

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	
<b>Absent</b>			
Burgess	Ligarde	Sanchez	Tupper
Johnson	Ogg	Tarbox	Vale
<b>Absent-Excused</b>			
Allen, Joe	Atwell	Newton	Wayne
Angly	Lovell	Salter	

(Mr. Slack in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

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

Mr. Atwell on motion of Mr. Shannon.

Mr. Newton on motion of Mr. Shannon.

Mr. Lovell on motion of Mr. Williamson.

Mr. Angly, temporarily for today, on motion of Mr. Lee.

Mr. Wayne, temporarily for today, on motion of Mr. Uher.

The following Members were granted leaves of absence for today on account of illness in the family:

Mr. Salter on motion of Mr. Denton.

Mr. Joe Allen on motion of Mr. Williams.

MESSAGE FROM THE SENATE

Austin, Texas, March 10, 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:

SCR 42, By Brooks, Jordan: In memory of Dr. Lonnie E. Smith.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Speaker in the Chair)

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 77, by Bigham and Truan: Commending Joe D. Hernandez.

HSR 206, by Speaker Mutscher and Shannon: Commending the Senior Government Students at Katy High School.

HSR 208, by Finck: Saluting the History Club of the Fidel Tafalla High School of San Antonio.

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HSR 209, by Pickens: Congratulating the members of The University of Texas 1970 Longhorn football team.

On motion of Mr. McAlister, the names of all the Members of the House were added to HSR 209 as signers thereof.

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Representatives Vale and Wayne entered the House and were announced present.

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#### MEMORIAL RESOLUTION ADOPTED

The Speaker laid before the House the following resolution:

SCR 42, In memory of Dr. Lonnie E. Smith.

Mr. Graves offered the following amendment to the resolution:

Amend SCR 42 by inserting between the fifth and sixth whereas clauses a new clause to read as follows:

Whereas, Dr. Smith was the plaintiff in the landmark case of Smith v. Allwright in which the United States Supreme Court found the exclusion of blacks from participation in the Democratic Primary in Texas was a violation of the United States Constitution and brought to an end the "all-white" primary in Texas; and

The amendment was adopted without objection.

SCR 42, as amended, was unanimously adopted by a rising vote.

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Representatives Griffith Moore and Johnson entered the House and were announced present.

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#### SENATE BILLS ON FIRST READING

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

SB 43 to the Committee on Counties.

SB 187 to the Committee on Counties.

SB 223 to the Committee on Appropriations.

SB 433 to the Committee on Livestock.

#### SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution was today laid before the House,

read first time and referred to the Committee on Constitutional Amendments:

**SJR 9.**

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Representatives Sanchez and Tupper entered the House and were announced present.

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**BILLS AND RESOLUTION SIGNED BY THE SPEAKER**

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

**HB 1,** Concerning compensation of official shorthand reporter for the 4th Judicial District.

**HB 278,** Establishing the Higher Education Facilities Bond Program to allow revenue bonds to be issued by Texas Tech University and the University of Texas System; etc.

**HCR 42,** Condemning North Vietnam and the Viet Cong.

**HCR 76—REFERRED TO COMMITTEE**

(Inviting the Honorable Lyndon B. Johnson to address a joint session)

Mr. Semos offered the following resolution:

**HCR 76**

Be It Resolved by the House of Representatives of the 62nd Legislature of the State of Texas, the Senate concurring, That the Honorable Lyndon B. Johnson, former President of the United States, be, and he is hereby, invited to address a joint session of the House of Representatives and the Senate of the 62nd Legislature in the Hall of the House on a date that is mutually agreeable to him and to the Speaker of the House and the Lieutenant Governor; and, be it further

Resolved, That a copy of this Resolution be prepared for former President Johnson as his official invitation from the Texas Legislature.

Signed: Semos, Griffith Moore and Shannon.

The resolution was referred to the Committee on House Administration.

**HSR 198—REFERRED TO COMMITTEE**

(Requesting the Texas Education Agency to make sure no child stands while riding a school bus)

Mr. John Allen offered the following resolution:

## HSR 198

Whereas, In order to accomplish full integration as required by civil rights legislation and recent court decisions relative to rules and regulations of the Department of Health, Education and Welfare, school districts have found it necessary to increase greatly the number of children going to and from school by school bus; and

Whereas, Since many school districts have been unable to purchase the additional buses needed to comply with court mandates effecting racial balance, school buses are all too frequently so overcrowded that many of the young passengers find it necessary to ride standing in the aisles; and

Whereas, This situation is not only highly dangerous for the students who must stand but also constitutes a hazard to the other passengers; standing riders make for confusion and imbalance in the bus load, which can be most distracting, and the driver's rear-view vision is handicapped by the students standing between his mirror and the back glass of the bus; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature request the Texas Education Agency to take immediate steps that will make sure that no child in Texas be forced to stand while riding a school bus and that will insure the safety of all school bus passengers.

The resolution was referred to the Committee on Public Education.

## HSR 201—REFERRED TO COMMITTEE

(Requesting Texas State Department of Banking, State Securities Board, Attorney General and State Board of Insurance to make reports concerning closing of Sharpstown State Bank)

Mr. Lee offered the following resolution:

## HSR 201

Whereas, Recent disclosures of alleged irregularities in certain stocks—National Bankers Life Insurance Company and Olympic Life Insurance Company—and involvement of these companies with the Sharpstown State Bank of Houston indicate the need for a full disclosure of all relevant facts in order that the interests of the citizens of Texas might be protected; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby request the Texas State Department of Banking, the State Securities Board, the Attorney General, and the State Board of Insurance to compile a complete report of all proceedings, together with its findings, in connection with the closing of the Sharpstown State Bank, this report to be filed with the House of Representatives within 30 days after the passage of this resolution; in the event that the above named agencies are unable to compile the report within the time allotted, a preliminary report shall be made and distributed to Members of the Texas House of Representatives at the end of the 30-day period and the final report shall be filed as soon thereafter as is practical.

The resolution was referred to the Committee on State Affairs.

Representatives Ogg and Burgess entered the House and were announced present.

#### 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 Mengden:

HJR 59, A Joint Resolution amending Article III, Constitution of the State of Texas, by adding a new Section 31-a to limit the authority of conference committees to the matters in disagreement between the two Houses.

By Sherman:

HJR 60, A Joint Resolution proposing an Amendment to Article III, Section 24; Article III, Section 28; Article III, Section 44; and Article IV, Section 17, of the Texas Constitution, providing that compensation of the Lieutenant Governor, Speaker of the House of Representatives, and Members of the Legislature shall be set by law; eliminating per diem pay for such officials; eliminating pay for travel expense of the Lieutenant Governor at the opening and closing of sessions of the Legislature and when he travels as a member of the Legislative Redistricting Board of Texas; and providing that such Amendment shall be submitted to a vote of the qualified electors as a single proposition.

#### 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 Cavness, H. Davis, Foreman, Jungmichel, and Finck:

HB 925, A bill to be entitled An Act amending Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) by adding Subsection "I" to Section 1, defining the term "Occupational" death or disability; amending Subsection C, Section 3 providing for the establishment of service covered by required waiting periods; amending Subsections A and F, Section 4 to provide conditions for the establishment of previous service after 24 months contributory service; adding Section 5-1 to provide for percentage increases in retirement annuities with a minimum annuity for service and disability requirements; authorizing continuance of death benefit plan for eligible disability annuitants; amending Subsection A of Section 8 through paragraph (a) of Subdivision 1, to require six (6) percent contributions from the member and from the State; amending Subdivision 2, of Subsection B, Section 8 to change references to matching funds from "five (5) per-

cent" to "six (6) percent" providing a saving clause; providing for an effective date; and declaring an emergency.

Referred to Committee on State Affairs.

By Hale:

HB 926, A bill to be entitled An Act relating to the establishment of the Nueces County Juvenile Board and the juvenile probation department; maintaining in office those persons serving as juvenile officers on the effective date of this Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Hale:

HB 927, A bill to be entitled An Act amending Chapter 42, Acts of the Regular Session of the 61st Legislature authorizing the issuance of revenue bonds to provide hospital facilities for hospital districts which are in counties containing a population of 200,000 or more according to the last preceding Federal census; enacting other provisions relating to the subject; prescribing a severability provision; and declaring an emergency.

Referred to Committee on Counties.

By Hale:

HB 928, A bill to be entitled An Act relating to the taxation of the sale, preparation, and service of certain alcoholic beverages and providing penalties; amending Section 21, Article I, Texas Liquor Control Act, as amended; adding a Section 20d to Article I, Texas Liquor Control Act, as amended; amending Section (d), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; repealing Subsection 6b, Section 15(e), Article I, Texas Liquor Control Act (Article 666-15(e), Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Farenthold:

HB 929, A bill to be entitled An Act amending Chapter 416, Acts of the 53rd Legislature, Regular Session, 1953 (Article 1702i, Vernon's Texas Civil Statutes), to permit excess funds not needed for the maintenance of County Law Libraries, in counties having a population of three hundred fifty thousand or less, to be used for providing legal services for indigents; raising the maximum fee that can be collected to \$10.00 and extending it to criminal cases; providing a severance clause; and declaring an emergency.

Referred to Committee on Counties.

By Lombardino and Simmons:

HB 930, A bill to be entitled An Act relating to competitive bidding on certain contracts involving political subdivisions; declaring certain laws unaffected by this Act; and declaring an emergency.

Referred to Committee on Counties.

By Lombardino and Simmons:

HB 931, A bill to be entitled An Act relating to public financial disclosure and audits of records of certain units of local government and certain entities licensed, regulated, or franchised by, or supported wholly or partly by the funds of, certain units of local government; and declaring an emergency.

Referred to Committee on Counties.

By Cole:

HB 932, A bill to be entitled An Act relating to the sale, offer for sale, and exposure for sale of certain detergents; providing a penalty; and declaring an emergency.

Referred to Committee on State Affairs.

By Williamson:

HB 933, A bill to be entitled An Act relating to the control, supervision, and use of the State Cemetery, and the use of other state property as an interment site; amending Article 678, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Williamson:

HB 934, A bill to be entitled An Act relating to assessment and collection of taxes of independent school districts by the assessor and collector of an incorporated city or town; amending Subsection (e), Section 23.95, Texas Education Code; and declaring an emergency.

Referred to Committee on School Districts.

By Williamson:

HB 935, A bill to be entitled An Act relating to the establishment of campuses of the Texas State Technical Institute; amending Section 9, Chapter 179, Acts of the 61st Legislature, Regular Session, 1969 (Article 2615f-1a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Higher Education.

By Williamson:

HB 936, A bill to be entitled An Act relating to the naming of roads, bridges, streets, and highways in the state highway system by local and county governments; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Williamson:

HB 937, A bill to be entitled An Act providing an ordinance which may be adopted by a city or county relating to the establishment of a motion picture licensing and review board; and declaring an emergency.

Referred to Committee on State Affairs.

By Williamson and Rosson:

HB 938, A bill to be entitled An Act relating to the seizure of obscene materials and injunctive and other judicial proceedings concerning obscene materials and materials harmful to minors; providing penalties; amending Sections 9 and 13, Article 527, Penal Code of Texas, 1925, as amended; and Sections 4, 6, and Subsection (c) of Section 10 and Subsection (b) of Section 12, Chapter 284, Acts of the 61st Legislature, Regular Session, 1969 (Article 534b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Mengden:

HB 939, A bill to be entitled An Act relating to reports of teaching hours and retirement and other fringe benefits by academic personnel of state-supported institutions of higher education; and declaring an emergency.

Referred to Committee on Higher Education.

By Mengden:

HB 940, A bill to be entitled An Act relating to employment contracts with academic employees of state-supported institutions of higher education; and declaring an emergency.

Referred to Committee on Higher Education.

By A. Moore:

HB 941, A bill to be entitled An Act relating to the power of commissioners courts to regulate the use of land located outside the jurisdiction of an incorporated city or town; and declaring an emergency.

Referred to Committee on Counties.

By Sanchez:

HB 942, A bill to be entitled An Act providing for the weighing of prepared foods by establishments that serve prepared foods by weight; providing for penalties for violations; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Adams:

HB 943, A bill to be entitled An Act relating to the appointment of appraisers when letters testamentary or of administration or of guardianship are granted; amending Sections 181 and 248, Texas Probate Code, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Clark, Hull, and Cobb:

HB 944, A bill to be entitled An Act relating to the coordination of all federal grant and assistance programs in the state with local and state governmental officials; amending Section 4, Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 4413b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Grant:

HB 945, A bill to be entitled An Act regulating the reclamation of lands disturbed by surface mining operations; providing penalties; specifying the applicability of the Act and the cumulative effect of the provisions of the Act on existing laws of the state; providing an effective date; and declaring an emergency.

Referred to Committee on Oil, Gas and Mining.

By Garcia:

HB 946, A bill to be entitled An Act relating to limitations on suits to set aside sales under foreclosures of liens for taxes and to the title acquired by purchasers at such sales; and declaring an emergency.

Referred to Committee on Judiciary.

By Floyd and Dramberger:

HB 947, A bill to be entitled An Act relating to the creation, establishment, and operation of a county civil service system in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Von Dohlen:

HB 948, A bill to be entitled An Act authorizing the Parks and Wildlife Commission to quitclaim the state's interest in certain lands situated in Goliad State Park to the County of Goliad and the City of Goliad; describing the lands to be conveyed specifying the consideration for the conveyance; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Solomon:

HB 949, A bill to be entitled An Act amending Section 11.23(a) in Subchapter B of Chapter 11, Texas Education Code, to provide regular meeting dates of the State Board of Education; and declaring an emergency.

Referred to Committee on Public Education.

By C. Parker:

HB 950, A bill to be entitled An Act relating to the establishment in the state treasury of an uninsured motorist fund to be composed of funds required of uninsured motorists upon vehicle registration; relating to the

allocation of the fund for administrative expenses and to private insurers for reduction in the cost of uninsured motorist insurance coverage; prescribing certain offenses and setting penalties; relating to uninsured motorist coverage insurance; amending the Texas Insurance Code, as amended, by adding Article 5.06-4 and amending Article 5.06-1; amending Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), by adding Section 11a; and declaring an emergency.

Referred to Committee on Insurance.

By E. Jones and Blythe:

HB 951, A bill to be entitled An Act relating to exempting from the limited sales, use, and excise tax receipts from the sale, use, storage, rental, or other consumption in this state of American and Texas flags; amending Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Semos and Garcia:

HB 952, A bill to be entitled An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund; requiring approval of the claims in the manner specified in the act before payment is made; and declaring an emergency.

Referred to Committee on Claims.

By Howard, Solomon, and Williamson:

HB 953, A bill to be entitled An Act relating to the establishment of an upper-level educational center of East Texas State University to be located in the city of Texarkana, to be known as East Texas State University at Texarkana; and declaring an emergency.

Referred to Committee on State Affairs.

By Nelms and Clark:

HB 954, A bill to be entitled An Act relating to permits issued by the Texas Water Quality Board for construction, modification, expansion, or additions to industrial plants and facilities; amending Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), to add a new Section 3.34; and declaring an emergency.

Referred to Committee on State Affairs.

By Moncrief, Hilliard, Spurlock, Sherman, Finney, Shannon, Lewis, Hull, and Golman:

HB 955, A bill to be entitled An Act relating to the membership of the board of directors of the Texas Turnpike Authority and the requirement of an annual report; amending Sections 3 and 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Hull:

HB 956, A bill to be entitled An Act amending Chapter 656, Acts of the 61st Legislature, 1969 (Article 5221f, Vernon's Texas Civil Statutes); creating a Performance Certification Board for mobile homes; providing qualifications of members; establishing its duties, responsibilities and procedures; requiring the promulgation of rules and regulations for the enforcement of standards; providing for licensing of dealers requiring seals of approval; authorizing inspections; authorizing state inspectors; authorizing delegation of inspection functions to local governments; authorizing establishment of employment and training requirements for inspectors; requiring the establishment of employment and training requirements for inspectors; requiring the establishment of a schedule of fees; providing for penalties; providing for appeals; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By D. Neugent and Harris:

HB 957, A bill to be entitled An Act requiring the assumption of pension liabilities by any governmental entity which annexes, merges or absorbs a subdivision; and declaring an emergency.

Referred to Committee on Counties.

By Finck, Vale, Dramberger, Lombardino, Wolff, Floyd, Simmons, and Kost:

HB 958, A bill to be entitled An Act relating to discharge of municipal sewage which does not meet certain standards into open ponds whose surface area covers more than one acre; providing a penalty; and declaring an emergency.

Referred to Committee on State Affairs.

By Cobb:

HB 959, A bill to be entitled An Act relating to faculty development leaves of absence for faculty members of state institutions of higher learning, and how those leaves are to be funded; amending Section 5, Chapter 380, Acts of the 60th Legislature, Regular Session, 1967 (Article 2647c-2, Sec. 5, Tex. Rev. Civ. Stat. Ann. (1969)); and declaring an emergency.

Referred to Committee on Appropriations.

By Wolff and Johnson:

HB 960, A bill to be entitled An Act relating to the carrying of firearms by accredited consular officials; amending Article 484, Penal Code of Texas, 1925; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

**By Price:**

HB 961, A bill to be entitled An Act amending Subsections (i) and (j) of Section 5, Chapter 297, Acts of the 59th Legislature, Regular Session, 1965 (Section 12, Article 8280-9, Vernon's Texas Civil Statutes), as amended by Chapter 764, Acts of the 61st Legislature, Regular Session, 1969, so as to provide that revenue bonds may be delivered to the Texas Water Development Board as the price for purchase of the state's interest in acquired storage facilities, enacting other provisions relating to the subject, providing for severability; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

**By Orr:**

HB 962, A bill to be entitled An Act relating to the unilateral reduction of an insurance agent's commission by an insurance company; amending the Texas Insurance Code by adding Article 21.11-2; and declaring an emergency.

Referred to Committee on Insurance.

**By Williamson:**

HB 963, A bill to be entitled An Act relating to the authority of the Comptroller to authorize the use of metered machines in lieu of cigarette stamps by out-of-state purchasers and relating to discounts for out-of-state purchasers; amending Article 7.07, and Section (2) of Article 7.08, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Business and Marketing Affairs.

**By Poerner:**

HB 964, A bill to be entitled An Act relating to identification cards for recipients of welfare assistance grants; and declaring an emergency.

Referred to Committee on State Affairs.

**By Traeger:**

HB 965, A bill to be entitled An Act amending Chapter 75, Acts of the Regular Session, 50th Legislature (establishing and regulating the Texas Municipal Retirement System), as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, as amended by Chapter 682, Acts of the Regular Session, 59th Legislature, and as amended by Chapter 371, Acts of the Regular Session, 61st Legislature, as follows: amending subsection 1 of Section VI of said Act; amending paragraph (i), subsection 2 of Section VIII of said Act; amending subsection 6 of Section XIV of said Act; and amending subsections (1) (3), (4), (5) and (6) of Section XVI of said Act; and declaring an emergency.

Referred to Committee on Urban Affairs.

**By Traeger:**

HB 966, A bill to be entitled An Act relating to the compensation of state military forces while on active service; amending Section 8, Article

5783, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Military Affairs.

By Poerner:

HB 967, A bill to be entitled An Act relating to the information to be included in an abstract of judgment by the clerk of the court; amending Article 5447, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Lemmon:

HB 968, A bill to be entitled An Act relating to certain insurers giving policyholders credit for any or all hazards that have been reduced or removed and relating to the revising of rates for certain insurance; amending Articles 5.33 and 5.34, Texas Insurance Code; and declaring an emergency.

Referred to Committee on Insurance.

By Finck:

HB 969, A bill to be entitled An Act eliminating the limits of \$15 per day for no longer than 100 days on a hospital's or clinic's lien for services on a cause of action of an injured person; amending Section 3, Chapter 85, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5506a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Haynes:

HB 970, A bill to be entitled An Act relating to developmental leaves of absence for professional public school personnel; amending Subchapter Z, Chapter 21, Texas Education Code by adding Section 21.910; and declaring an emergency.

Referred to Committee on Public Education.

By Hubenak:

HB 971, A bill to be entitled An Act ratifying, confirming, approving and validating the creation of City of Cities Municipal Utility District, the appointment or election of directors, all proceedings and actions had and taken by the board of directors, all bond elections and other elections, the annexation or addition of land to District and the exclusion of land by District, outstanding bonds of District and taxes levied and revenue pledged to same, and all proceedings or actions relating thereto; providing a no-litigation clause; providing a saving clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Wolff:

HB 972, A bill to be entitled An Act relating to the procedures and location of the Board of Pardons and Paroles; amending Section 12 and Subsections (c), (d), and (e) of Section 15, Article 42.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Harris:

HB 973, A bill to be entitled An Act amending the subject matter of the Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq., Vernon's Texas Civil Statutes), as follows: amending Section 3, providing benefits; amending Section 4, providing eligibility conditions for benefits; amending Section 4 by repealing subsection (f); adding a Section 4-A, providing prohibitions against denial of benefits and unequal treatment; amending Section 5, providing disqualifications for benefits, and repealing subsection (g); adding a Section 6-A, providing for extended benefits; amending Section 7, providing contributions; adding a Section 7-A, providing reimbursements; amending Section 8, providing duration of coverage and elections; amending Section 15, providing protection of rights and benefits; amending Section 17-A, providing reciprocal agreements; amending Section 19, providing definitions of terms and adding additional definitions of terms; providing for repeal of all laws and parts of law in conflict and for preserving rights accrued thereunder; providing severability of provisions; providing an effective date for this Act; and declaring an emergency.

Referred to Committee on State Affairs.

By Lee:

HB 974, A bill to be entitled An Act relating to the effect of the disposition of charges of driving while intoxicated on a suspension of a driver's license for refusal to take a chemical breath test; amending Section 2, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 802f, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lee:

HB 975, A bill to be entitled An Act relating to the admissibility into evidence of a person's refusal to submit to a chemical breath test when arrested for driving while intoxicated; amending Section 3, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 802f, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Finck:

HB 976, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Booker 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; find-

ing 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 Finck and Lombardino:

HB 977, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Concord 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, privi-

leges, 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 Presnal:

HB 978, A bill to be entitled An Act relating to adoption of rules and regulations by the State Board of Health for the use of safety glazing materials and the labeling of all glass and glazing materials; providing for enforcement of the rules and regulations by county health officers; and declaring an emergency.

Referred to Committee on Public Health.

By Harding:

HB 979, A bill to be entitled An Act to amend Article 978f-3a, Section 1, Penal Code, increasing number of members of Parks and Wildlife Commission to nine (9) members; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By McAlister:

HB 980, A bill to be entitled An Act relating to the organization, development, coordination and accountability of a post-secondary nonbaccalaureate system of state-supported institutions; and declaring an emergency.

Referred to Committee on State Affairs.

By Wieting and Shannon:

HB 981, A bill to be entitled An Act relating to the organization and establishment of Regional Planning Commissions; character of regions that may be established; Commission participation in retirement systems; agency loan of employees to Commissions; submission by governmental units of applications for loans or grants-in-aid; composition of governing bodies of Commissions; eligibility for state financial aid; interstate commissions; amending Subdivision D of and adding Subdivision F to Section 1 and amending Sections 3, 4, 5, 6, and 7, Chapter 570, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1011m, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

#### CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 207, by Newton: Congratulating the students of the Eighth Grade, Runge Independent School District.

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Representatives Ligarde, Dean Neugent, and Bynum entered the House and were announced present.

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#### HCR 78—REFERRED TO COMMITTEE

(Concerning parking area and building access on the Capitol Grounds primarily for handicapped and disabled citizens)

Mr. Cavness offered the following resolution:

HCR 78

Whereas, Vernon's Civil Statute 678f requires that all public buildings in the State of Texas be made accessible to handicapped and disabled citizens, and charges the State Building Commission with the responsibility of meeting these construction standards; and

Whereas, Vernon's Annotated Penal Code, Art. 861b, requires the prior consent of the Legislature to construct, build, erect, or maintain any building, structure, memorial, monument, statue, concession or any other structure including creation of parking areas or the laying of additional paving on any of the grounds that surrounded the State Capitol on January 1, 1955; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Building Commission be, and is hereby, authorized to create a parking area north of the Old Land Office (Museum) Building outside the Capitol fence adjacent to Twelfth Street on the Capitol Grounds in Austin, Texas, and construct a building access, primarily for handicapped and disabled citizens.

The resolution was referred to the Committee on Public Lands and Buildings.

#### HSR 210—ADOPTED

(Congratulating Representative and Mrs. Joe A. Hubenak on the birth of their daughter)

Mr. Head offered the following resolution:

#### HSR 210

Whereas, Our colleague, the Honorable Joe A. Hubenak, and his lovely wife, Sandra Lynn, of Rosenberg, Texas, have been blessed with the birth of a daughter, Elizabeth Lynn Hubenak, born March 9, 1971, at 11:00 a.m., at St. David's Hospital, Austin, Texas; and

Whereas, Little Elizabeth arrived in the great State of Texas weighing 5 lbs., 6 ozs., being 19 inches in length, and being from a good Democratic family, she plans to remain a staunch Democrat; and

Whereas, She has the beauty of her sweet mother and the good-natured disposition of her friendly father; and

Whereas, The proud grandparents of this new Texan are Mr. and Mrs. Zack Taylor, Troup, Texas, and Mr. and Mrs. John J. Hubenak, Iowa Colony, Texas; and

Whereas, The House of Representatives of the 62nd Texas Legislature desires to extend warmest personal regards and sincere best wishes to Representative and Mrs. Hubenak and their entire family; and

Whereas, It has been ascertained that Elizabeth Lynn Hubenak is a proper candidate for Mascot of this House; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, by this Resolution, congratulate Representative and Mrs. Joe Hubenak on the arrival of their daughter, Elizabeth Lynn Hubenak; and, be it further

Resolved, That Elizabeth Lynn Hubenak be named a Mascot of the House of Representatives of the 62nd Legislature; and, be it still further

Resolved, That Elizabeth Lynn Hubenak's picture appear on the official

picture panel of the House of Representatives and that official copies of this Resolution be prepared for Representative and Mrs. Joe A. Hubenak, Mr. and Mrs. Zack Taylor, and Mr. and Mrs. John J. Hubenak in token of the friendship and goodwill of the Texas House of Representatives.

Signed: Head, Speaker Mutscher, Uher, Poerner, and Baker.

The resolution was read and was unanimously adopted.

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

**SB 23 ON SECOND READING**  
(Mr. Tom Bass—House Sponsor)

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

SB 23, A bill to be entitled An Act relating to the assembling, compilation, and preservation in a central location of certain records pertaining to elections; providing for the filing of maps in the Secretary of State's office, showing the county election precincts in each county; requiring the Secretary of State to compile population estimates by county election precincts for each county; providing for the reporting of precinct election returns to the Secretary of State for statewide offices in general, special, and primary elections; providing for preservation and disposition of these records; adding Sections 12a, 125a, and 202a to the Texas Election Code; and declaring an emergency.

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

Mr. Tom Bass moved to reconsider the vote by which SB 23 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**SB 24 ON SECOND READING**  
(Mr. Lovell—House Sponsor)

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

SB 24, A bill to be entitled An Act relating to sale of lists of registered voters by the registrar; amending Section 51a, Texas Election Code, as amended (Article 5.19a, Vernon's Texas Election Code); and declaring an emergency.

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

Mr. Tom Bass moved to reconsider the vote by which SB 24 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**SB 188 ON SECOND READING**  
(Mr. Lovell—House Sponsor)

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

SB 188, A bill to be entitled An Act relating to the amount of money a convict is entitled to receive from the State of Texas at the time of release or discharge from the state penitentiary; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); and declaring an emergency.

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

Mr. Presnal moved to reconsider the vote by which SB 188 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

#### VOTES RECORDED

Representatives Simmons, Nabers, Kost, and Lombardino requested to be recorded as voting Nay on the passage to third reading of SB 188.

#### HB 18 ON THIRD READING

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

HB 18, Concerning authority for county to deny permit for waste disposal that originates outside the county.

The bill was read third time.

Mr. Wieting offered the following amendment to the bill:

Amend HB 18 by inserting the following as Section 2 of the bill and renumbering the succeeding section appropriately:

"Section 2. Subsection (a), Section 5, Solid Waste Disposal Act of the Sanitary Code (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Every county has the solid waste management powers which are enumerated in this Section 5. However, the exercise of the licensing authority and other powers granted to counties by this Act does not preclude the department or the board from exercising any of the powers vested in the department or the board under other provisions of this Act, including specifically the provisions authorizing the department and the board to issue permits for the operation and maintenance of sites for the disposal of solid waste. The powers specified in Subsections (d), (e), and (g) of this section may not be exercised by a county with respect to the industrial solid waste disposal practices and areas to which Subsection (f) of Section 4 of this Act applies. The board, by specific action or directive, may supersede any authority or power granted to or exercised by a county under this Act, but only with respect to those matters which are, under this Act, within the jurisdiction of the state agency acting.

The amendment was adopted without objection.

A record vote was requested on the passage of HB 18.

HB 18, as amended, was passed by the following vote:

**Yeas—120**

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

**Nays—22**

Bass, T.	Cole	Hale	Ogg
Blythe	Cruz	Jones, E.	Orr
Bowers	Dramberger	Lee	Reed
Boyle	Earthman	Lemmon	Stroud
Calhoun	Finney	Lewis	
Coats	Floyd	Mengden	

**Present—Not Voting**

Caldwell

**Absent-Excused**

Allen, Joe	Atwell	Newton	Salter
Angly	Lovell		

Mr. Wieting moved to reconsider the vote by which HB 18 was passed and to table the motion to reconsider.

The motion to table prevailed.

**REASON FOR VOTE**

I voted Present—Not Voting on the passage of HB 18 because of a possible conflict of interest.

Signed: Neil Caldwell

**MESSAGE FROM THE SENATE**

Austin, Texas, March 10, 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:

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

Respectfully,  
 CHARLES A. SCHNABEL  
 Secretary of the Senate

**HB 279 ON THIRD READING**

The Speaker laid before the House on its third reading and final passage, HB 279, Amending the Texas Education Code.

The bill was read third time.

Mr. Ogg offered the following amendment to the bill:

Amend HB 279 by renumbering Sections 55 and 56 as Sections 56 and 57 and inserting a new Section 55 to read as follows:

Sec. 55. Nothing in this Act is intended to make any change in the substantive law, but this Act is merely intended to be a recodification of the present law.

The amendment was adopted without objection.

A record vote was requested on the passage of HB 279.

HB 279, as amended, was passed by the following vote:

Yeas—143

Adams	Baker	Blanton	Braun
Agnich	Bass, B.	Blythe	Burgess
Allen, John	Bass, T.	Bowers	Bynum
Allred	Beckham	Boyle	Caldwell
Atwood	Bigham	Braecklein	Calhoun

Carrillo	Hanna, Joe	Longoria	Santiesteban
Cates	Hannah, John	McAlister	Schuile
Cavness	Harding	McKissack	Semos
Christian	Harris	Mengden	Shannon
Clark	Hawkins	Moncrief	Sherman
Clayton	Hawn	Moore, A.	Short
Costs	Haynes	Moore, G.	Silber
Cobb	Head	Moore, T.	Simmons
Cole	Heatly	Moreno	Slack
Craddick	Hendricks	Murray	Slider
Cruz	Hilliard	Nabers	Smith
Daniel	Holmes, T.	Nelms	Solomon
Davis, D.	Holmes, Z.	Neugent, D.	Spurlock
Davis, H.	Howard	Nichols	Stewart
Denton	Hubenak	Niland	Stroud
Doran	Hull	Nugent, J.	Swanson
Doyle	Ingram	Ogg	Tarbox
Dramberger	Johnson	Orr	Traeger
Earthman	Jones, D.	Parker, C.	Truan
Farenthold	Jones, E.	Parker, W.	Tupper
Finck	Jones, G.	Patterson	Uher
Finnell	Jungmichel	Pickens	Vale
Finney	Kaster	Poerner	Von Dohlen
Floyd	Kilpatrick	Poff	Ward
Foreman	Kost	Presnal	Wayne
Gammage	Kubiak	Price	Wieting
Garcia	Lee	Reed	Williams
Golman	Lemmon	Rodriguez	Williamson
Grant	Lewis	Rosson	Wolff
Graves	Ligarde	Salem	Wyatt
Hale	Lombardino	Sanchez	

## Absent-Excused

Allen, Joe	Atwell	Newton	Salter
Angly	Lovell		

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

The motion to table prevailed.

## LEAVE OF ABSENCE GRANTED

On motion of Mr. Floyd, Mr. Orr was granted leave of absence for the remainder of the day on account of important business.

## HB 217 ON THIRD READING

The Speaker laid before the House on its third reading and final passage, HB 217, Concerning Herbicide Control Act.

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

## Yeas—141

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

## Absent

## Heatly

## Absent-Excused

Allen, Joe	Atwell	Newton	Salter
Angly	Lovell	Orr	

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

The motion to table prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, March 10, 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 207, By John Allen: An Act relating to providing that the district clerk and criminal district attorney serving in those offices for the 124th Judicial District shall serve in those offices for the 188th Judicial District; amending Sections 17 and 19, Chapter 23, Acts of the 42nd Legislature, 1st Called Session 1931, as amended (Subdivision 124, Article 199, Vernon's Texas Civil Statutes); and declaring an emergency.

HB 216, By Cavness: An Act creating a Texas Surplus Property Agency and prescribing its power, duties, functions, finances, and procedures; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HB 461 ON THIRD READING

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

HB 461, Expands lists of authorized investments for insurance companies, State Board of Education and Firemen's Relief and Retirement Fund.

The bill was read third time.

Mr. Longoria moved to postpone further consideration of HB 461 until March 23 at 11:30 a.m.

Mr. Pickens moved, as a substitute motion, to postpone further consideration of HB 461 until March 15 at 11:30 a.m.

The substitute motion was lost.

The motion to postpone further consideration of HB 461 until March 23 at 11:30 a.m. then prevailed.

#### ADDRESS BY THE HONORABLE JAKE JOHNSON

The Speaker recognized the Honorable Jake Johnson who addressed the House on a matter of personal privilege, speaking as follows:

Mr. Speaker and Members of the House:

I rise on a point of personal privilege. First, I want to apologize for taking time away from the busy schedule of this House but I feel that the matter I am to bring before you today is justified.

The Texas Highway Department has plans to build a new 20 million dollar, 15 floor office building on some of the highest priced land in downtown Austin. This building will occupy 700,000 sq. ft. and will eventually have 3200 employee occupancy, with facilities for only 600 parking places. The architect's fees are \$1,231,000 or 6% of the gross cost of the building.

I appeal to you, my fellow Texans, to join with me in sponsoring legislation that would cause the Highway Department to stop this monstrosity, which incidentally is in front of the Governor's mansion and makes the Governor's mansion look like an outhouse, and force them to remove it to Camp Hubbard where they have adequate land and facilities for this kind of building.

Our forebears who built this Capitol spent considerable money and time on its location and its planning. It was the seventh largest building in the world at the time of its construction. Are we going to let the largest bureaucracy in Texas, the Highway Department, defile its majestic presence? I have been asked if this is a personal fight. I know very few people personally at the Highway Department. It is personal to the extent that I took a personal oath and said that I would protect the people, not only from unjust laws but from unjust expenditures and I do take it personally when I am asked to neglectfully violate that oath.

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Representative Angly entered the House and was announced present.

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#### HB 403 ON THIRD READING

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

HB 403, Changing names of certain state tuberculosis hospitals.

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

#### Yeas—141

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

Nabers	Presnal	Silber	Tupper
Nelms	Price	Simmons	Vale
Neugent, D.	Reed	Slack	Von Dohlen
Nichols	Rodriguez	Slider	Ward
Niland	Rosson	Smith	Wayne
Nugent, J.	Salem	Solomon	Wieting
Ogg	Sanchez	Spurlock	Williams
Parker, C.	Santiesteban	Stewart	Williamson
Parker, W.	Schulle	Stroud	Wolff
Patterson	Semos	Swanson	Wyatt
Pickens	Shannon	Tarbox	
Poerner	Sherman	Traeger	
Poff	Short	Truan	

**Nays—1**

Uher

**Absent**

Atwood

**Absent-Excused**

Allen, Joe	Lovell	Orr	Salter
Atwell	Newton		

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

The motion to table prevailed.

(Mr. Shannon in the Chair)

**COAUTHORS OF HB 139 AND HB 955**

Mr. Moncrief was granted permission by the author of HB 139 to sign the bill as coauthor.

Mr. Golman was granted permission by the author of HB 955 to sign the bill as coauthor.

**ADJOURNMENT**

Mr. Sherman moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:30 p.m., adjourned until 10:00 a.m. tomorrow.

**APPENDIX****BILLS TRANSMITTED TO GOVERNOR UNDER ARTICLE 16,  
SECTION 59**

HB 976 transmitted by the Chief Clerk to the Governor on March 9, 1971.

HB 988 transmitted by the Chief Clerk to the Governor on March 9, 1971.

HB 989 transmitted by the Chief Clerk to the Governor on March 9, 1971.

HB 1035 transmitted by the Chief Clerk to the Governor on March 9, 1971.

HB 1040 transmitted by the Chief Clerk to the Governor on March 9, 1971.

RECOMMENDATIONS OF THE TEXAS WATER  
COMMISSION FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 576 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 587 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 606 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 607 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 608 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 609 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 611 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 640 filed with the Speaker on March 10, 1971.

Recommendations of the Texas Water Commission on HB 735 filed with the Speaker on March 10, 1971.

STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: HB 491, HB 492, HB 494, HB 496, HB 498.

Counties: HB 386.

Engrossed and Enrolled Bills: Correctly engrossed—HB 217, HB 279, HB 403, HB 461, HCR 74. Correctly enrolled—HB 1, HB 278, HCR 42.

Governmental Affairs and Efficiency: HB 64, HB 76.

House Administration: HCR 76.

Judicial Districts: HB 175, SB 241.

Juvenile Crime and Delinquency: HB 151.

Livestock: SB 433.

Parks and Wildlife: HB 620, HB 655.

Public Education: HB 476.

State Affairs: HB 188, HB 410, HB 423, SB 216.

SENT TO THE GOVERNOR  
March 10, 1971

HB 1

HB 278

HCR 42

THIRTY-SIXTH DAY—THURSDAY, MARCH 11, 1971

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

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

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