and school operated by or under the jurisdiction of said Board of Regents; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by the Board of Regents of The University of Texas System pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$150 million."

Amendment No. 2

Amend HB 278 by striking Section 5, renumbering Sections 6-8 as Sections 5-7, and amending Sections 3 and 4 to read as follows:

Sec. 3. The Board of Regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for the Texas Tech University School of Medicine at Lubbock, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University and/or at the Texas Tech University School of Medicine at Lubbock; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by said Board of Regents pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the Texas Tech University School of Medicine at Lubbock; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$35 million.

Sec. 4. The Board of Regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire,

purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for any or all of the institutions set out below in this section, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each institution, branch, and school operated by or under the jurisdiction of said Board of Regents; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by the Board of Regents of The University of Texas System pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, The University of Texas Nursing School (Clinical) at San Antonio, and all other University of Texas Nursing Schools (System-wide) now or hereafter operated by and under the jurisdiction of said Board of Regents; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$150 million.

Amendment No. 3

Amend Senate Committee Amendment No. 2 to HB 278 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act establishing the Higher Education Facilities Bond Program of 1971; amending Section 1, Chapter 763, Acts of the 61st Legislature, Regular Session, 1969 (Article 2909c-3, Vernon's Texas Civil Statutes); clarifying the institutions for which revenue bonds can be issued pursuant to preexisting law to include specifically medical, dental, biomedical, and other institutions; fully and finally authorizing the Board of Regents of Texas Tech University (acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock) and the Board of Regents of The University of Texas System each to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for certain designated institutions under the control and governance of each governing board, and to issue revenue bonds and to pledge to the payment of such bonds certain student tuition charges, for the purpose of providing funds for the acquisition, purchase, construction, improvement, enlargement, and/or equipping of property, buildings, structures, and/or facilities for the new institutions of higher education authorized by the Sixty-first Legislature; providing maximum aggregate amounts in principal of bonds the Board of Regents of Texas Tech University and the Board of Regents of The University of Texas System may issue pursuant to the provisions of this Act; providing that this Act is cumulative of other laws on the subject; providing for severability; and declaring an emergency.

Amendment No. 4

Amend caption to conform to body of bill.

HOUSE JOINT RESOLUTIONS ON FIRST READING

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

By Sanchez, Bynum, Bigham, Orr, Blanton, Jungmichel, Swanson, Ogg, Kaster, Ingram, Santiesteban, Williams, Christian, Nelms, Clark, Adams, Hull, Poff, Short, Cates, Hilliard, Braecklein, Carrillo, Presnal, Simmons, C. Parker, W. Parker, McKissack, Newton, T. Holmes, Dramberger, Lombardino, Wolff, Vale, Silber, John Hannah, Stroud, Semos, Smith, Floyd, Moncrief, Hawkins, Tupper, Truan, A. Moore, Lemmon, Lewis, G. Moore, Harris, Traeger, Garcia, Kilpatrick, Hawn, Hendricks, Joe Hanna, Haynes, Poerner, Baker, D. Davis, Spurlock, Murray, Slider, Pickens, Denton, Grant, Doyle, Von Dohlen, Nelms, Nichols, Gammage, McAlister, G. Jones, Tarbox, Coats, Clayton, Kost, Braun, Slack, Golman, Schulle, Johnson, Lee, and Atwood:

HJR 51, A Joint Resolution proposing an Amendment to Article III, Constitution of the State of Texas, by adding a Section 58a authorizing the Legislature to create a District of Travis.

HJR 52 was read first time and referred to the Committee on Constitutional Amendments on March 8.

By Mengden:

HJR 53, A Joint Resolution amending Article III, Constitution of the State of Texas, by adding a new Section 31-b to limit the authority of conference committees on taxes to the matters in disagreement between the two Houses.

By Johnson:

HJR 54, A Joint Resolution proposing a Constitutional Amendment to provide that one cent per gallon of the motor fuel tax be allocated to private schools, public schools, and business colleges.

By Rodriguez:

HJR 55, A Joint Resolution proposing an Amendment to Section 24, Article III, Constitution of the State of Texas, to provide for setting the salaries of Members of the Legislature by referendum elections and to change the provisions relating to per diem and mileage payable to the Members.

By Ingram:

HJR 56, A Joint Resolution proposing an Amendment to Article III, Sections 4 and 24, of the Texas Constitution, to provide an annual salary of \$15,000 for Members of the Legislature and to provide that a Member of the House of Representatives, with the exception of Members serving on the date of the adoption of this Amendment, is not eligible to succeed himself after serving five consecutive terms and is not eligible to

hold the office until the expiration of two years from the conclusion of his fifth consecutive term.

By Adams:

HJR 57, A Joint Resolution proposing an Amendment to Article VII, Constitution of the State of Texas, by adding a Section 6b to permit the commissioners court of a county to reduce the county permanent school fund and to provide for the per scholastic distribution and use of the money obtained from the reduction.

By Traeger:

HJR 58, A Joint Resolution proposing an Amendment to Article III, Section 24, and Article IV, Section 17, Constitution of the State of Texas, to provide for an annual salary of \$20,000 for the Lieutenant Governor and the Speaker of the House of Representatives and \$9,600 for Members of the Senate and House of Representatives, and to extend to 140 days of the regular session the per diem allowance of Members of the Legislature.

SENATE BILL ON FIRST READING

The following Senate Bill was today laid before the House, read first time and referred to Committee, as follows:

SB 333 to the Committee on Higher Education.

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 Silber:

HB 888, A bill to be entitled An Act relating to the validity of arbitration agreements; amending Article 224, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Silber:

HB 889, A bill to be entitled Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Village Public Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation;

providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated and to situations where necessary to carry out the purposes for which District was created; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Traeger:

HB 890, A bill to be entitled An Act relating to the fiscal year of the state; amending Article 12, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Appropriations.

By B. Bass:

HB 891, A bill to be entitled An Act relating to additional classes of counties that are to use jury wheels in selecting jurors; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By B. Bass:

HB 892, A bill to be entitled An Act relating to the salary of the juvenile

officer of Van Zandt County; amending Subsection (b), Section 5, Chapter 379, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139WW, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By B. Bass:

HB 893, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of Van Zandt County Hospital District of Van Zandt County, Texas, by authority of Article IX, Section 9, Constitution of the State of Texas; and declaring an emergency.

Referred to Committee on Counties.

By Vale:

HB 894, A bill to be entitled An Act relating to promotions of firemen pursuant to the firemen's and policemen's civil service law; providing for a lump-sum payment of the full amount of salary for accumulated sick and vacation leave accruing to firemen upon termination of their service; amending Sections 14 and 26, 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.

By Stroud and B. Bass:

HB 895, A bill to be entitled An Act relating to the period for voter registration and the state's reimbursement to counties for registrations; amending Sections 43a and 51b, Texas Election Code (Articles 5.11a and 5.19b, Vernon's Texas Election Code); and declaring an emergency.

Referred to Committee on Elections.

By Murray:

HB 896, A bill to be entitled An Act relating to the student loan program; providing for the extension of the repayment period on student loans and the promulgation of rules and regulations necessary for participation in federal student loan programs; amending Sections 5 and 8 of Article III and Section 4 of Article IV, Chapter 101, Acts of the 59th Legislature, Regular Session, 1965 (Article 2654g, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Higher Education.

By Silber:

HB 897, A bill to be entitled An Act relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Ward:

HB 898, A bill to be entitled An Act relating to amateur radio license tags of certain vehicles; amending Sections 1 and 3, Chapter 244, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Harding and Bynum:

HB 899, A bill to be entitled An Act to amend Section 2, Chapter 550, Acts of the 61st Legislature, 1969 (Article 1111C-1, Vernon's Texas Penal Statutes), by adding a new Subsection (d) to give the State Board of Insurance the power to adopt rules and regulations relating to the safe operation of mobile service units; and declaring an emergency.

Referred to Committee on State Affairs.

By Lombardino and Simmons:

HB 900, A bill to be entitled An Act amending Subsection (c) of Section 140, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); relating to requiring reinspection of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home after certain damage to the vehicle; and declaring an emergency.

Referred to Committee on Motor Transportation.

By Clayton:

HB 901, A bill to be entitled An Act amending Chapter IX, Article 10a of the Texas Banking Code of 1943, codified as Article 342-910a, Vernon's Texas Civil Statutes, same being Acts 1955, 54th Legislature, Chapter 16, page 19, (formerly codified as Article 4591d, Vernon's Texas Civil Statutes), as amended and transferred in its entirety to Article 10a of Chapter IX of The Texas Banking Code of 1943 by Acts 1967, 60th Legislature, Chapter 722, page 1853; enumerating days declared to be legal holidays for banking purposes on which each bank or trust company in Texas shall remain closed and providing such enumerated legal holidays shall be neither business days nor banking days under the laws of this State or the United States and any act authorized, required or permitted to be performed at or by any bank or trust company may be performed on the next succeeding business day and no liability or loss of right of any kind shall result therefrom to any bank or trust company; providing an alternative legal holidays section permitting a bank or trust company to elect to designate certain days on which it may close for general banking purposes and enumerating certain days declared to be legal holidays for banking purposes on which each bank or trust company which has elected to be governed by the alternative section shall remain closed; providing the procedure for electing to be governed by the alternative section and for electing to close for general banking purposes; permitting a bank or trust company which has elected to be governed by the alternative section to perform limited banking services on any day on which it may elect to close for general banking purposes, and defining limited banking services; providing that any day upon which a bank or trust company governed by the alternative section may elect to close for general banking purposes, as permitted by that section, shall with respect to such

institution be a legal holiday for all purposes and not a business day, except that if such bank or trust company shall elect to perform limited banking services on such day, the same shall not be deemed a legal holiday for the performance of limited banking services and such bank or trust company shall not be subjected to any liability or loss of rights for performing limited banking services or refusing to perform any other banking services on such day; prohibiting discrimination against any bank that has elected to be governed by the alternative section; 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 only; providing an effective date for this Act; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Clayton:

HB 902, A bill to be entitled An Act amending Chapter IX, Article 10 of the Texas Banking Code of 1943, codified as Article 342-910, Vernon's Texas Civil Statutes, same being Acts 1943, 48th Legislature, Chapter 97, page 164; authorizing the Banking Commissioner of Texas, with the approval of a majority of the Finance Commission and the Governor of Texas, to proclaim a financial moratorium for and to invoke a uniform limitation on withdrawal of deposits from all banks within the state and providing penalties for failure to comply with the Commissioner's proclamation; authorizing a bank to close or to suspend certain operations during an emergency, defining an emergency, providing for notice of the emergency suspension of operations or closing to the Commissioner, providing the Commissioner may authorize any bank to close any part or all of its offices in an emergency, and providing that no liability or loss of right of any kind on the part of any bank, or any director, officer, or employee thereof, shall result by virtue of any closing authorized hereunder; 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 only; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Clayton:

HB 903, A bill to be entitled An Act amending Section 298(a), Section 311(a) and Section 322 of the Texas Probate Code relating to the filing and payment of claims against the estate of a decedent; and declaring an emergency.

Referred to Committee on Judiciary.

By Clayton:

HB 904, A bill to be entitled An Act amending Section 27 of the Texas Trust Act, and particularly Subsection C thereof, permitting a reasonable reserve for depreciation on all trusts created after the effective date of this Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Clayton:

HB 905, A bill to be entitled An Act repealing Subsection (1), Section

1, Chapter 46, Acts of the 61st Legislature, Regular Session, 1969, codified as Article 2654c, Section 1 (6)(1), V.A.C.S.

Referred to Committee on Appropriations.

By Clayton:

HB 906, A bill to be entitled An Act transferring the management, control, maintenance, and operation of the sites and state buildings located thereon which presently is vested in the Board of Control to the State Building Commission; providing an effective date and the transfer of certain properties, personnel, and appropriations to the State Building Commission; amending Chapter 514, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 678m, Vernon's Texas Civil Statutes), by amending Section 7 and adding a new Section 7A; and declaring an emergency.

Referred to Committee on State Affairs.

By Clark, Nichols, and Nelms:

HB 907, A bill to be entitled An Act making unlawful certain acts relating to the use of strikebreakers by any person, as that term is defined, who is not the employer directly involved in a labor dispute, and providing exemptions; making unlawful strikebreaking by certain persons; making unlawful certain acts relating to transportation of strikebreakers; defining terms; providing penalties; providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By Nelms, Clark, Nichols, Gammage, Braun, Joe Allen, Cruz, Lombardino, and Williams:

HB 908, A bill to be entitled An Act relating to the establishment of certain rules and regulations for the operation of nursing homes and related institutions; amending Section 7, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Semos, B. Bass, Joe Allen, Patterson, Harris, Kilpatrick, Boyle, Lemon, Z. Holmes, T. Bass, C. Parker, Dramberger, Agnich, Daniel, Price, Braun, T. Moore, Williamson, Farenthold, Stroud, Braecklein, Simmons, Vale, Smith, Ligarde, Beckham, A. Moore, Atwell, Denton, Hawn, Coats, McKissack, Wayne, Poff, Santiesteban, Solomon, Grant, Clayton, Clark, Blanton, Garcia, Cates, W. Parker, Moreno, Salem, Wolff, Finney, Caldwell, Moncrief, H. Davis, Cruz, and G. Moore:

HB 909, A bill to be entitled An Act relating to discriminatory action by state or local government officers or employees; amending Subsection (a), Section 1, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-16, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Hale, McAlister, D. Jones, and Tarbox:

HB 910, A bill to be entitled An Act to amend Section 7, HB 263, Chapter 877, Acts of the 61st Legislature, Regular Session, 1969 (Article 5890e, Section 7, Vernon's Texas Civil Statutes); to amend Section 8, HB 263, Chapter 877, Acts of 61st Legislature, Regular Session, 1969 (Article 5890e, Section 8, Vernon's Texas Civil Statutes); to amend Section 10, HB 263 Chapter 877, Acts of the 61st Legislature, Regular Session, 1969 (Article 5890e, Section 10, Vernon's Texas Civil Statutes); thereby, in said Section 7, to further enumerate, without limitation, notice requirements or ordinances; adding in said Section 7, provisions to provide for such cities and towns to effect establishment, after commencement of such disaster or calamity, temporary, emergency housing, for persons rendered homeless or made occupants of disaster, calamity-caused unfit habitations, or for purposes of governmental operations, upon any and all lands to which such cities and towns have right of possession or custody, irrespective of local zoning ordinances, rules and regulations, or deed restrictions, then effective, for not longer than three hundred sixty consecutive days; adding provisions, in said Section 7, upon finding of substantial disruption of the local, free, competitive market in the purchase and sale of specified classes of goods and services, empowering such cities and towns to promulgate regulations to prevent exorbitant retail prices therein, for a period of fifteen days or less, after such disaster or calamity, and providing methods of charge determination as to such goods and services, in whole or in part, consistent with the National Housing Act, as amended, as concerns federally insured housing units; requiring such city or town setting price maximums to establish prompt appeals procedure for any person dissatisfied with such city's or town's governing body's maximum determinations, including public hearing, receipt of evidence, representation by counsel, such appeal being prerequisite to resort to a court of law for relief; granting jurisdiction to the District Court and applying the substantial evidence rule; placing the burden of proof of erroneous prevalent price determination upon the contestant; providing immunity for such city or town, its governing body, officers, employees, or agents from pecuniary liability for any losses or damages attributable to such price regulations; permitting, after such initial declaration, higher retail price maximums; permitting ordinance or order moratorium of competitive bidding requirements of Article 2368a, V.A.T.C.S., and applicable local law for a period of not more than ninety (90) days after calamity occurrence-date; amending Article 5890e, Section 8 to increase, prior to automatic termination, the longest period for declaration of state of emergency by such cities and towns for Article 5890e, Section 7 purposes, or the effective period of regulations made thereunder, from 72 hours to seven (7) days after date of such local governing body declaration; amending Article 5890e, Section 10, "Violations" by adding the remedy of injunction to the enforcement powers hereunder of the Governor and local governing bodies; providing a validation clause; keeping all other provisions of Article 5890e in full force and effect; repealing all laws in conflict herewith to the extent of such conflict; providing for severance of any portion of this act that is held invalid; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Simmons:

HB 911, A bill to be entitled An Act authorizing a county clerk to keep deed records, deed of trust records, and mechanic's lien records in a single

volume instead of separate books; amending Article 6601, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Simmons:

HB 912, A bill to be entitled An Act relating to the use of information concerning an individual's credit worthiness, rating, or eligibility; providing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Simmons:

HB 913, A bill to be entitled An Act permitting the destruction of court records after the dismissal of an indictment or information; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Clayton and Tarbox:

HB 914, A bill to be entitled An Act relating to residency requirements; amending Subsection (h) of 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 Santiesteban:

HB 915, A bill to be entitled An Act eliminating the need for the Legislature to set ceilings on the maximum rate recoverable under the Workmen's Compensation Act by allowing the remuneration to be based upon sixty percent (60%) of the injured employee's wages, but not to exceed sixty percent (60%) of the average weekly wages of Texas employees as set forth by the Texas Employment Commission's Report of Average Weekly Earnings in Texas for the year preceding the date of injury to the employee; amending Article 8306 of the Revised Civil Statutes of Texas; and declaring an emergency.

Referred to Committee on State Affairs.

By Santiesteban and Daniel:

HB 916, A bill to be entitled An Act relating to the charge of the court submitted to juries in the trial of civil cases; repealing all laws, parts of laws, and rules of practice in conflict herewith; providing a saving clause; and declaring an emergency.

Referred to Committee on State Affairs.

By Santiesteban and Daniel:

HB 917, A bill to be entitled An Act requiring the district court, county court, or county court at law to submit its charge to the jury by means of

a general charge rather than by special issues; repealing laws in conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By Harding:

HB 918, A bill to be entitled An Act relating to requiring the commissioners courts of certain counties to provide for emergency ambulance service within those counties; and declaring an emergency.

Referred to Committee on Counties.

By Denton and Truan:

HB 919, A bill to be entitled An Act relating to the authorization for students to serve as ex officio, nonvoting members of the board of regents of each state-supported institution of higher education; and declaring an emergency.

Referred to Committee on State Affairs.

By Harris, D. Neugent, Nichols, Joe Allen, Braun, Kilpatrick, and Daniel:

HB 920, A bill to be entitled An Act relating to driving to the left side of a roadway when there is a line of standing vehicles awaiting access to a public ferry; amending Section 57 of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Gammage:

HB 921, A bill to be entitled An Act relating to an accused's right to an examining trial before an indictment; amending Article 16.01, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Ogg:

HB 922, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Dove Meadows Municipal Utility District; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers and privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for continuing supervision by Texas Water Rights Commission; stating the policy of the state regarding waste control; prescribing the District's rights, powers, privileges and functions; providing for no election for confirmation; providing for no hearing for ex-

clusions except on written request or the Board of Directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for filling of vacancies; providing for terms and election of Directors and notice of Directors elections, and related matters; providing for organization of Board of Directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, Vernon's Texas Civil Statutes; providing for bonds and refunding bonds of District which shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; providing for incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county within which District is situated; providing District shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing for depositories; providing for an audit; providing for establishment of District offices; providing for a plumbing code; providing for the sale of bonds; providing Article 7880-77b, Vernon's Texas Civil Statutes, shall not be applicable to District; providing for notice of elections and canvass of returns thereof; providing that all bonds and refunding bonds of District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; determining and finding the requirements of Article XVI, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing District shall not be required to pay a tax or assessment on its properties or any purchases; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Ogg:

HB 923, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Pine Forest Municipal Utility District; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers and privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for continuing supervision by Texas Water Rights Commission; stating the policy of the state regarding waste control; prescribing the District's rights, powers, privileges and functions; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the Board of Directors' own motion; providing for notice of right to have an exclusions hearing; providing

for no hearing on plan of taxation and adopting ad valorem plan of taxation for District; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for filling of vacancies; providing for terms and election of Directors and notice of Directors elections, and related matters; providing for organization of Board of Directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, Vernon's Texas Civil Statutes; providing for bonds and refunding bonds of District which shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; providing for incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county within which District is situated; providing District shall bear expenses of relocating, raising or re-routing any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing for depositories; providing for an audit; providing for establishment of District offices; providing for a plumbing code; providing for the sale of bonds; providing Article 7880-77b, Vernon's Texas Civil Statutes, shall not be applicable to District; providing for notice of elections and canvass of returns thereof; providing that all bonds and refunding bonds of District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; determining and finding the requirements of Article XVI, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay a tax or assessment on its properties or any purchases; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Wolff:

HB 924, A bill to be entitled An Act permitting law students to practice law under certain conditions; amending Chapter 1, page 64, General Laws, Acts of the 46th Legislature, 1939 (Article 320a-1, Vernon's Texas Civil Statutes), by amending Section 3, as amended, and by adding Section 3A; and declaring an emergency.

Referred to Committee on Judiciary.

MEMORIAL RESOLUTION ADOPTED

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

HSR 203, by Schulle: In memory of C. V. Carson, Sr.

BILL SIGNED BY THE SPEAKER

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

SB 341, Validating elections and other proceedings relating to the authorization, execution and delivery of water supply contracts under certain conditions.

LEAVE OF ABSENCE GRANTED

On motion of Mr. McKissack, Mr. Atwell was granted leave of absence for today on account of important business.

HB 557 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 557, Concerning quarantine powers of Texas Animal Health Commission.

The bill was read third time and was passed by the following vote:

Yeas—137

Adams	Denton	Kilpatrick	Salter
Agnich	Doran	Kost	Sanchez
Allen, Joe	Doyle	Kubiak	Santiesteban
Allred	Dramberger	Lee	Schulle
Angly	Earthman	Lemmon	Semos
Atwood	Farenthold	Lewis	Shannon
Baker	Finck	Ligarde	Sherman
Bass, B.	Finnell	Lombardino	Short
Bass, T.	Finney	Lovell	Silber
Beckham	Floyd	McKissack	Simmons
Bigham	Foreman	Mengden	Slack
Blanton	Gammage	Moncrief	Slider
Blythe	Garcia	Moore, A.	Smith
Bowers	Golman	Moreno	Solomon
Boyle	Grant	Murray	Spurlock
Braecklein	Graves	Nabers	Stewart
Braun	Hale	Nelms	Stroud
Burgess	Hanna, Joe	Neugent, D.	Swanson
Bynum	Harding	Newton	Tarbox
Caldwell	Harris	Nichols	Traeger
Calhoun	Hawkins	Niland	Truan
Carrillo	Hawn	Nugent, J.	Tupper
Cates	Haynes	Ogg	Uher
Cavness	Head	Orr	Vale
Christian	Heatly	Parker, C.	Von Dohlen
Clark	Hendricks	Parker, W.	Ward
Clayton	Hilliard	Pickens	Wayne
Coats	Holmes, Z.	Poerner	Wieting
Cobb	Howard	Poff	Williams
Cole	Hull	Presnal	Williamson
Craddick	Ingram	Price	Wolff
Cruz	Jones, D.	Reed	Wyatt
Daniel	Jones, E.	Rodriguez	
Davis, D.	Jungmichel	Rosson	
Davis, H.	Kaster	Salem	

Nays—2

Allen, John Johnson

Absent

Hannah, John Longoria Moore, G. Patterson
 Jones, G. McAlister Moore, T.

Absent-Excused

Atwell Holmes, T. Hubenak

Mr. Poerner moved to reconsider the vote by which HB 557 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 279 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 279, A bill to be entitled An Act amending the Texas Education Code to incorporate the Acts passed during the Regular Session and 2nd Called Session of the 61st Legislature and coming within the scope of the Code; repealing the acts incorporated into the Code; providing an effective date; and declaring an emergency.

The bill was read second time.

Mr. Clark offered the following committee amendment to the bill:

Committee Amendment No. 1.

Amend HB 279 as follows:

(1) On page 30, line 48, insert "teacher" between "the" and "retirement".

(2) On page 31, line 16, substitute "During Year." for "For Cause."

(3) Insert a Section 7a to read as follows:

Sec. 7a. Subsection (b), Section 11.10, Texas Education Code, is amended to read as follows:

"(b) The provisions of this section may apply to any two contiguous counties whose cumulative population exceeds 240,000 but does not exceed 385,000, according to the last preceding federal census, provided that such two-county day schools shall be administered by one school district designated by the Central Education Agency."

(4) Amend Section 34 to read as follows:

Sec. 34. Subsections (d) and (e), Section 16.11, Texas Education Code, are amended to read as follows:

"(d) All personnel allotted under the Foundation School Program shall be allocated to school districts on the basis of current average daily attendance without regard to race, creed, or color of students.

"(e) In addition to the method of allocating professional units under the Minimum Foundation Program on the basis of current average daily attendance, any school district may choose to utilize the preceding year's average daily attendance to establish the basis for allocation of professional units in compliance with the formulas in this chapter."

(5) In Section 46, designate quoted Subsection (d) on page 77 as Subsection (e) and insert a new quoted Subsection (d) to read as follows:

"(d) This section is cumulative of other laws and shall be construed to provide an additional method for employment of attorneys by independent school districts for the collection of delinquent taxes."

(6) Delete "Subsections (e), (f), and (g) of Section 16.11," beginning on page 94, line 54, and substitute "Section 16.20."

(7) In Subdivision (2) of Section 54, on page 95, insert "Sections 1-3," between "Chapter 285;" and "Chapter 289;". Also insert "Chapter 510; Section 1, Chapter 532;" between "Chapter 484;" and "Chapter 548;". Also insert "Chapter 737;" between "Chapter 675;" and "Chapter 740;".

The committee amendment was adopted.

Mr. Clark offered the following committee amendment to the bill:

Committee Amendment No. 2.

Amend HB 279 as follows:

(A) Amend Subsection (a), Section 3.02, beginning on page 1, to read as follows:

(a) In this chapter, unless the context clearly requires a different meaning, the words and phrases defined below in this section shall have the meaning hereinbelow given.

(1) "Retirement System" means the Teacher Retirement System of Texas as defined in Section 3.01 of this code.

(2) "Public school" means any educational institution or organization in this state which under the laws of Texas is entitled to be supported wholly or partly by state, county, school district, or other municipal corporation funds.

(3) "Teacher" means any person employed to render teaching service on a full-time, regular salary basis by the governing board of any school district created under the laws of this state, by any county school board, by the State Board of Trustees of the Retirement System, by the State Board of Education, by the Central Education Agency, by the board of regents of any college or university, or by any other legally constituted board or agency of any public school.

(4) "Teaching service" means service rendered in organized public education in this state in professional or business administration, or in supervision or instruction.

(5) "Auxiliary employee" means a person other than a "teacher" employed on a full-time, regular salary basis by the boards or agencies listed in Subsection (a) (3) of this section.

(6) "Teaching" or "taught" means all regular services rendered by teachers and auxiliary employees which contribute directly or indirectly to instruction offered in the public schools of this state.

(7) "Employer" means the State of Texas or any of its designated agents or agencies responsible for public education, to include those boards and agencies listed in Subsection (a) (3) of this section.

(8) "Member" means any teacher or auxiliary employee included in the membership of the retirement system in accordance with this chapter.

(9) "State Board of Trustees" means the board established to administer the retirement system under the terms of this chapter.

(10) "Service" means service as a teacher or auxiliary employee in the public schools of this state, or in one of the other departments, institutions, or agencies of the public school system of Texas.

(11) "Prior service" means service by such person as a teacher or auxiliary employee prior to

(A) September 1, 1937, as relates to any person who became a member or who at any time on or before August 31, 1949, was eligible for membership in the retirement system; or

(B) September 1, 1949, as relates to any person who for the first time became eligible for membership in the retirement system on or after September 1, 1949.

(12) "Membership service" means service rendered as a teacher or auxiliary employee while a member of the retirement system.

(13) "Creditable service" means the prior service, membership service, and military leave service for which a member of the retirement system is entitled to credit under the provisions of this chapter.

(14) "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member and credited with the authorized interest to his individual account in the member savings account.

(15) "Annual compensation" means the compensation that is paid or payable to a teacher or auxiliary employee by his employers for service during a school year, except that compensation in excess of \$25,000 for school years after September 1, 1969, and compensation in excess of \$8,400 for school years prior to September 1, 1969, shall not be included as annual compensation.

(16) "Military duty" means

(A) active duty in the Armed Forces of the United States during World War I or a period within 12 months thereafter;

(B) active duty in the Armed Forces of the United States during World War II or a period within 12 months thereafter; and

(C) any active duty, while a member of the retirement system, in the Armed Forces or Reserve Components of the United States or any of their auxiliaries, or the American Red Cross, or the Federal Bureau of Investigation, or as a civil service librarian under a war-service appointment, and during either a period when the United States was or is at war or involved in a police action with foreign powers, as defined by the State Board of Trustees in accordance with this chapter, or a period within 12 months thereafter.

(17) "Retirement" means withdrawal from service with a retirement benefit or allowance granted under the provisions of this chapter.

(18) "Beneficiary" means any person receiving an annuity, retirement benefit or allowance, or other benefit provided in this chapter.

(19) "Designated beneficiary" means any person nominated by a member to receive in case of the member's death any benefit payable after such death under the provisions of this chapter.

(20) As to retirements under the retirement system prior to May 31, 1971, the term "standard annuity" shall have the meaning given such term by the laws in effect at the date of the retirement of the member, as to retirement benefits, or at the date of death of the member as to death benefits allowed under the system prior to May 31, 1971. As to benefits arising by reason of retirement or death of any member on or after May 31, 1971, the term "standard annuity" means an annuity payable in equal monthly installments, aggregating in 12 months:

(A) one and seventy-five one-hundredths percent (1.75%) for each year of prior service credit multiplied by the member's "best-five-years-average compensation"; plus

(B) one and seventy-five one-hundredths percent (1.75%) for each year of membership service multiplied by the member's "best-five-years-average compensation."

(21) "Best-five-years-average compensation" means the average annual compensation received by the member as a teacher or as an auxiliary employee during the five years of creditable service (whether or not consecutive) in which the member earned the highest annual compensation. For school years prior to September 1, 1969, compensation in excess of \$8,400 shall be excluded in calculating the best-five-years-average compensation, and for school years after September 1, 1969, compensation in excess of \$25,000 shall be excluded in calculating the best-five-years-average compensation.

(22) "School year" means the year beginning on or about September 1 of any calendar year and ending August 31 of the following calendar year.

(23) "Actuarial equivalent" of any benefit means a benefit of equal monetary value when computed upon the basis of annuity or mortality

tables and on an interest or discount rate adopted by the State Board of Trustees for such purpose from time to time and in force at the time the benefit is originally entered upon.

(B) Amend Subsections (c), (d), and (e), Section 3.31, beginning on page 9, to read as follows:

(c) A teacher member who takes service retirement upon or after attaining 65 years of age and completing 10 or more but less than 20 years of creditable service shall in any event be entitled to receive a minimum standard service retirement benefit of \$75 per month or its actuarial equivalent.

(d) An auxiliary member who retires upon or after attaining 60 years of age and completing 20 or more years of creditable service shall in any event be entitled to receive a minimum standard service retirement benefit of \$95 per month or its actuarial equivalent. An auxiliary member who takes service retirement on or after attaining 65 years of age and completing 10 or more but less than 20 years of creditable service shall in any event be entitled to receive a minimum standard service retirement benefit of \$60 per month or its actuarial equivalent.

(e) A teacher member who has retired or who retires on a standard service retirement benefit shall in any event be entitled to receive a minimum standard service retirement benefit of \$6.50 per month for each year of prior service credit and membership service credit to which he is entitled. A teacher member who has retired or who retires on a service retirement allowance or option other than a standard service retirement benefit shall in any event be entitled to receive the actuarial equivalent of a minimum standard service retirement benefit of \$6.50 per month for each year of prior service credit and membership service credit to which he is entitled.

(C) Amend Section 3.38, on page 14, to read as follows:

Section 3.38. Limited Adjustment of Benefits In Effect. (a) Except as provided in Subsections (b), (c) and (d) of this section, nothing in this chapter is intended to affect benefits allowed prior to May 31, 1971, by reason of retirement or death, prior to such date, of a member of the system.

(b) Beginning with the first day of March, 1971, a retired member shall have his monthly benefit increased by 10 percent of the amount he received during the preceding month or would have received the preceding month if his benefit had not been suspended.

(c) Beginning with the first day of March, 1971, any person who, as beneficiary of a member, is receiving a benefit under the provisions of Section 3.01(b) or Section 3.04(a)(3) or Section 3.04(a)(4) of Chapter 41, Acts of the Regular Session of the 61st Texas Legislature, 1969, shall have his monthly benefit increased by 10 percent of the amount he received during the preceding month.

(d) If, after increasing benefits to retired teacher members and beneficiaries of retired teacher members as provided in Subsection (b) and (c) of this section, the benefit is still less than the minimum benefit provided in Section 3.31(e) of this code, then the retired teacher member or his beneficiary shall be entitled to receive the minimum or the actuarial equivalent of the minimum provided by Section 3.31(e) of this code.

(D) Amend Subsection (b), Section 3.55, on page 16, to read as follows:

(b) Once each year on August 31, transfers from the interest account shall be made:

(1) to the member savings account in an amount sufficient to credit the members' contributions with interest at the rate of two and one-half per cent;

(2) to the retired reserve account in an amount sufficient to credit the average balance of the reserve account with interest at the rate of four and three-fourths percent per annum;

(3) to the expense account in an amount designated by the State Board of Trustees pursuant to Section 3.56(d) of this chapter; and

(4) to the state contribution account any balance remaining in the interest account.

(E) Amend Section 54 by adding a subdivision (4) to read as follows:

(4) HB 84, Acts of the 62nd Legislature, Regular Session, 1971.

The committee amendment was adopted.

HB 279, as amended, was passed to engrossment.

Mr. Hale moved to reconsider the vote by which HB 279 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE
HB 279 ON THIRD READING

Mr. Hale moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 279 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—111

Adams	Caldwell	Doyle	Harris
Allen, Joe	Carrillo	Dramberger	Hawkins
Allen, John	Cavness	Farenthold	Hawn
Allred	Clark	Finnell	Haynes
Atwood	Clayton	Finney	Head
Baker	Coats	Foreman	Heatly
Beckham	Cobb	Gammage	Hendricks
Bigham	Cole	Garcia	Hilliard
Blanton	Craddick	Golman	Howard
Boyle	Cruz	Grant	Hull
Braecklein	Daniel	Hale	Ingram
Braun	Davis, D.	Hanna, Joe	Johnson
Burgess	Denton	Hannah, John	Jungmichel

Kilpatrick	Nabers	Rodriguez	Spurlock
Kost	Nelms	Rosson	Stewart
Kubiak	Neugent, D.	Salem	Stroud
Lemmon	Newton	Salter	Swanson
Lewis	Nichols	Sanchez	Tarbox
Ligarde	Niland	Santiesteban	Truan
Lombardino	Ogg	Schulle	Tupper
Longoria	Orr	Semos	Vale
Lovell	Parker, C.	Shannon	Von Dohlen
McKissack	Parker, W.	Sherman	Ward
Moncrief	Patterson	Silber	Wayne
Moore, A.	Poerner	Slack	Wieting
Moore, G.	Poff	Slider	Williams
Moore, T.	Presnal	Smith	Williamson
Murray	Price	Solomon	

Nays—34

Agnich	Christian	Jones, E.	Reed
Angly	Davis, H.	Jones, G.	Short
Bass, B.	Doran	Kaster	Simmons
Bass, T.	Earthman	Lee	Traeger
Blythe	Finck	McAlister	Uher
Bowers	Floyd	Mengden	Wolff
Bynum	Graves	Moreno	Wyatt
Calhoun	Holmes, Z.	Nugent, J.	
Cates	Jones, D.	Pickens	

Absent

Harding

Absent-Excused

Atwell Holmes, T. Hubenak

HB 279—AUTHORIZATION TO USE PRINTED BILL
AS ENGROSSED BILL

Mr. Hale moved that the printed copy of HB 279 be used as the engrossed bill.

There was no objection offered and it was so ordered.

HB 18—CONSIDERATION POSTPONED

Mr. Wieting moved to postpone consideration of HB 18 until Wednesday, March 10 at 11:00 a.m.

The motion prevailed without objection.

HB 183 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 183, Authorizes branch offices for license plate sales and provides compensation for attaching plates.

The bill was read third time and was passed by the following vote:

Yeas—181

Adams	Doran	Kaster	Rosson
Agnich	Doyle	Kilpatrick	Salem
Allen, Joe	Dramberger	Kost	Salter
Allen, John	Farenthold	Kubiak	Sanchez
Allred	Finck	Lemmon	Santiesteban
Angly	Finney	Lewis	Schulle
Atwood	Floyd	Ligarde	Semos
Baker	Foreman	Lombardino	Shannon
Bass, B.	Gammage	Longoria	Sherman
Bass, T.	Garcia	Lovell	Short
Beckham	Golman	McAlister	Silber
Bigham	Grant	McKissack	Simmons
Blanton	Graves	Moncrief	Slack
Blythe	Hale	Moore, A.	Smith
Boyle	Hanna, Joe	Moore, G.	Solomon
Braecklein	Hannah, John	Moore, T.	Spurlock
Braun	Harding	Murray	Stewart
Burgess	Harris	Nabers	Swanson
Bynum	Hawkins	Nelms	Tarbox
Carrillo	Hawn	Neugent, D.	Traeger
Cates	Haynes	Newton	Truan
Cavness	Head	Nichols	Tupper
Christian	Heatly	Niland	Uher
Clark	Hendricks	Nugent, J.	Vale
Coats	Hilliard	Ogg	Von Dohlen
Cobb	Holmes, Z.	Parker, C.	Ward
Cole	Howard	Parker, W.	Wayne
Craddick	Hull	Patterson	Wieting
Cruz	Ingram	Pickens	Williams
Daniel	Johnson	Poerner	Williamson
Davis, D.	Jones, D.	Presnal	Wolff
Davis, H.	Jones, G.	Price	Wyatt
Denton	Jungmichel	Rodriguez	

Nays—18

Bowers	Earthman	Orr	Stroud
Caldwell	Jones, E.	Poff	
Calhoun	Lee	Reed	
Clayton	Mengden	Slider	

Absent

Finnell	Moreno
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Absent-Excused

Atwell	Holmes, T.	Hubenak
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Mr. Aubry Moore moved to reconsider the vote by which HB 183 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 217 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

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 applicers and custom applicers; 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.

The bill was read second time.

Mr. Burgess offered the following committee amendment to the bill:

Committee Amendment No. 1.

Amend HB 217 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 135b-4, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b)(1) When any crop or vegetation of value that is susceptible to damage exists in any county exempted by Subsection (a) of this section, which fact shall be determined by the commissioners court of the affected county, evidenced by an appropriate order entered in the minutes of the court, the provisions of this Act relating to applicers and custom applicers shall be in full force and effect in that county immediately upon the entry of said order.

"(2) When the commissioners court of any county that has had its exemption removed pursuant to Subdivision (1) of this subsection finds that there is no longer a crop or vegetation of value susceptible to damage in the county, the court may order the exemption created by Subsection (a) of this section to be reinstated, thereby exempting the county from the provisions of this Act relating to applicers and custom applicers.

"(3) Before any order shall be entered pursuant to Subdivision (1) or (2) of this subsection, there shall be a hearing held to determine whether or not such an order should be issued. The hearing may be held only once each year and only in the month of October, November, or December.

"(4) Before any such order shall be entered by a commissioners court, the court shall first give notice of the hearing in at least one newspaper in the county 10 days prior to a hearing on this matter. Any interested person may appeal to the district court to test the reasonableness of the fact-finding of the commissioners court within 20 days from entry of the order, in which case the rules and procedures governing appeals from orders of the Railroad Commission of Texas shall be followed, the 'substantial evidence rule' shall apply, and appeals may be taken as in other civil cases.

"(5) An order issued by the commissioners court changing the status of the county under the provisions of this section becomes effective on January 1 of the year following the date of the hearing.

"(6) If the commissioners court orders a change in the status of the county under this section, it shall notify the Commissioner of Agriculture of the change."

Sec. 2. Subsection (c), Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 135b-4, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c)(1) When the commissioners court of a county subject to this Act finds it to be a fact that there is no crop or vegetation of value susceptible to damage in the county, the commissioners court by order may exempt the county from the provisions of this Act relating to applicators and custom applicators. In finding the fact and entering the order, the commissioners court is governed by the requirements set out in Subsection (b) of this section, insofar as they are applicable.

"(2) When a county has been exempted from the provisions of this Act relating to applicators and custom applicators by legislation or by order of the commissioners court, a subsequent hearing may be held and an order entered which revokes the exemption permitted in Paragraph (1) of this subsection. In finding the fact that there is a crop or vegetation of value susceptible to damage and entering the order, the commissioners court is governed by the requirements set out in Subsection (b) of this section."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Mr. Burgess offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 217 by striking all above the enacting clause and substituting the following:

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

The committee amendment was adopted without objection.

HB 217, as amended, was passed to engrossment.

Mr. Schulle moved to reconsider the vote by which HB 217 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 461 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 461, A bill to be entitled An Act declaring bonds of international financial institutions existing under the laws of the United States and in which the United States is a member to be authorized investments for certain public and private agencies and institutions by amending the Texas Insurance Code, same being Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, p. 868, by adding a new article to be identified as Article 2.10-1, and by amending Article 3.39 Part I, Subdivision A, Section 15A, as the same has been heretofore amended; the Texas Education Code, same being House Bill 534, Acts of the 61st Legislature, Regular Session, 1969, in Section 15.02, subsection (a); Senate Bill 283, Acts of the 42nd Legislature, 1931, Regular Session, Chapter 55, p. 83, codified as Article 2591a, Vernon's Texas Civil Statutes; and House Bill 258, Acts of the 45th Legislature, Regular Session, 1937, Chapter 125, p. 229, codified as Article 6243e, Vernon's Texas Civil Statutes, as heretofore amended, in Sec. 23, to add to the listing of authorized investments in each of such statutory provisions, unless presently included therein, the bonds of the International Bank for Reconstruction and Development (the World Bank), the Inter-American Development Bank, and the Asian Development Bank; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Pickens offered the following committee amendment to the bill:

Committee Amendment No. 1

Strike all below the enacting clause and substitute in lieu thereof the following:

Section 1. Chapter 2 of the Texas Insurance Code, same being Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, p. 868, as heretofore amended, is amended by adding thereto a new article to be identified as Article 2.10-1, and to read as follows:

"Art. 2.10-1. Additional Investment Authority.

"In addition to the securities authorized as investments in Article 2.10, a company may also invest its funds over and above its minimum capital and minimum surplus, as provided in Article 2.02, in bonds issued, assumed, or guaranteed by certain international financial institutions in which the United States is a member, to wit: the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), and the Asian Development Bank."

Section 2. Article 3.39, Texas Insurance Code (same being Senate Bill 236, Acts of the 52nd Legislature, Regular Session, 1951, Chapter 491, p.

868, as heretofore amended), Part I, Subdivision A, Section 15A (said Section 15A having been added by Acts, 1967, 60th Legislature, Chapter 707, p. 1829), is amended so as hereafter to read as follows:

"15A. Other Bonds.

"A company may also invest its funds and accumulations in:

"(1) bonds issued, assumed, or guaranteed by the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), and the Asian Development Bank; and

"(2) bonds issued, assumed, or guaranteed by the State of Israel."

Section 3, Subsection (a) of Section 15.02, Texas Education Code (same being House Bill 534, Acts of the 61st Legislature, Regular Session, 1969), is amended so as hereafter to read as follows:

"(a) In compliance with provisions of this section, the State Board of Education is authorized and empowered to invest the permanent school fund in the types of securities, which must be carefully examined by the State Board of Education and be found to be safe and proper investments for the fund as specified below:

"(1) securities, bonds, or other obligations issued, insured, or guaranteed in any manner by the United States Government or any of its agencies; and in bonds issued by the State of Texas;

"(2) obligations and pledges of The University of Texas;

"(3) corporate bonds of United States corporations of at least 'A' rating;

"(4) bonds issued, assumed, or guaranteed by the Inter-American Development Bank, the International Bank of Reconstruction and Development (the World Bank), and the Asian Development Bank;

"(5) bonds of counties, school districts, incorporated cities or towns, road precincts, drainage, irrigation, navigation, and levee districts in Texas, under the following rules and regulations:

"(A) such securities, prior to their purchase, must have been diligently investigated by the Attorney General of Texas both as to their form and as to their legal compliance with applicable laws;

"(B) the attorney general's certificate of validity procured by the party offering such bonds, obligations, or pledges must accompany these securities when they are submitted for registration to the state comptroller, who must preserve the certificates;

"(C) such securities shall be purchased under the provisions of Subsection (b) of this section;

"(D) these public securities, if purchased, and when certified and registered as specified above, shall be incontestable unless issued fraudulently or in violation of a constitutional limitation, and the certificates of the attorney general shall be prima facie evidence of the validity of the bonds and coupons thereto; and

“(E) after the issuing political subdivisions of Texas has received the proceeds from the sales of such public securities, the issuing agency shall be estopped to deny their validity, and the same shall be held to be valid and binding obligations;

“(6) preferred stocks and common stocks as the State Board of Education may deem to be proper investments for the permanent school fund, under the following rules and regulations:

“(A) in making all such investments the State Board of Education shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital;

“(B) stocks eligible for purchase are restricted to stocks of companies incorporated within the United States which have paid dividends for five consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors;

“(C) not more than one percent of the permanent school fund may be invested in stock issued by one corporation nor shall more than five percent of the voting stock of any one corporation be owned;

“(D) at the discretion of the State Board of Education, corporate securities of the permanent school fund may be sold and the proceeds reinvested for the fund under the terms of this code; and

“(7) notwithstanding any other law or provisions in this code, first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States, as amended from time to time, or in any other first lien real estate mortgage securities guaranteed in whole or in part by the United States Government or any agency thereof.”

Section 4. Section 23 of Chapter 125, General Laws, 1937, 45th Legislature, Regular Session, p. 229 (same being codified as Article 6243e, Vernon's Texas Civil Statutes, as heretofore amended), is amended so as hereafter to read as follows:

“Sec. 23. Whenever, in the opinion and judgment of said Board of Trustees, there is on hand in the said Firemen's Relief and Retirement Fund for that city or town, a surplus over and above a reasonable safe amount to take care of the current demands upon such Fund, such surplus or so much thereof as in the judgment of said Board is deemed proper, may be invested in Federal, State, County, or Municipal Bonds, and in shares or share accounts of building and loan associations organized under the laws of this state, or Federal Savings and Loan Associations domiciled in this state, where such shares and share accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation, and the interest or dividends therefrom and thereon shall be deposited into said Fund as a part thereof, and in bonds issued, assumed, or guaranteed by certain international financial institutions in which the United States is a member, to wit: the Inter-American Development Bank, the Inter-

national Bank for Reconstruction and Development (the World Bank) and the Asian Development Bank.”

Section 5. If any provision of this Act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. The importance of this legislation and the fact that there is a lack of uniformity in the present authorization of investment in bonds of international financial institutions existing under the laws of the United States and in which the United States is a member create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1 was adopted without objection.

HB 461, as amended, was passed to engrossment.

Mr. Pickens moved to reconsider the vote by which HB 461 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage to engrossment of HB 461.

HB 403 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 403, A bill to be entitled An Act to change the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital and to change the name of the San Antonio State Tuberculosis Hospital to the San Antonio State Chest Hospital; and declaring an emergency.

The bill was read second time.

Mr. Williamson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 403 as follows:

(1) Amend Section 1 by adding a sentence to read as follows:

“The name of the East Texas Tuberculosis Hospital is changed to the East Texas Chest Hospital.”

(2) Amend Section 2 by adding a sentence to read as follows:

"All appropriations heretofore made by the Legislature for the use and benefit of the East Texas Tuberculosis Hospital shall be available for the use and benefit of the East Texas Chest Hospital."

The committee amendment was adopted without objection.

Mr. Williamson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 403 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act to change the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital, to change the name of the San Antonio State Tuberculosis Hospital to the San Antonio State Chest Hospital, and to change the name of the East Texas Tuberculosis Hospital to the East Texas Chest Hospital; and declaring an emergency.

The committee amendment was adopted without objection.

HB 403, as amended, was passed to engrossment.

Mr. Murray moved to reconsider the vote by which HB 403 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 10:30 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:25 p.m., adjourned until 10:30 a.m. tomorrow.

APPENDIX

RECOMMENDATIONS OF THE TEXAS WATER COMMISSION FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 564 were filed with the Speaker on March 8, 1971.

STANDING COMMITTEE REPORTS

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

Engrossed and Enrolled Bills: Correctly engrossed-HB 18, HB 183, HB 557.

School Districts: HB 493, SB 64.

SENT TO THE GOVERNOR
March 9, 1971

HB 283

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 10, 1971

The House met at 10:30 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	Denton	Jones, D.	Poff
Adams	Doran	Jones, E.	Presnal
Agnich	Doyle	Jones, G.	Price
Allen, John	Dramberger	Jungmichel	Reed
Allred	Earthman	Kaster	Rodriguez
Atwood	Farenthold	Kilpatrick	Rosson
Baker	Finck	Kost	Salem
Bass, B.	Finnell	Kubiak	Santiesteban
Bass, T.	Finney	Lee	Schulle
Beckham	Floyd	Lemmon	Semos
Bigham	Foreman	Lewis	Shannon
Blanton	Gammage	Lombardino	Sherman
Blythe	Garcia	Longoria	Short
Bowers	Golman	McAlister	Silber
Boyle	Grant	McKissack	Simmons
Braecklein	Graves	Mengden	Slack
Braun	Hale	Moncrief	Slider
Bynum	Hanna, Joe	Moore, A.	Smith
Caldwell	Hannah, John	Moore, G.	Solomon
Calhoun	Harding	Moore, T.	Spurlock
Carrillo	Harris	Moreno	Stewart
Cates	Hawkins	Murray	Stroud
Cavness	Hawn	Nabers	Swanson
Christian	Haynes	Nelms	Traeger
Clark	Head	Neugent, D.	Truan
Clayton	Heatly	Nichols	Uher
Coats	Hendricks	Niland	Von Dohlen
Cobb	Hilliard	Nugent, J.	Ward
Cole	Holmes, T.	Orr	Wieting
Craddick	Holmes, Z.	Parker, C.	Williams
Cruz	Howard	Parker, W.	Williamson
Daniel	Hubnak	Patterson	Wolff
Davis, D.	Hull	Pickens	Wyatt
Davis, H.	Ingram	Poerner	
Absent			
Burgess	Ligarde	Sanchez	Tupper
Johnson	Ogg	Tarbox	Vale
Absent-Excused			
Allen, Joe	Atwell	Newton	Wayne
Angly	Lovell	Salter	