

SENT TO THE GOVERNOR  
March 18, 1971

HB 187

HCR 89

FORTY-FIRST DAY—MONDAY, MARCH 22, 1971

The House met at 11:00 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, H.	Kaster	Rodriguez
Adams	Denton	Kilpatrick	Rosson
Agnich	Doran	Kubiak	Salem
Allen, Joe	Doyle	Lee	Salter
Allen, John	Dramberger	Lemmon	Sanchez
Angly	Earthman	Lewis	Santiesteban
Atwell	Farenthold	Ligarde	Schulle
Atwood	Finck	Lombardino	Semos
Baker	Finnell	Longoria	Shannon
Bass, T.	Finney	McAlister	Sherman
Beckham	Foreman	McKissack	Short
Bigham	Gammage	Moncrief	Silber
Blanton	Garcia	Moore, A.	Simmons
Blythe	Grant	Moore, T.	Slack
Bowers	Hanna, Joe	Moreno	Slider
Boyle	Hannah, John	Murray	Smith
Braecklein	Harding	Nabers	Solomon
Braun	Harris	Nelms	Spurlock
Burgess	Hawkins	Neugent, D.	Stroud
Bynum	Hawn	Newton	Swanson
Caldwell	Haynes	Nichols	Tarbox
Calhoun	Head	Niland	Traeger
Cates	Heatly	Nugent, J.	Truan
Cavness	Hendricks	Ogg	Tupper
Christian	Hilliard	Orr	Uher
Clark	Holmes, T.	Parker, C.	Vale
Clayton	Howard	Parker, W.	Von Dohlen
Coats	Hubenak	Patterson	Ward
Cobb	Hull	Pickens	Wayne
Cole	Johnson	Poerner	Wieting
Craddick	Jones, D.	Poff	Williams
Cruz	Jones, E.	Presnal	Williamson
Daniel	Jones, G.	Price	Wolff
Davis, D.	Jungmichel	Reed	Wyatt
 Absent			
Allred	Graves	Ingram	Moore, G.
Bass, B.	Hale	Lovell	Stewart
 Absent-Excused			
Carrillo	Golman	Kost	Mengden
Floyd	Holmes, Z.		

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. Zan Holmes on motion of Mr. Reed.

Mr. Golman on motion of Mr. McKissack.

Mr. Kost on motion of Mr. Simmons.

Mr. Mengden on motion of Mr. Bowers.

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

Mr. Carrillo on motion of Mr. Shannon.

On motion of Mr. Doran, Mr. Floyd was granted leave of absence temporarily for today on account of a death in the family.

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Representative Graves entered the House and was announced present.

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MESSAGE FROM THE SENATE

Austin, Texas, March 22, 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 concurred in House Amendments to SB 333 by 30 Yeas, 0 Nays.

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

SB 346, By Christie: Providing for the legal sale of mixed beverages on a local option basis; and declaring an emergency.

HCR 92, By Blanton, Heatly: Congratulatory resolution for Order of DeMolay.

Respectfully,  
 CHARLES A. SCHNABEL  
 Secretary of the Senate

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

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

HB 258, Relating to appointment of county tax assessor-collector in a county under 10,000 inhabitants.

HCR 53, Memorializing Congress to take appropriate action to protect certain hospitals and prevent their loss of Medicare certification.

HCR 86, Congratulating Miss Judy Womack.

HCR 88, Congratulating the Cypress-Fairbanks Bobcats.

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 259, by Ward: Commending the High School students of Burleson, Texas.

HSR 260, by Ward: Commending Coach Pinkerton and the members of the 1970-1971 Grandview Zebra team.

HSR 262, by Wyatt: Commending the young members and sponsors of the Shadrack Barnes Society of the Children of the American Revolution.

(Mr. Calhoun in the Chair)

Representatives Stewart and Hale entered the House and were announced present.

#### HSR 261—ADOPTED

(Congratulating Speaker and Mrs. Mutscher on the birth of their son)

Mr. Doran offered the following resolution:

#### HSR 261

Whereas, He didn't quite make it for the first day of spring, but the husky, 8 pound, 10 ounce son, born to Speaker and Mrs. Gus F. Mutscher on March 22, 1971, was the best possible harbinger of the season for this happy couple; and

Whereas, Young Master Mutscher, whose 19-3/4 inches seem to indicate that he will be another tall Texan, made his most welcome appearance at Seton Hospital at 8:12 o'clock this morning; he is being greeted by his big sister, Lisa, and his doting grandparents, Mr. and Mrs. Gus F. Mutscher of Brenham, and Mrs. Hurley Benson Axum of El Dorado, Arkansas; and

Whereas, It gives Members of this House the greatest pleasure to congratulate Donna and Gus on the birth of their first son, little Gus Hurley Mutscher, who is named for his father, his Grandfather Mutscher, and his late Grandfather Axum; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature by this Resolution express great happiness at the wonderful news that Speaker and Mrs. Gus F. Mutscher are the parents of a handsome baby son and extend to them heartiest congratulations on their good fortune; and, be it further

Resolved, That official copies of this Resolution be prepared for the parents and grandparents of this precious youngster who, though he could never aspire to the title of "Miss America," held so graciously by his beautiful mother, will doubtless become a famous figure on the Texas and national political scenes some 25 or 30 years from now.

The resolution was read and was unanimously adopted.

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

#### RELATIVE TO BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent, the reading of bills and resolutions on first reading and referral to Committees was delayed until the business on the Calendar was considered.

#### INTRODUCTION OF HB 1610

Mr. Solomon asked unanimous consent to introduce and have placed on first reading HB 1610.

There was no objection offered.

#### MOTION TO INTRODUCE A HOUSE BILL

Mr. Jim Nugent asked unanimous consent to introduce and have placed on first reading a House Bill.

There was objection offered.

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Representative Ingram, Lovell, and Allred entered the House and were announced present.

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#### MOTION TO INTRODUCE A HOUSE BILL—(continued)

Mr. Jim Nugent moved to introduce and have placed on first reading a House Bill.

A record vote was requested.

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

## Yeas—92

Agnich	Farenthold	Lemmon	Salem
Allen, Joe	Finck	Lewis	Sanchez
Allen, John	Finnell	Ligarde	Santiesteban
Angly	Foreman	Lombardino	Sherman
Atwell	Garcia	Longoria	Short
Atwood	Grant	McAlister	Silber
Baker	Graves	McKissack	Simmons
Bigham	Harding	Moore, A.	Slack
Blanton	Harris	Moore, T.	Slider
Boyle	Hawkins	Murray	Spurlock
Braun	Hawn	Nabers	Stewart
Caldwell	Haynes	Nelms	Swanson
Cates	Heatly	Newton	Tarbox
Cavness	Hendricks	Nichols	Traeger
Christian	Holmes, T.	Niland	Tupper
Clark	Hubenak	Nugent, J.	Uher
Clayton	Ingram	Parker, C.	Von Dohlen
Cobb	Johnson	Parker, W.	Ward
Cole	Jones, D.	Patterson	Wayne
Cruz	Jones, G.	Pickens	Wieting
Denton	Jungmichel	Poerner	Williams
Doyle	Kaster	Price	Wolff
Dramberger	Kubiak	Rodriguez	Wyatt

## Nays—45

Adams	Davis, H.	Jones, E.	Rosson
Allred	Doran	Kilpatrick	Schulle
Bass, T.	Earthman	Lee	Semos
Beckham	Finney	Lovell	Shannon
Blythe	Gammage	Moncrief	Solomon
Bowers	Hale	Moreno	Stroud
Braecklein	Hanna, Joe	Neugent, D.	Truan
Burgess	Hannah, John	Ogg	Vale
Bynum	Head	Orr	Williamson
Coats	Hilliard	Poff	
Craddick	Howard	Presnal	
Davis, D.	Hull	Reed	

## In The Chair

Calhoun

## Absent

Bass, B.	Moore, G.	Salter	Smith
Daniel			

## Absent-Excused

Carrillo	Golman	Kost	Mengden
Floyd	Holmes, Z.		

## HCR 30—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 30, Memorializing Congress concerning regulations for tankers navigating in the coastal waters of the United States.

The resolution was adopted.

Mr. Orr moved to reconsider the vote by which HCR 30 was adopted and to table the motion to reconsider.

The motion to table prevailed.

## HB 226 ON THIRD READING

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

HB 226, Authorizing certain cities to expend money for advertising.

The bill was read third time.

Mr. Ogg offered the following amendment to the bill:

Amend HB 226, as amended (Second Printing), by amending Committee Amendment No. 2 as follows:

By striking all words between the word "city" in line 5 and the word "may" in Line 7.

Representatives Bill Bass and Griffith Moore entered the House and were announced present.

## HB 226—(Consideration continued)

A record vote was requested on the Ogg amendment.

The amendment failed of adoption by the following vote:

Yeas—42

Baker	Finney	McKissack	Slider
Blythe	Hawkins	Moncrief	Smith
Bowers	Hawn	Moore, G.	Solomon
Bynum	Heatly	Moore, T.	Uher
Cates	Holmes, T.	Ogg	Von Dohlen
Cole	Hull	Parker, W.	Ward
Davis, D.	Jones, D.	Pickens	Wayne
Doran	Jones, G.	Shannon	Wieting
Doyle	Lee	Short	Wolff
Earthman	Lemmon	Silber	
Finck	Lombardino	Slack	

## Nays—83

Adams	Daniel	Jungmichel	Rodriguez
Agnich	Davis, H.	Kaster	Rosson
Allen, Joe	Denton	Kilpatrick	Salem
Allen, John	Dramberger	Kubiak	Sanchez
Allred	Farenthold	Lewis	Santiesteban
Angly	Finnell	Ligarde	Schulle
Atwell	Foreman	Lovell	Semos
Bass, B.	Gammage	McAlister	Simmons
Bass, T.	Grant	Moore, A.	Spurlock
Bigham	Graves	Moreno	Stewart
Blanton	Hale	Murray	Stroud
Boyle	Hanna, Joe	Nabers	Swanson
Braecklein	Hannah, John	Nelms	Tarbox
Braun	Harding	Neugent, D.	Traeger
Caldwell	Harris	Nichols	Truan
Cavness	Hilliard	Niland	Tupper
Christian	Howard	Nugent, J.	Vale
Clark	Hubenak	Poerner	Williams
Coats	Ingram	Poff	Williamson
Cobb	Johnson	Price	Wyatt
Craddick	Jones, E.	Reed	

## In The Chair

## Calhoun

## Present—Not Voting

Atwood	Clayton	Hendricks	Presnal
Beckham	Garcia	Longoria	Sherman
Burgess	Head	Patterson	

## Absent

Cruz	Newton	Parker, C.	Salter
Haynes	Orr		

## Absent-Excused

Carrillo	Golman	Kost	Mengden
Floyd	Holmes, Z.		

Mr. Hale raised a point of order against further consideration of the bill on the grounds that it violates Section 30, Article III, of the Constitution in that the original intent of the bill has been changed by amendment.

The Chair overruled the point of order.

HB 226 was passed by the following vote:

## Yeas—130

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

## Nays—10

Caldwell	Graves	Rodriguez	Vale
Cruz	Hale	Stroud	
Farenthold	Poerner	Truan	

## In The Chair

Calhoun

## Present—Not Voting

Semos

Absent

Holmes, T.

## Absent-Excused

Carrillo	Golman	Kost	Mengden
Floyd	Holmes, Z.		

Mr. Kaster moved to reconsider the vote by which HB 226 was passed and to table the motion to reconsider.

The motion to table prevailed.

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled bill and resolution:

SB 333, Authorizing division of college districts in three or more counties into nine separate election districts and providing for election of a trustee.

SCR 58, In memory of Mrs. Ethel Ruth Watson.

HB 126 ON THIRD READING

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

HB 126, Relating to election procedure for office of trustee of certain independent school districts.

The bill was read third time and was passed.

Mr. Kubiak moved to reconsider the vote by which HB 126 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 113 ON THIRD READING

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

HB 113, Relating to protection of persons filing claim under Texas Workmen's Compensation Act.

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

Yeas—135

Adams	Burgess	Doyle	Hawkins
Agnich	Bynum	Dramberger	Hawn
Allen, Joe	Caldwell	Earthman	Haynes
Allen, John	Cates	Farenthold	Head
Allred	Cavness	Finck	Heatly
Angly	Christian	Finnell	Hendricks
Baker	Clark	Finney	Hilliard
Bass, B.	Clayton	Foreman	Hubenak
Bass, T.	Coats	Gammage	Hull
Beckham	Cobb	Garcia	Ingram
Bigham	Cole	Grant	Johnson
Blanton	Craddick	Graves	Jones, D.
Blythe	Cruz	Hale	Jones, E.
Bowers	Daniel	Hanna, Joe	Jungmichel
Boyle	Davis, D.	Hannah, John	Kaster
Braecklein	Davis, H.	Harding	Kilpatrick
Braun	Denton	Harris	Kubiak

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

## Nays—7

Atwell	Doran	Howard	Rosson
Atwood	Holmes, T.	Jones, G.	

## In The Chair

Calhoun

## Absent-Excused

Carrillo	Golman	Kost	Mengden
Floyd	Holmes, Z.		

Mr. Nichols moved to reconsider the vote by which HB 113 was passed and to table the motion to reconsider.

The motion to table prevailed.

## HB 40 ON THIRD READING

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

HB 40, Creating Consumer Protection Division within the Consumer Credit Commission.

Representative Floyd entered the House and was announced present.

## HB 40—(Consideration continued)

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

Yeas—135

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

Nays—5

Jones, D.	Nabers	Tarbox	Uher
Jones, E.			

In The Chair

Calhoun

Absent

Doran	Hale	Santiesteban
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Absent-Excused

Carrillo	Holmes, Z.	Kost	Mengden
Golman			

Mr. Salem moved to reconsider the vote by which HB 40 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 302 ON THIRD READING

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

HB 302, Relating to fees to be paid for compiling delinquent tax records.

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

Yeas—141

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

Nays—2

Tarbox Williamson

In The Chair

Calhoun

## Absent-Excused

Carrillo                      Holmes, Z.                      Kost                      Mengden  
Golman

Mr. Cavness moved to reconsider the vote by which HB 302 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair)

## HB 411 ON THIRD READING

The Speaker laid before the House on its third reading and final passage, HB 411, Prohibiting thrashing of pecan trees.

The bill was read third time and was passed.

Mr. Nabers moved to reconsider the vote by which HB 411 was passed and to table the motion to reconsider.

The motion to table prevailed.

APPOINTMENT OF MEMBERS TO  
STANDING COMMITTEES

Under the provisions of Rule 8, Section 4, the Speaker announced the appointment of Members to the following Standing Committees:

To the Committee on Rules: Blanton

To the Committee on Counties: Atwell

To the Chairmanship of the Committee on Juvenile Crime and Delinquency: Foreman

## HB 351 ON SECOND READING

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

HB 351, A bill to be entitled An Act authorizing school districts to contract with other school districts or with public or private secondary educational institutions and trade and technical schools to provide vocational classes; amending Subchapter D, Chapter 21, Texas Education Code, by adding Section 21.1111; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1 of HB 351 to read as follows:

Section 1. Subdivision f, Subsection (2), Section 1, Article III, Chapter

334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), is amended to read as follows:

"f. The governing board of a school district may contract with another school district or with a public or private post-secondary educational institution or trade or technical school which is regulated by the state to provide vocational classes for students in the district. A pupil who attends vocational classes at another school pursuant to a contract shall be included in computations of average daily attendance by the school district in which he is regularly enrolled. Any agreement entered into under the provisions of this subdivision shall be subject to the rules and regulations of the State Board of Vocational Education, and the cost to the state shall not exceed the cost that would result if the classes were operated by the school district entering into the agreement. The instructors and instructional materials and equipment utilized in the classes must meet secondary school program requirements. The instructors teaching in private schools, that are contracting with public schools for instruction of public school students, shall be eligible for the same in-service teacher education opportunities provided by the state for public school teachers."

Mr. Hull moved that consideration of HB 351 be postponed until 11:00 a.m., Monday, March 29.

The motion prevailed.

#### HB 43 WITH SENATE AMENDMENTS

Mr. Harold Davis called up with Senate Amendments for consideration at this time,

HB 43, Relating to tuition fees charged nonresident students and to classification of resident and nonresident students.

Mr. Harold Davis moved that the House do not concur in the Senate Amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Mr. Harold Davis moved to reconsider the vote by which the House refused to concur in Senate amendments to HB 43 and to table the motion to reconsider.

The motion to table prevailed.

#### HB 43—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 43:

Representatives Harold Davis, Chairman; Grant Jones, Cole, John Allen, and Clayton.

#### HB 106 ON SECOND READING

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

HB 106, A bill to be entitled An Act relating to the inoculation and vaccination of children admitted to child caring institutions and facilities; amending Section 8(a), Chapter 1, General Laws, page 544, Acts of the 46th Legislature, Regular Session, 1939, as amended (Article 695c, Vernon's Texas Civil Statutes), to add a new Section 9a; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1, first paragraph, to read:

“(a) The State Department of Public Welfare shall promulgate rules and regulations relating to the inoculation and vaccination of children admitted to institutions and facilities covered by this Act. The rules shall require the inoculation or vaccination of each child at an appropriate age against diphtheria, whooping cough, tetanus, typhoid, poliomyelitis, rubella, rubeola, and smallpox. The State Board of Health may require immunization against additional diseases as a requirement for admission to institutions and facilities covered by this Act, provided, however, that no form of vaccination or inoculation shall be required for a child's admission to an institution or facility if the person applying for the child's admission submits either an affidavit signed by a doctor in which it is stated that, in the doctor's opinion, the vaccination or inoculation would be injurious to the health and well-being of the child or an affidavit signed by the parent or guardian of the child stating that the vaccination or immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.

Mr. Clayton offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 106 by adding after the word “smallpox” the following, “and such inoculation or vaccination must be effective upon the date of first entry into the institution or facility.”

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Finck offered the following amendment to the bill:

Amend HB 106 by adding paragraph (c) immediately before Sec. 2 to read as follows:

(c) The Texas Department of Public Health shall provide the required inoculations to children whose parents or guardians are unable to pay for such inoculations in areas where no local provision exists to provide these services.

The amendment was adopted without objection.

HB 106, as amended, was passed to engrossment.

Mr. Clayton moved to reconsider the vote by which HB 106 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HB 532 ON SECOND READING

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

HB 532, A bill to be entitled An Act amending Subsection (6) of Section (a), Article 6686, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 30, Acts of the 58th Legislature, 1963, Regular Session, so as more specifically to specify that licensed dealers and buyers therefrom may transport their unregistered vehicles by certain methods and under specific conditions; repealing laws in conflict; providing for severability; and declaring an emergency.

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

Mr. Cavness moved to reconsider the vote by which HB 532 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HB 364 ON SECOND READING

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

HB 364, A bill to be entitled An Act relating to optional coverage of certain state and district officers within the Texas County and District Retirement System; amending Subsection 6 of Section 2 and Subsection 1 of Section 3, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228g, Vernon's Texas Civil Statutes), and adding a Section 11A; and declaring an emergency.

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—60

Adams	Davis, D.	Head	Nabers
Angly	Davis, H.	Heatly	Neugent, D.
Atwell	Denton	Hilliard	Niland
Baker	Doyle	Hubenak	Ogg
Blanton	Earthman	Hull	Orr
Blythe	Finnell	Jones, D.	Parker, C.
Boyle	Finney	Jones, E.	Patterson
Braecklein	Foreman	Kaster	Pickens
Bynum	Gammage	Lemmon	Presnal
Caldwell	Grant	Lewis	Rosson
Cates	Hale	Ligarde	Salem
Cavness	Hanna, Joe	Longoria	Santiesteban
Coats	Hawkins	McKissack	Shannon
Cobb	Hawn	Moncrief	Swanson
Cruz	Haynes	Moore, A.	Williamson

Nays—75

Agnich	Farenthold	Moore, T.	Simmons
Allen, Joe	Finck	Moreno	Slider
Allen, John	Floyd	Murray	Solomon
Allred	Garcia	Nelms	Stewart
Atwood	Graves	Newton	Stroud
Bass, B.	Harding	Nichols	Tarbox
Beckham	Harris	Nugent, J.	Traeger
Bigham	Hendricks	Parker, W.	Truan
Bowers	Holmes, T.	Poerner	Tupper
Braun	Howard	Poff	Uher
Burgess	Ingram	Price	Vale
Calhoun	Johnson	Reed	Von Dohlen
Christian	Jones, G.	Rodriguez	Ward
Clark	Jungmichel	Salter	Wayne
Clayton	Kubiak	Sanchez	Wieting
Cole	Lee	Schulle	Williams
Craddick	Lombardino	Sherman	Wolff
Doran	Lovell	Short	Wyatt
Dramberger	McAlister	Silber	

Present—Not Voting

Spurlock

Absent

Bass, T.	Hannah, John	Moore, G.	Slack
Daniel	Kilpatrick	Semos	Smith

Absent-Excused

Carrillo	Holmes, Z.	Kost	Mengden
Golman			

Mr. Floyd moved to reconsider the vote by which HB 364 failed to pass to engrossment and to table the motion to reconsider.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—46

Agnich	Dramberger	Lee	Simmons
Allen, Joe	Finck	Ligarde	Slider
Allen, John	Floyd	Lombardino	Solomon
Atwood	Garcia	Lovell	Tarbox
Beckham	Graves	McKissack	Traeger
Bowers	Harding	Newton	Uher
Braun	Harris	Nugent, J.	Vale
Burgess	Holmes, T.	Poff	Ward
Calhoun	Ingram	Rodriguez	Wayne
Christian	Johnson	Salter	Wolff
Daniel	Jones, G.	Sanchez	
Doran	Kubiak	Semos	

## Nays—96

Adams	Davis, H.	Jones, E.	Pickens
Allred	Denton	Jungmichel	Poerner
Angly	Doyle	Kaster	Presnal
Atwell	Earthman	Kilpatrick	Price
Baker	Farenthold	Lemmon	Reed
Bass, B.	Finnell	Lewis	Rosson
Bass, T.	Finney	Longoria	Salem
Bigham	Foreman	McAlister	Santiesteban
Blanton	Gammage	Moncrief	Schulle
Blythe	Grant	Moore, A.	Shannon
Boyle	Hale	Moore, G.	Sherman
Braecklein	Hanna, Joe	Moore, T.	Short
Bynum	Hannah, John	Moreno	Silber
Caldwell	Hawkins	Murray	Smith
Cates	Hawn	Nabers	Stewart
Cavness	Haynes	Nelms	Stroud
Clark	Head	Neugent, D.	Swanson
Clayton	Heatly	Nichols	Truan
Coats	Hendricks	Niland	Tupper
Cobb	Hilliard	Ogg	Von Dohlen
Cole	Howard	Orr	Wieting
Craddick	Hubenak	Parker, C.	Williams
Cruz	Hull	Parker, W.	Williamson
Davis, D.	Jones, D.	Patterson	Wyatt

## Present—Not Voting

Spurlock

Absent

Slack

## Absent-Excused

Carrillo	Holmes, Z.	Kost	Mengden
Golman			

## PROVIDING FOR ADJOURNMENT

Mr. Slider moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

## SCR 59—REFERRED TO COMMITTEE

(Concerning M. D. Anderson Hospital)

The Speaker laid before the House the following resolution:

## SCR 59

Whereas, This year, 1971, marks the 30th anniversary of the founding of

The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston, one of this nation's three largest cancer institutes; and

Whereas, The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston was created by the 47th Legislature in Regular Session in the year 1941; and

Whereas, This institution was then designated, and has continued to be the official agency for cancer treatment, research and education for the State of Texas; and

Whereas, The M. D. Anderson Hospital and Tumor Institute is now functioning as a regional center of the Southwest for cancer services, by reason of which it is recognized as a national asset; and

Whereas, The vital importance of this institution is recognized and appreciated by the citizens of Texas and the United States; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That we extend sincere congratulations to The University of Texas M. D. Anderson Hospital and Tumor Institute and it is hereby reaffirmed as the official state resource for the education, research and treatment of cancer and allied diseases for all citizens, physicians, medical and dental schools of Texas, and is available as a national resource, under the guidance of The University of Texas System Board of Regents; and that it is the intent of this 62nd Legislature of the State of Texas that this institution continue in this stated role for the benefit of the citizens of Texas, the Southwest and the Nation.

The resolution was referred to the Committee on Higher Education.

#### 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 7.

#### SENATE BILLS ON FIRST READING

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

(Mr. Ward in the Chair)

SB 19 to the Committee on Counties.

SB 37 to the Committee on Insurance.

SB 101 to the Committee on Insurance.

SB 114 to the Committee on Governmental Affairs and Efficiency.

SB 217 to the Committee on Counties.

SB 221 to the Committee on Insurance.

SB 226 to the Committee on Public Health.

SB 278 to the Committee on Higher Education.

SB 282 to the Committee on Criminal Jurisprudence.

SB 318 to the Committee on Higher Education.

SB 373 to the Committee on Mental Health and Mental Retardation.

#### 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 Blanton:**

HB 1251, A bill to be entitled An Act amending Article 6243a of the Revised Civil Statutes of Texas, as amended, by amending Section 15 thereof so as to provide for the ways in which funds accumulated in the Retirement Reserve may be invested; providing a saving clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Bigham, Angly, Blanton, Grant, Nelms, Hendricks, B. Bass, John Hannah, Clark, Farenthold, Gammage, Truan, Daniel, Beckham, and Swanson:

HB 1252, A bill to be entitled An Act relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the producer of the original recording; providing penalties for violation; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

**By Spurlock:**

HB 1253, A bill to be entitled An Act relating to certain appeals from the courts in certain cities; amending Sections 1, as amended, and 4, Chapter 269, Acts of the 51st Legislature, 1949 (Article 1200c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

**By Cruz:**

HB 1254, A bill to be entitled An Act relating to the State Department of Health; providing definitions; fixing terms; providing for appointment; requiring the licensing of migrant labor camps; providing for the application, issuance, suspension, and revocation of licenses; authorizing State Board of Health to issue rules and regulations for the enforcement of this Act; providing for responsibility of employee and occupant; providing for right of entry; providing for review of decisions of State Com-

missioner of Health; providing penalty for violations; providing for enforcement; repealing conflicting laws; providing for severability; and declaring an emergency.

Referred to Committee on State Affairs.

By Nabers and Adams:

HB 1255, A bill to be entitled An Act relating to a civil action for damage against persons who expose minors to obscene or harmful materials; and declaring an emergency.

Referred to Committee on State Affairs.

By C. Parker:

HB 1256, A bill to be entitled An Act relating to crossing picket lines in a motor vehicle; providing penalties for violations; amending Chapter 100, Acts of the 47th Legislature, 1941, as amended (Article 1621b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on State Affairs.

By C. Parker:

HB 1257, A bill to be entitled An Act amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, by amending the definition of "boiler" contained therein; and declaring an emergency.

Referred to Committee on State Affairs.

By A. Moore:

HB 1258, A bill to be entitled An Act relating to the creation of public industrial development corporations with the approval of cities or counties and providing that cities or counties may pledge their credit to the payment of the interest and principal on bonds issued by the corporations in certain circumstances; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Von Dohlen:

HB 1259, A bill to be entitled An Act relating to an increased maintenance tax in certain common school districts; and declaring an emergency.

Referred to Committee on School Districts.

By Braecklein:

HB 1260, A bill to be entitled An Act relating to the licensing of a life insurance counselor; amending Section 5 and repealing Section 4a, Chapter 29, Acts of the 54th Legislature, 1955, as amended (Article 21.07-2, Vernon's Texas Insurance Code); and declaring an emergency.

Referred to Committee on Insurance.

By Nelms, Clark, and Williams:

HB 1261, A bill to be entitled An Act relating to reapportionment of state representative districts; amending Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes); repealing Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a-1 and 195a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Congressional and Legislative Districts.

By Dramberger and Simmons:

HB 1262, A bill to be entitled An Act increasing the penalty for the unlawful dumping or depositing of certain wastes on or near a public highway; amending Sections 2 and 3, Chapter 53, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 696a, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on State Affairs.

By Dramberger and Simmons:

HB 1263, A bill to be entitled An Act relating to permitting the coupling of more than one vehicle to a passenger car if one of the coupled vehicles is designed for use as temporary living quarters during excursions and not as permanent living quarters; amending Subsection (c), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 827a, Vernon's Texas Penal Code); amending Section 106, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By C. Parker:

HB 1264, A bill to be entitled An Act amending the Texas Shrimp Conservation Act, as amended (Article 4075b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Solomon:

HB 1265, A bill to be entitled An Act in relation to a bank as custodian employed by a fiduciary and to property held by such custodian; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Foreman:

HB 1266, A bill to be entitled An Act to be known as The Certificate of Obligation Act of 1971; providing for and regulating the authorization, issuance and delivery of such certificates by certain cities and counties for the payment of contractual obligations; providing for the submission of the proceedings relating to the authorization of certificates to the Attorney

General of Texas when the same are sold for cash and providing for the registration thereof by the Comptroller of Public Accounts; prescribing the character and characteristics of certificates; declaring legislative intention with respect to such obligations; providing a severance clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Floyd:

HB 1267, A bill to be entitled An Act amending Acts of the Fifty-fourth Legislature, 1955, Chapter 257, page 715 as amended, codified as Article 4494n, Vernon's Civil Statutes of Texas, as amended, by adding a provision to be inserted into Section 4, thereof, authorizing the Board of Managers to convey, upon nominal consideration, unneeded real estate back to the city or county which had conveyed to the District for District purposes upon creation of the Hospital District; providing a severability clause; and that the provisions hereof shall control in the event of conflict with other laws; and declaring an emergency.

Referred to Committee on Counties.

By Floyd:

HB 1268, A bill to be entitled An Act amending Section 6, Chapter 266, Acts of the 53rd Legislature, Regular Session, 1953, as amended, to provide that in all counties having a population of not less than 750,000 nor more than 1,000,000 according to the last preceding Federal Census, the Board of Hospital Managers for the county hospital district shall supervise and be responsible for the making of purchases and expenditures, and providing for public notice and competitive bids on any contract for construction, equipment, goods, supplies or services involving \$1,000 or more; providing for certain bonds to be furnished by bidders; excluding certain contracts and purchases from requirement of public notice and competitive bidding; defining "the last preceding Federal Census"; and declaring an emergency.

Referred to Committee on Counties.

By Heatly:

HB 1269, A bill to be entitled An Act designating the Texas State Department of Health as Comprehensive Health Planning Agency for the state; authorizing cooperation with other state agencies; providing duties under federal law; transferring funds, personnel and equipment; repealing conflicting laws; and declaring an emergency.

Referred to Committee on Public Health.

By Lemmon:

HB 1270, A bill to be entitled An Act amending Chapter 7 of the Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491, p. 868), as the same has been heretofore amended, by adding thereto a new article to be identified as Article 7.02, permitting the withdrawal of duplicate or excessive deposits made with the State Treasurer by certain

insurance companies under prior or existing statutory provisions; specifying the circumstances upon which the Commissioner of Insurance shall authorize such withdrawals; providing for an effective date; and declaring an emergency.

Referred to Committee on Insurance.

By Craddick:

HB 1271, A bill to be entitled An Act relating to abolishing the Court of Domestic Relations in Midland County and creating the 232nd District Court to give preference to family law matters; amending the Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); repealing Chapter 537, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-20, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By J. Nugent:

HB 1272, A bill to be entitled An Act extending to November 1, 1971, the date for filing claims to water rights with the Texas Water Rights Commission; amending Subsection (c), Section 4, Chapter 45, Acts of the 60th Legislature, Regular Session, 1967 (Article 7542a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Sanchez:

HB 1273, A bill to be entitled An Act amending Subsection (j) of Article 8.24, Texas Insurance Code, as amended, relating to revocation of certificates of authority to transact business held by alien insurance companies; and declaring an emergency.

Referred to Committee on Insurance.

By Kaster:

HB 1274, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to contract with any political subdivision of the State of Texas located in El Paso County for the construction and operation of a special events center and related facilities on land owned by The University of Texas at El Paso, and authorizing the Board of Regents of The University of Texas System to contract with the political subdivision for joint use of the completed special events center and related facilities; amending Chapter 553, Acts of the 60th Legislature, Regular Session, 1967 (Article 2603b-4, Vernon's Texas Civil Statutes); providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

By Blythe, Angly, Lewis, Hawkins, Williamson, Ingram, Schulle, Earthman, Kaster, Lemmon, Agnich, Beckham, Rosson, Bowers, Hull, Calhoun,

Finnell, Ogg, Finck, Wayne, E. Jones, Mengden, Jungmichel, Moncrief, Poff, Daniel, Hilliard, D. Davis, Cruz, Head, Bynum, Swanson, and Clayton:

HB 1275, A bill to be entitled An Act relating to increasing the penalties for certain crimes involving the distribution of certain drugs to minors or the use of a minor by a person distributing certain drugs; amending Subsection (c), Section 23, Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code).

Referred to Committee on Criminal Jurisprudence.

By Blythe and E. Jones:

HB 1276, A bill to be entitled An Act relating to reapportionment of congressional districts; repealing Chapter 342, Acts of the 60th Legislature, Regular Session, 1967 (Article 197c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Congressional and Legislative Districts.

By Blythe and E. Jones:

HB 1277, A bill to be entitled An Act relating to reapportionment of state representative districts; amending Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes); repealing Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a-1 and 195a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Congressional and Legislative Districts.

By Blythe, Bowers, Mengden, E. Jones, Earthman, and Lee:

HB 1278, A bill to be entitled An Act relating to parental consent for the transportation of school children; amending Section 21.074, Texas Education Code, by adding Subsection (d); and declaring an emergency.

Referred to Committee on Public Education.

By Blythe:

HB 1279, A bill to be entitled An Act relating to removal of trustees of certain independent school districts by recall elections and to filling vacancies created by this method of removal; making the Act effective only upon adoption of a Constitutional Amendment; and declaring an emergency.

Referred to Committee on Elections.

By Nabers and Adams:

HB 1280, A bill to be entitled An Act relating to false papers and cards of identification; providing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Stroud:

HB 1281, A bill to be entitled An Act amending the Texas Liquor Control Act, Chapter 467, Acts of the Second Called Session of the 44th Legislature, as amended, to enable salvaging insured losses of alcoholic beverages for qualified permittees or licensees; and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Spurlock:

HB 1282, A bill to be entitled An Act relating to the preparation of the judgment; amending Article 42.01, Code of Criminal Procedure of Texas, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By C. Parker:

HB 1283, A bill to be entitled An Act relating to the selection of persons for jury service in certain counties; amending Section 1, Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By C. Parker:

HB 1284, A bill to be entitled An Act relating to the authority of the district clerk to withhold certain names drawn from the jury wheel in certain counties; amending Article 2099, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Harris:

HB 1285, A bill to be entitled An Act providing that the District Clerk may charge a reasonable fee for the performance of certain duties; amending Article 3928, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Johnson:

HB 1286, A bill to be entitled An Act authorizing the transfer of certain land from the Texas Department of Mental Health and Mental Retardation to the Texas National Guard Armory Board; providing for the possibility of reversion; and declaring an emergency.

Referred to Committee on Mental Health and Mental Retardation.

By Rosson:

HB 1287, A bill to be entitled An Act relating to requiring certain documents required to be made under the Texas Insurance Code, as amended, to be verified by written declaration under penalty of perjury; defining

offenses and prescribing penalties; amending Chapter 493, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 21.47, Vernon's Texas Insurance Code); and declaring an emergency.

Referred to Committee on Insurance.

By Howard:

HB 1288, A bill to be entitled An Act relating to the creation of the 200th Judicial District, composed of the County of Bowie; amending the Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By Nabers:

HB 1289, A bill to be entitled An Act amending Chapter 14 of the Texas Insurance Code of 1951, Acts 1951, 52nd Legislature, Page 868, Chapter 491, as amended, by adding thereto a new article designated Article 14.64, authorizing and empowering local mutual aid associations and statewide mutual assessment companies possessing certain funds above liabilities to issue policies of life insurance as authorized and permitted by Chapter Three of such Insurance Code, under certain limited conditions; amending Chapter 22 of the Texas Insurance Code of 1951, Acts 1951, 52nd Legislature, Page 868, Chapter 491, as amended, by adding thereto a new article designated Article 22.23, authorizing and empowering stipulated premium companies possessing certain capital and unencumbered surplus to issue policies of life insurance as authorized and permitted by Chapter Three of such Insurance Code, under certain limited conditions; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Bynum:

HB 1290, A bill to be entitled An Act to amend the Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491, page 868), as the same has been heretofore amended, by adding thereto a new chapter to be identified as Chapter 23 and to be known and cited as the Texas Life, Accident and Health Insurance Guaranty Association Act; declaring purpose and scope; providing for liberal construction; defining terms; creating the Texas Life, Accident and Health Insurance Guaranty Association; providing for a board of directors; prescribing powers and duties of the Association; providing for assessments; providing a plan of operation; prescribing the powers and duties of the Commissioner; authorizing procedures for the prevention of impairments; requiring certain procedures in particular situations; providing for examination by and annual reports to the Commissioner; exempting the Association from certain taxes; providing for immunity; specifying certain judicial procedures; providing for tax write-offs of certificates of contribution; repealing all laws or parts of laws in conflict to the extent of such conflict; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

**By Boyle:**

HB 1291, A bill to be entitled An Act amending Section 36 of the Texas Probate Code relating to the duty and responsibility of county and probate judges; and declaring an emergency.

Referred to Committee on Judiciary.

**By Boyle and Braecklein:**

HB 1292, A bill to be entitled An Act creating the North Central Texas School for the Deaf and the Southeast Texas School for the Deaf and providing for their administration and control by the State Board of Education; and declaring an emergency.

Referred to Committee on State Affairs.

**By Boyle and Braecklein:**

HB 1293, A bill to be entitled An Act creating a State Commission for the Deaf and prescribing its powers and duties; and declaring an emergency.

Referred to Committee on State Affairs.

**By Poerner:**

HB 1294, A bill to be entitled An Act relating to the licensing of insurance adjusters; amending Subchapter E, Texas Insurance Code by adding Article 21.51; and declaring an emergency.

Referred to Committee on Insurance.

**By Pickens and Slack:**

HB 1295, A bill to be entitled An Act validating certain actions heretofore taken by the Board of Regents of Texas Tech University and the University of Texas System with reference to certain designated institutions of higher education; providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

**By Pickens and Slack:**

HB 1296, A bill to be entitled An Act relating to the operation, situs, and maintenance of The University of Texas of the Permian Basin; amending Section 4 of Chapter 459, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-4, Vernon's Texas Civil Statutes); providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

**By Ingram:**

HB 1297, A bill to be entitled An Act amending Section 1, Chapter 589, Acts of the 61st Legislature, Regular Session, 1969, and Sections 1 and 2, Chapter 589, Acts of the 59th Legislature, Regular Session, 1965, to extend the deer seasons in Wood and Upshur Counties by 15 days; amend-

ing Section 1, Chapter 304, Acts of the 45th Legislature, Regular Session, 1937, as amended, to raise the bag limit on quail in Wood County and to prohibit hunting quail in Wood County on Sunday; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Cruz:

HB 1298, A bill to be entitled An Act relating to the reproduction, recording, and retention of records of the district clerk by microfilm or other process which correctly and legibly reproduces or which forms a medium of copying or reproducing certain records; adding Article 1899a to Title 40, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Salter:

HB 1299, A bill to be entitled An Act validating the procedure for formation and creation of Housing Authorities for cities, counties and regions under provisions of the Housing Authorities Law (House Bill Number 821, Chapter 462, page 1144, Regular Session of the 45th Legislature, as amended by H. B. No. 102, Chapter 41, page 1924, Second Called Session of the 45th Legislature, as amended by Chapter 563, page 926, Regular Session of the 47th Legislature (Article 1269K, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Jungmichel and Moncrief:

HB 1300, A bill to be entitled An Act reenacting and amending Chapter 88, Acts of the 41st Legislature, Second C. S., 1929, as amended (Article 6675a-3, Vernon's Texas Civil Statutes), by requiring a valid driver's license as a part of an application to register a motor vehicle; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Jungmichel:

HB 1301, A bill to be entitled An Act amending the Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491, page 868), as heretofore amended, by adding to Chapter 3 thereof a new article to be designated Article 3.72, authorizing the issuance of life insurance policies or annuity contracts payable in fixed or variable amounts or both; authorizing and regulating the use of separate accounts creating an exemption from investment limitation; providing for valuation of separate account assets; regulating ownership of separate accounts; regulating transfers, authorizing special procedures; requiring statement of variable nature on the face of any such contract; limiting authority to issue variable contracts to companies approved by the State Board of Insurance in accordance with specified standards; providing for regulation by the State Board of Insurance; specifying the applicability of other law; setting an effective date; providing that the provisions hereof shall be cumulative; repealing

laws or parts of laws in conflict herewith to the extent of conflict; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By Clark:

HB 1302, A bill to be entitled An Act relating to common carriers transporting or transmitting certain hazardous materials capable of causing pollution; amending the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Common Carriers.

By Clark:

HB 1303, A bill to be entitled An Act relating to the concurrence of the Texas Water Quality Board in pollution control activities of the Texas Railroad Commission; amending Section 1.10, 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 Finck:

HB 1304, A bill to be entitled An Act relating to the salaries of county officials in certain counties; adding Subsection (c) to Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Finck:

HB 1305, A bill to be entitled An Act relating to the compensation for assessor-collectors of taxes in certain counties; repealing Section 1, Chapter 352, Acts of the 60th Legislature, Regular Session, 1967 (Article 3883f-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Finck:

HB 1306, A bill to be entitled An Act relating to the salary of the county clerk in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Lombardino:

HB 1307, A bill to be entitled An Act relating to increasing the time that a person must serve to be eligible for parole; amending Subsection (a), Section 15, Article 42.12, Code of Criminal Procedure, 1965, as amended by Section 29, Chapter 659, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 1308, A bill to be entitled An Act relating to sentencing by the court in felony cases where the death penalty is not being sought and in misdemeanor cases; amending Section 2, Article 37.07, Code of Criminal Procedure, 1965, as amended, and Article 26.14, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 1309, A bill to be entitled An Act relating to certain jury instructions concerning the times and conditions that a prisoner may be eligible for parole; amending Section 3 of and adding Sections 4 and 5 to Article 37.07, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 1310, A bill to be entitled An Act creating a Criminal Justice Planning Fund, providing for costs of courts for said fund, providing for the appropriation and expenditure of said funds, reappropriation of said funds; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 1311, A bill to be entitled An Act providing that a person may not be denied a license to pursue an occupation, trade, etc., solely on the ground that he has been convicted of a crime; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 1312, A bill to be entitled An Act relating to the regulation of clinic laboratories and personnel; creating the Texas Clinical Laboratory Board; providing definitions, license qualifications, license fees, rules and regulations, procedure for licensing and renewal, and penalties for violations; and declaring an emergency.

Referred to Committee on Public Health.

By Blythe:

HB 1313, A bill to be entitled An Act relating to imposing penalties for theft of a motor vehicle; amending Chapter 8, Title 17, Penal Code of Texas, 1925, as amended, by adding an Article 1426d; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Blythe:

HB 1314, A bill to be entitled An Act providing for the suspension of the license or permit of certain licensees or permittees under the Texas Liquor Control Act if they or their agents or employees deposit solid waste within 50 feet of a public road or highway; amending Articles I and II, Texas Liquor Control Act as amended (Articles 666-1 through 667-33, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Price:

HB 1315, A bill to be entitled An Act authorizing the Parks and Wildlife Department to execute deeds to exchange property for use as a state park, historic site, scientific area or game management area; providing tracts exchanged are for other adjoining lands at the same park, historic site, scientific or management area and without improvements except fencing; providing for the state to receive good and marketable title approved by the Attorney General's Office; requiring that tracts received in exchange be appraised and determined to be of equal value; providing for all exchanges to be with prior written approval of the Governor; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By B. Bass:

HB 1316, A bill to be entitled An Act defining the term "Eligible Junior College District"; authorizing the annexation of territory by Eligible Junior College Districts under certain circumstances; prescribing procedures for such annexations; providing for elections of trustees; providing for compensation of trustees; providing a severability clause; and declaring an emergency.

Referred to Committee on Higher Education.

By Atwood and Longoria:

HB 1317, A bill to be entitled An Act relating to the issuance of agricultural products hauler's permits by the Railroad Commission to persons engaged exclusively in the business of hauling agricultural products in their natural state by motor-propelled vehicles over public highways; amending Subsection (i) of, and adding Subsection (k) to Section 1, and adding Section 5b, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Williams:

HB 1318, A bill to be entitled An Act amending Acts 1933, 43rd Leg., p. 91, Ch. 45 codified as Article 5159a, Revised Civil Statutes of 1925, as amended, by amending Section 4 thereof so as to provide that the Commissioner of the Bureau of Labor Statistics shall review a determination

of the general prevailing rate of per diem wages; providing for severability; and declaring an emergency.

Referred to Committee on State Affairs.

By Blanton:

HB 1319, A bill to be entitled An Act relating to buildings and facilities constructed in the state by use of federal, state, county, or municipal funds or the funds of any political subdivision of the state and buildings leased or rented by the state and their accessibility to, and usability by, the physically handicapped; amending Sections 2, 17, and 20, Chapter 324, Acts of the 61st Legislature, Regular Session, 1969 (Article 678g, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Adams:

HB 1320, A bill to be entitled An Act relating to the collection and disposition of the fee for an attorney's license or certificate; amending Article 3923, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Nelms:

HB 1321, 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 "Bayfield 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; etc; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Hendricks and Patterson:

HB 1322, A bill to be entitled An Act relating to authorizing the deposit of a Texas motor vehicle operator's, commercial operator's, or chauffeur's license with an arresting officer in lieu of other security or promises to appear at a subsequent trial; authorizing the officer to acknowledge receipt of a deposited license on the traffic citation, to serve as a substitute license pending trial of the offense; amending the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By J. Nugent:

HB 1323, A bill to be entitled An Act relating to transfer of the Kimble County Adjunct of Texas A&M University to Texas Tech University; and declaring an emergency.

Referred to Committee on Higher Education.

By Clayton:

HB 1324, A bill to be entitled An Act providing for the recovery from cigarette producers of medical services expended in the care and treatment of patients with cigarette induced lung cancer; and declaring an emergency.

Referred to Committee on Judiciary.

By Longoria:

HB 1325, A bill to be entitled An Act permitting a peace officer to take bail in misdemeanor cases; amending Articles 17.05 and 17.20, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

#### ADJOURNMENT

In accordance with a previous motion, the House at 1:44 p.m., adjourned until 10:00 a.m. tomorrow.

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 APPENDIX
 

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## STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: HB 589.

Engrossed and Enrolled Bills: Correctly engrossed—HB 40, HB 113, HB 126, HB 226, HB 302, HB 411, HB 493, HB 590, HCR 95. Correctly enrolled—HB 183, HB 258, HCR 53, HCR 86, HCR 88.

Highways and Roads: HB 542, HB 614, HB 955.

Insurance: HB 546, HSR 42, SB 31.

Military Affairs: HB 30, HB 280, HB 966.

Revenue and Taxation: HB 638.

Urban Affairs: HB 210, SB 235.

SENT TO THE GOVERNOR  
March 22, 1971

HB 183

HB 258

HCR 53

HCR 86

HCR 88

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 FORTY-SECOND DAY—TUESDAY, MARCH 23, 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	Blanton	Cavness	Denton
Adams	Blythe	Christian	Doran
Agnich	Bowers	Clark	Doyle
Allen, Joe	Boyle	Clayton	Dramberger
Allen, John	Braecklein	Coats	Earthman
Angly	Braun	Cole	Farenthold
Atwood	Burgess	Craddick	Finck
Baker	Bynum	Cruz	Finnell
Bass, T.	Caldwell	Daniel	Finney
Beckham	Calhoun	Davis, D.	Floyd
Bigham	Cates	Davis, H.	Foreman