

## FIFTY-SECOND DAY—TUESDAY, APRIL 13, 1971

The House met at 2:00 p.m. and was called to order by the Speaker.

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

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

## Absent

Atwell	Lee	Patterson	Slider
Bynum	Ligarde	Reed	Traeger
Finck	Mengden	Rosson	Von Dohlen
Hale	Moore, T.	Sanchez	
Kilpatrick	Ogg	Sherman	

## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

(Mr. Schulle occupied the Chair temporarily)

(Speaker 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. Tupper on motion of Mr. Kaster.

Mr. Zan Holmes on motion of Mr. Stroud.

Mr. Carrillo on motion of Mr. Shannon.

Mr. Niland, for today and the remainder of the week, on motion of Mr. Kaster.

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

Mr. Salter on motion of Mr. Grant.

Mr. Wayne, for today and the remainder of the week, on motion of Mr. Uher.

Mr. Ingram on motion of Mr. Boyle.

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Representatives Slider, Sherman, Ogg, Von Dohlen, Rosson, and Hale entered the House and were announced present.

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MESSAGE FROM THE SENATE

Austin, Texas, April 13, 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 75, By Word: To wish Mr. Joe Deats of Goldthwaite, Texas, a happy 81st birthday.

SB 111, By Schwartz: Amending the Penal Code of Texas, 1925, making it unlawful to trespass upon land belonging to another; providing for punishment; providing for severability; and declaring an emergency.

SJR 46, By Hall: Proposing an Amendment to Sections 4 and 5, Article XI, of the Constitution of the State of Texas, so as to lower the minimum population required for a city to adopt or amend a home rule charter to include cities having more than two thousand five hundred (2,500) inhabitants.

SB 7, By Hall: Amending Article 281, Penal Code of Texas, 1925, relating to prohibitions against disturbing religious meetings; providing penalties; and declaring an emergency.

SB 232, By Herring: Relating to the appointment of members of the Board of Directors of the Lower Colorado River Authority.

HCR 107, By Hendricks: In honor of Mrs. Robby Koons Mitchell, 1970-1971 Poet Laureate of Texas.

SCR 74, By Kothmann: Commending the sponsors of the San Antonio International Trade Fair.

HB 524, By Clayton: Providing for the creation of the Deaf Smith County Hospital District over all of Deaf Smith County, Texas; providing procedure for annexation of additional territory to said district; providing that the district shall assume any outstanding debt of Deaf Smith County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

SB 236, By Patman: Eliminating the qualification that cities, towns, and villages with authority to enforce land use restrictions contained in subdivision dedications must be situated in a county having a population of more than 1,000,000 and extending the authority to any city, town, or village having a population of more than 10,000; amending Section 1, Chapter 72, Acts of the 59th Legislature, Regular Session, 1965 (Article 974a-1, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 554, By Wallace: Providing for the lump-sum payment upon termination of service of a portion of the accumulated sick leave and vacation leave of firemen and policemen in certain cities.

SB 397, By Watson: Exempting from ad valorem taxation any land owned by a nonprofit corporation and used solely as ecological laboratories by Texas colleges and universities; amending Article 7150, Revised Civil Statutes of Texas, 1925, as amended, by adding a Section 27; and declaring an emergency.

SB 621, By Kennard: Relating to the power of political subdivisions to place certain signs along certain rights-of-way; and declaring an emergency.

SB 213, By Kennard: Relating to the creation, establishment, operation, and dissolution of a county civil service system in certain counties; and declaring an emergency.

SB 601, By Watson: To establish the grounds on which the State Board of Podiatry Examiners may refuse to admit a person to examination or to license a person to practice podiatry; and declaring an emergency.

SB 369, By Mauzy: Requiring the use of the jury wheel in all counties and providing the source of names to be used for jury wheel.

SCR 72, By Moore: Memorializing Latham (Dolly) Boone, Jr.

SB 160, By Creighton: Relating to the right, power, and authority of the Coordinating Board, Texas College and University System, to contract with the Texas College of Osteopathic Medicine to provide for the education of certain medical students.

SB 176, By Herring: Amending Texas Non-Profit Corporation Act.

SB 261, By Mauzy: Amending employers' liability and workmen's compensation laws of this state; to provide that in the case of death where guardian has not been appointed for a beneficiary who is disqualified for taking because of lunacy, infancy or other disqualifying cause, payments may be made directly to the person having custody of the person of such beneficiary.

SB 265, By Jordan: Amending the employers' liability and workmen's compensation laws to include injuries caused as the result of repetitious mental or physical traumatic activities extended over a period of time and further providing for the coverage of all occupational diseases that arise out of and in the course of employment which cause damage or harm to the physical structure of the body.

SB 412, By Herring: Authorizing the transfer of the land of the Confederate Woman's Home from the Texas Department of Mental Health and Mental Retardation to the State Building Commission; to sell and convey same after offering such land to state agencies for a period of six (6) months and no agency desires the transfer of such land to it; describing the manner of sale and disposition of proceeds; and declaring an emergency.

SB 494, By Creighton: Creating a Texas Advisory Commission on Intergovernmental Relations; providing for members; establishing terms of office and procedures for filling vacancies and keeping records; etc.; and declaring an emergency.

SB 177, By McKool: Amending Section 6, Chapter 6, Acts of the 43rd Legislature, 1st Called Session, 1933, as added (Article 2654b-1, Vernon's Texas Civil Statutes), relating to exemption from fees of Veterans of the Cold War; and declaring an emergency.

SB 255, By Brooks: Relating to the powers, duties, composition, and term of office of the Commission on Fire Protection Personnel Standards and Education; and declaring an emergency.

SB 343, By Blanchard: Amending Art. 6472a, V.C.S., concerning written and oral depositions in matters before the Railroad Commission of Texas; repealing Art. 6472b, V.C.S.; and declaring an emergency.

SB 612, By Hightower: To amend Chapter 550, Acts of the 61st Legislature, 1969 (Article 1111c-1, Vernon's Texas Penal Statutes), by adding Section 2(d) to give the State Board of Insurance the power to adopt rules and regulations relating to the safe operation of mobile service units; and declaring an emergency.

HCR 90, By Harding: In memory of Captain Albert Tijerina, Jr.

HCR 102, By E. Jones, et al: In memory of Thomas E. Dewey.

SB 645, By Bernal: Relating to the sale, offer to sell, and prohibited use of certain substances that release toxic vapors; providing penalties; and declaring an emergency.

SB 517, By Blanchard: Amending Sec. 3, Ch. 455, Acts, 59th Leg., R.S., 1965, relating to exclusions from coverage of the State Building Construction Administration Act.

SJR 2, By Brooks: Proposing an Amendment to Section 48a, Article III, Constitution of the State of Texas, to reduce the minimum service requirement for eligibility under the teacher retirement system from ten years to five years.

SB 337, By Jordan, et al: Authorizing the Board of Regents of the University of Texas System to establish, maintain, and operate System Nursing Schools as branches of the University of Texas Nursing School (System-wide); etc.

SB 364, By Mauzy: Amending the workmen's compensation for employees of counties; providing for waiver of common law defenses of contributory negligence.

SB 798, By Jordan: Relating to the extension of workmen's compensation insurance to employees of hospital districts that have been or may be created by the Legislature in accordance with Section 9, Article IX, Constitution of the State of Texas; providing for the adoption of Article 8309c, Revised Civil Statutes of Texas, as amended, etc.; and declaring an emergency.

SB 264, By Jordan: Amending Article 8309c-1, workmen's compensation for employees of certain drainage districts; providing for the waiver of common law defenses of contributory negligence, fellow servant doctrine and assigned risk and further providing for the right of employees when employer is not a subscriber to sue the employer for common law negligence.

SB 428, By Schwartz: Providing that it is not a defense to a prosecution for water pollution that a permit or order authorizing the discharge has been issued by the Texas Water Quality Board, the Texas Water Development Board, or the Texas Railroad Commission, unless same is concurred in by the local governing bodies; amending Section 2, Article 698c, Penal Code of Texas, 1925; and declaring an emergency.

SCR 9, By Schwartz: Senate Concurrent Resolution authorizing and directing the Interagency Natural Resources Council in its Coastal Resources Management Program to conduct certain important environmental, legal and economic investigations relating to the protection, conservation and development of Texas' coastal resources and coastal environment.

SB 443, By Blanchard: Relating to the creation, administration, powers, duties, maintenance, and financing of Seminole Hospital District of Gaines County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

SB 730, By Jordan: Amending Article 5.76(c) of the Texas Insurance Code, as amended, making the Texas Workmen's Compensation Assigned

Risk Pool responsible for all policies and claims in existence for any insurance company which has been declared insolvent by the courts of this state or any other state in the same manner as if said policies had been written by the servicing company of this agency, etc.; and declaring an emergency.

SB 174, By Herring: Providing for amendments to charitable trusts.

SCR 73, By Herring: In memory of James M. Dellinger.

SCR 8, By Schwartz: Senate Concurrent Resolution authorizing and directing the Interagency Council to provide the mechanism to promote interagency cooperation and coordination with regard to land use, pollution control and other problems in the Coastal Zone; working with the appropriate agencies, to delineate the roles and responsibilities of the state agencies concerned with the protection, conservation, and development of the state's coastal resources.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

Representatives Traeger, Reed, Finck, and Bynum entered the House and were announced present.

#### LEAVE OF ABSENCE GRANTED

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

Mr. Haynes on motion of Mr. Carl Parker.

#### 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 524, Creating the Deaf Smith County Hospital District.

HB 971, Creating the City of Cities Municipal Utility District.

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

HCR 33, Memorializing Congress concerning the public welfare needs.

HCR 105, Commending the Central Park Lions Club, San Antonio, Texas.

HCR 106, Recalling HB 106 from the Governor.

HCR 108, In memory of Albert N. Jackson.

SCR 71, In memory of J. Warren Hitt.

Representative Tom Moore entered the House and was announced present.

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PROVIDING FOR CONSIDERATION OF A LOCAL  
AND CONSENT CALENDAR OF BILLS

Mr. Jim Nugent moved to suspend all necessary rules and to set a Local and Consent Calendar of Bills for Friday, April 16, 1971, at 9:30 a.m.

The motion prevailed without objection.

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Representative Patterson entered the House and was announced present.

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MEMORIAL RESOLUTION ADOPTED

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

HSR 332, by Aubry Moore: In memory of Milton Boortz.

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Representative Kilpatrick entered the House and was announced present.

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CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 334, by Uher: Expressing gratitude to Wharton County Junior College.

HSR 335, by Speaker Mutscher: Commending Mrs. Beulah Hodge.

HSR 337, by Tom Holmes: Commending the Tarleton State College rodeo teams.

HSR 338, by Finney: Congratulating the State of California and its Assembly and Speaker Pro Tem.

HSR 339, by Finck: Commending the members of the Fourth, Fifth, and Sixth Grade classes of Edgewood Elementary School, San Antonio, Texas.

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Representative Atwell entered the House and was announced present.

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INTRODUCTION OF HOUSE BILLS

Mr. Harris asked unanimous consent to introduce and have placed on first reading HB 1703.

There was no objection offered.

Mr. Longoria asked unanimous consent to introduce and have placed on first reading HB 1704.

There was no objection offered.

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Representative Ligarde entered the House and was announced present.

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INTRODUCTION OF HOUSE BILLS—(continued)

Mr. Nabers asked unanimous consent to introduce and have placed on first reading HB 1705.

There was no objection offered.

Mr. Lovell asked unanimous consent to introduce and have placed on first reading HB 1706 and HB 1707.

There was no objection offered.

Mr. Swanson asked unanimous consent to introduce and have placed on first reading HB 1709.

There was no objection offered.

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Representative Lee entered the House and was announced present.

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MOTION TO INTRODUCE A HOUSE BILL

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

There was objection.

Mr. Lombardino then requested to introduce a House Bill.

A record vote was requested.

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

## Yeas—107

Agnich	Dramberger	Kost	Price
Allen, Joe	Earthman	Lee	Reed
Allen, John	Farenthold	Lemmon	Rodriguez
Allred	Finck	Lewis	Salem
Angly	Finnell	Ligarde	Santiesteban
Atwell	Finney	Lombardino	Schulle
Atwood	Floyd	Longoria	Semos
Bass, T.	Foreman	Lovell	Shannon
Bigham	Gammage	McKissack	Sherman
Blanton	Garcia	Mengden	Silber
Blythe	Golman	Moncrief	Simmons
Bowers	Graves	Moore, A.	Slack
Boyle	Hale	Moore, G.	Spurlock
Braecklein	Harding	Moreno	Stewart
Braun	Harris	Murray	Stroud
Bynum	Hawn	Nelms	Swanson
Cavness	Hilliard	Neugent, D.	Tarbox
Christian	Holmes, T.	Newton	Traeger
Clark	Hubenak	Nichols	Truan
Coats	Hull	Nugent, J.	Uher
Cobb	Johnson	Ogg	Vale
Cole	Jones, D.	Orr	Von Dohlen
Craddick	Jones, E.	Parker, C.	Wieting
Cruz	Jones, G.	Parker, W.	Williams
Davis, H.	Jungmichel	Patterson	Wolff
Doran	Kaster	Pickens	Wyatt
Doyle	Kilpatrick	Poerner	

## Nays—32

Adams	Clayton	Head	Poff
Baker	Daniel	Heatly	Presnal
Bass, B.	Davis, D.	Hendricks	Rosson
Beckham	Denton	Howard	Short
Burgess	Grant	Kubiak	Slider
Caldwell	Hanna, Joe	McAlister	Solomon
Calhoun	Hannah, John	Moore, T.	Ward
Cates	Hawkins	Nabers	Williamson

## Absent

Sanchez                      Smith

## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

## INTRODUCTION OF HB 1708

Mr. Hale asked unanimous consent to introduce and have placed on first reading HB 1708.

There was no objection offered.

## MEMORIAL RESOLUTION ADOPTED

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

HSR 340, by Speaker Mutscher: In memory of M. B. Holleman.

## 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.

## HB 203 ON THIRD READING

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

HB 203, Making additional requirements for reporting substantial interests of officers or employees of state agencies, legislators and legislative employees; etc.

The bill was read third time.

Mr. Jim Nugent offered the following amendment to the bill:

Amend Section 1, quoted Section 2(d) of HB 203, by adding the words "Legislative Reference Library" after the words "Legislative Budget Board."

The amendment was adopted without objection.

Mr. Denton offered the following amendment to the bill:

Amend HB 203 by striking out all of Section 5 and substituting in lieu thereof the following:

Section 5. Procedures for investigation. (a) At the request of a Member of either House, an ethics investigating committee shall be elected by the membership of that House to investigate an alleged violation of this Act. The ethics investigating committee shall be composed of five Members of the House. At least one Member shall be a Member of the minority party of that House. At least one Member shall be a resident of a county with a population of not less than 700,000. At least one Member shall be a resident of a county with a population of not less than 100,000 nor more than 699,999. At least one Member shall be a resident of a county with a population of not more than 99,999.

(b) During its term of service, the ethics investigating committee of either House shall consider and investigate all alleged violations of this Act referred to it by any Member of that House. The committee shall have the authority to utilize the services of all state, county and municipal agencies, to inspect all documents of said agencies, to conduct public hearings and to exercise the full powers granted by law to any legislative committee.

(c) The ethics investigating committee of either House shall serve until the next legislative session of that House or until its term of service is terminated by a majority vote of the membership of that House, whichever

is earlier; provided, however, that the term of service of the ethics investigating committee of either House shall not end until a majority of the members of that committee report to the House that all the business of that committee has been completed.

(d) Neither House shall elect to its ethics investigating committee any Member who is named as the subject of the requested investigation or who has any pecuniary interest in a corporation, association or other entity which is named as a participant in an alleged violation of this Act. After the election of the ethics investigating committee, should any Member of the committee be named as the subject of a requested investigation or possess a pecuniary interest in any corporation, association or other entity which is named as a participant in any alleged violation referred to the committee, said Member shall be disqualified from participating in the investigation of that matter. If the House is in session at the time of such disqualification, a replacement Member for consideration of that matter shall be elected by the House from among those Members of the House who will maintain the representation required by Section 5(a) of this Act. If the House is not in session, the qualified Members of the committee will conduct an investigation of the matter.

(e) The ethics investigating committee of either House shall submit a final report to the House on each matter referred to it for investigation. Final reports shall be submitted no later than the first day of the next legislative session of that House. Before the final report on a matter is submitted, and commencing no later than fifteen days after a matter is referred for investigation, the committee shall submit to the House one interim report per week on each matter referred to it for investigation.

Mr. Jim Nugent moved to table the above amendment.

The motion to table prevailed.

Mr. Lemmon offered the following amendment to the bill:

Delete all below the enacting clause and substitute the following:

Section 1. No Members of the Legislature shall offer or cause to be offered any bill or resolution for consideration, other than that paid by the state.

Section 2. Penalty for violation of this statute shall be a period of confinement in the state penitentiary of not less than two years or more than five years.

Section 3. The fact that standards of ethical conduct for public servants are not clearly defined and that the same tends to detract from the respect that governmental processes must enjoy if democratic government is to be effective, and the fact that delay in rectifying this fault may cause further erosion of public respect create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Jim Nugent moved to table the above amendment.

The motion to table prevailed.

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Representative Mengden entered the House and was announced present.

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HB 203—(Consideration continued)

Mr. Denton offered the following amendment to the bill:

Amend HB 203 by striking out all of Section 5 on Page 9 and substituting in lieu thereof the following:

Section 5. Procedures for investigation. (a) At the request of a Member of either House, an ethics investigating committee shall be elected by the Membership of that House to investigate an alleged violation of this Act. The ethics investigating committee shall be composed of five Members of the House. At least one Member shall be a Member of the minority party of that House. At least one Member shall be a resident of a county with a population of not less than 700,000. At least one Member shall be a resident of a county with a population of not less than 100,000 nor more than 699,999. At least one Member shall be a resident of a county with a population of not more than 99,999.

(b) During its term of service, the ethics investigating committee of either House shall consider and investigate all alleged violations of this Act referred to it by any Member of that House. The committee shall have the authority to utilize the services of all state, county and municipal agencies, to inspect all documents of said agencies, to conduct public hearings and to exercise the full powers granted by law to any legislative committee.

(c) The ethics investigating committee of either House shall serve until the next legislative session of that House or until its term of service is terminated by a majority vote of the Membership of that House, whichever is earlier; provided, however, that the term of service of the ethics investigating committee of either House shall not end until a majority of the Members of that committee report to the House that all the business of that committee has been completed.

(d) Neither House shall elect to its ethics investigating committee any Member who is named as the subject of the requested investigation or who has any pecuniary interest in a corporation, association or other entity which is named as a participant in an alleged violation of this Act. After the election of the ethics investigating committee, should any Member of the committee be named as the subject of a requested investigation or possess a pecuniary interest in any corporation, association or other entity which is named as a participant in any alleged violation referred to the committee, said Member shall be disqualified from participating in the investigation of that matter. If the House is in session at the time of such disqualification, a replacement Member for consideration of that matter shall be elected by the House from among those Members of that House who will maintain the representation required by Section 5(a) of this Act. If the House is not in session, the qualified Members of the committee will conduct an investigation of the matter.

(e) The ethics investigating committee of either House shall submit a final report to the House on each matter referred to it for investigation. Final reports shall be submitted no later than the first day of the next legislative session of that House. Before the final report on a matter is submitted, and commencing no later than fifteen days after a matter is referred for investigation, the committee shall submit to the House one interim report per week on each matter referred to it for investigation.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—92**

Adams	Finnell	Ligarde	Salem
Allen, John	Finney	Lombardino	Santiesteban
Atwell	Garcia	Longoria	Schulle
Atwood	Golman	Lovell	Shannon
Baker	Hale	McAlister	Sherman
Beckham	Hanna, Joe	McKissack	Short
Blanton	Harding	Moncrief	Silber
Boyle	Hawkins	Moore, A.	Simmons
Burgess	Hawn	Moore, G.	Slack
Bynum	Heatly	Murray	Slider
Calhoun	Hendricks	Nabers	Smith
Cates	Hilliard	Neugent, D.	Solomon
Cavness	Holmes, T.	Newton	Spurlock
Christian	Howard	Nugent, J.	Stroud
Clayton	Hubenak	Ogg	Swanson
Cobb	Hull	Parker, C.	Tarbox
Cole	Jones, D.	Parker, W.	Traeger
Cruz	Jones, G.	Pickens	Uher
Davis, D.	Jungmichel	Poerner	Von Dohlen
Davis, H.	Kaster	Poff	Ward
Doran	Kilpatrick	Presnal	Wieting
Doyle	Kost	Price	Williams
Finck	Lemmon	Rosson	Williamson

**Nays—47**

Agnich	Clark	Hannah, John	Nichols
Allen, Joe	Coats	Harris	Orr
Allred	Craddick	Head	Patterson
Angly	Daniel	Johnson	Reed
Bass, B.	Denton	Jones, E.	Rodriguez
Bass, T.	Dramberger	Kubiak	Semos
Bigham	Earthman	Lee	Stewart
Blythe	Farenthold	Lewis	Truan
Bowers	Foreman	Mengden	Vale
Braecklein	Gammage	Moore, T.	Wolff
Braun	Grant	Moreno	Wyatt
Caldwell	Graves	Nelms	

**Absent**

Floyd	Sanchez
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## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

Mr. McAlister offered the following amendment to the bill:

Amend HB 203 as follows:

(1) Strike all of Section 5, page 12, of engrossed printing and substitute the following:

"Sec. 5. The report required by subsections (a), (b), and (c) of Section 4 of this Act shall include a complete account of the Member's, judge's, officer's, or candidate's income and that of his spouse and dependent children and shall be in the form of a certified copy of the United States Individual Income Tax Return Form 1040 for the previous calendar year."

(2) Strike "March 1" in Subsection (a) of Section 4, page 10, and insert "April 15."

Mr. Patterson moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

## Yeas—56

Adams	Coats	Kaster	Rodriguez
Agnich	Craddock	Kubiak	Salem
Allen, Joe	Cruz	Ligarde	Santiesteban
Allen, John	Denton	Lombardino	Shannon
Allred	Farenthold	Lovell	Silber
Angly	Gammage	Moore, T.	Simmons
Bass, B.	Grant	Moreno	Smith
Bass, T.	Graves	Nabers	Stewart
Bigham	Hale	Nelms	Stroud
Blythe	Hannah, John	Newton	Truan
Boyle	Harris	Nichols	Vale
Braun	Head	Patterson	Williamson
Caldwell	Johnson	Poerner	Wolff
Clark	Jones, E.	Reed	Wyatt

## Nays—77

Atwell	Christian	Finney	Howard
Baker	Clayton	Foreman	Hubenak
Beckham	Daniel	Golman	Hull
Blanton	Davis, D.	Hanna, Joe	Jones, D.
Bowers	Davis, H.	Harding	Jones, G.
Braecklein	Doran	Hawkins	Jungmichel
Burgess	Doyle	Hawn	Kost
Bynum	Dramberger	Heatly	Lee
Calhoun	Earthman	Hendricks	Lemmon
Cates	Finck	Hilliard	Lewis
Cavness	Finnell	Holmes, T.	Longoria

McAlister	Ogg	Schulle	Traeger
McKissack	Orr	Semos	Uher
Mengden	Parker, C.	Sherman	Von Dohlen
Moncrief	Parker, W.	Short	Ward
Moore, A.	Pickens	Slider	Wieting
Moore, G.	Poff	Solomon	Williams
Murray	Presnal	Spurlock	
Neugent, D.	Price	Swanson	
Nugent, J.	Rosson	Tarbox	

## Present—Not Voting

## Atwood

## Absent

Cobb	Floyd	Kilpatrick	Slack
Cole	Garcia	Sanchez	

## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

A record vote was requested on the McAlister amendment.

The McAlister amendment failed of adoption by the following vote (not receiving the necessary two-thirds vote):

## Yeas—73

Atwell	Finnell	Kost	Schulle
Atwood	Finney	Lemmon	Shannon
Baker	Foreman	Lewis	Sherman
Beckham	Golman	Longoria	Short
Blanton	Hanna, Joe	McAlister	Slack
Burgess	Harding	McKissack	Slider
Bynum	Hawkins	Moore, A.	Solomon
Calhoun	Hawn	Moore, G.	Spurlock
Cates	Heatly	Murray	Swanson
Cavness	Hendricks	Nabers	Tarbox
Christian	Hilliard	Neugent, D.	Traeger
Clark	Holmes, T.	Nugent, J.	Uher
Clayton	Howard	Ogg	Ward
Cobb	Hubenak	Parker, C.	Wieting
Davis, D.	Hull	Parker, W.	Williams
Davis, H.	Jones, D.	Pickens	Williamson
Doyle	Jones, G.	Poff	
Dramberger	Jungmichel	Presnal	
Finck	Kilpatrick	Rosson	

## Nays—62

Adams	Allred	Bigham	Braecklein
Agnich	Angly	Blythe	Braun
Allen, Joe	Bass, B.	Bowers	Caldwell
Allen, John	Bass, T.	Boyle	Coats

Craddick	Harris	Moreno	Silber
Cruz	Head	Nelms	Simmons
Daniel	Johnson	Newton	Smith
Denton	Jones, E.	Nichols	Stewart
Earthman	Kaster	Orr	Stroud
Farenthold	Kubiak	Patterson	Truan
Gammage	Lee	Poerner	Vale
Garcia	Lombardino	Reed	Von Dohlen
Grant	Lovell	Rodriguez	Wolff
Graves	Mengden	Salem	Wyatt
Hale	Moncrief	Santiesteban	
Hannah, John	Moore, T.	Semos	

## Absent

Cole	Floyd	Price	Sanchez
Doran	Ligarde		

## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

Mr. Kubiak offered the following amendment to the bill:

Amend HB 203 by striking all below the enacting clause and substituting the following:

Section 1. Declaration of policy. It is hereby declared to be the policy of the Legislature of the State of Texas that no legislator, elected state official or officer of a state agency, or any elected public official of this state or any political subdivision thereof, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and to strengthen the faith and confidence of the people of Texas in their state government, there is herein enacted a Code of Ethics setting forth standards of conduct to be observed by persons owing a responsibility to the people of Texas and the government of the State of Texas in the performance of their official duties. It is the intent of the Legislature that this Code shall serve not only as a guide for official conduct of these state officials but also as a basis for discipline of those who refuse to abide by its terms.

Sec. 2. Definitions. In this Act, unless the context otherwise requires:

(1) "State Agency" means any office, department, commission, agency, or board of the State of Texas.

(2) "Elected Official" means:

(A) those officials of the government of the State of Texas who are elected in each statewide election except officials of the judicial branch of government;

(B) elected officials of the judicial branch of government;

(C) Members of the Texas House of Representatives and Texas Senate; and

(D) all other elected officials of the State of Texas or any political subdivision thereof.

(3) "Substantial interest" means:

(A) controlling interest in any business entity;

(B) ownership in excess of 5 percent of the voting or controlling interest in the business entity;

(C) any participating interest, either direct or indirect, by shares, stock, or otherwise, whether or not voting rights are included, in the profits, proceeds, or capital gains of the business entity, in excess of 5 percent of same; or

(D) the holding of a position of member of the board of directors or other governing board or an elected officer or an employee of a business entity.

(4) "Business entity" means any person, corporation, firm, holding company, partnership, joint stock company, receivership, trusteeship, or any other entity recognized in law through which business for profit may be conducted.

(5) "Substantial conflict" means that a person subject to this Act has an interest which is in conflict with the proper discharge of his duties in the public interest and of his responsibilities to the public interest.

Sec. 3. Standards of Conduct. (a) No legislator, elected official, or officer of a state agency shall accept any gift, favor, or service that might reasonably tend to influence him in the discharge of his official duties; any gift which is accepted and which has a reasonable cash market value in excess of \$100 must be reported quarterly to the Secretary of State on a form provided disclosing the gift and source of gift. The reports shall be available for public examination and inspection.

(b) If a legislator, elected official, or officer of a state agency is an officer, agent, director, or member of, or owns a substantial interest in, any business entity which is under the jurisdiction of or does business with any state regulatory agency, he shall file a sworn statement with the Secretary of State fully disclosing such interest.

(c) Any Member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall not vote thereon and shall disclose his interest to the House of which he is a Member. The statement shall be recorded in the House or Senate Journal, whichever is applicable. For the purpose of this subsection, a Member has a personal or private interest in a measure or bill if the measure or bill would result in any benefit or detriment to him as an individual or a member of a business, profession, or occupation, or group, to a greater extent than any other individual, member of a like business, profession, occupation, or group.

(d) No legislator, elected official or officer of a state agency shall dis-

close confidential information acquired by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit.

(e) No legislator, elected official or officer of a state agency shall transact any business in his official capacity with any business entity of which he is an officer, agent, or member, or in which he owns a substantial interest.

(f) No legislator, elected official, or officer of a state agency shall make personal investments in any enterprise which will create a substantial conflict between his private interest and the public interest.

(g) No officer of a state agency, or any firm, association, corporation, or other business entity in which he is a member, agent, or officer, or in which he owns a substantial interest, shall sell goods or services to any person, firm, association, or corporation which is licensed by or regulated in any manner by the state agency in which such officer serves.

(h) No legislator, elected official, or officer of a state agency shall use his office to influence governmental action in any matter affecting any client or organization from which he receives or has received a fee or any other financial remuneration, and no Member of the Legislature shall represent a client or clients for compensation before any state agency. Nothing in this Act shall preclude a legislator from acting in behalf of a constituent to determine the status of a matter before a state agency without accepting compensation therefor.

(i) On or before the last Friday of each calendar year, each legislator, elected official, and officer of a state agency who receives a regular salary from the State of Texas shall file with the clerk of the Supreme Court of the State of Texas a copy of his Federal income tax return for the preceding year. Each filed return shall be confidential and sealed by the clerk of the Supreme Court. Returns may be opened only pursuant to a resolution passed by a majority of the members of the Ethics Commission for the purpose of conducting an investigation under this Act. Each unopened return shall be destroyed by the clerk of the Supreme Court at the conclusion of the third year after its filing. If the Internal Revenue Service grants an extension of time for filing a Federal income tax return to a person required to file his Federal income tax return under this subsection, such person shall not be required to file his Federal income tax return with the clerk of the Supreme Court until the expiration date of such extension. Notice of the grant of an extension and the date of expiration of the extension must be filed with the clerk of the Supreme Court.

(j) On or before the last Friday of April of each calendar year, each legislator, elected official, and officer of a state agency who receives a regular salary from the State of Texas shall file with the Secretary of State a financial statement which shall be a public record covering sources of income; all acquisitions, investments, and divestments obtained or consummated during the preceding calendar year of the individual filing the statement, and his spouse, and shall be in the following form:

Financial Statement

For the period \_\_\_\_\_ to \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Office or position in the government of the State of Texas \_\_\_\_\_

For your information: The interests or items required to be disclosed in this statement include those of yourself and your spouse. The term business entity means any person, corporation, firm, partnership, joint stock company, receivership, trusteeship, or any other entity recognized by law through which business for profit may be conducted.

The term "sources of income" includes any business entity or individual from which a salary was received. It also includes any individual or business entity who has paid fees, commissions, bonuses, or any other compensation in excess of \$100 during the period covered by this financial statement. An attorney who is required to file this financial statement shall designate clients who have paid him fees in excess of \$100 for legal work done in relation to marital affairs or adoption proceedings as "Domestic Legal Services." Such clients names shall not be revealed.

1. List of sources of income: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. List of real property acquired or sold: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. List of all stocks, bonds, or other commercial paper held, acquired, or sold: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. List of all assets: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. List of all liabilities owed to any institution regulated or controlled by the State of Texas or the Federal Government: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I swear that the information given above is true to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

(k) All political candidates for positions and offices covered by this Act shall file with the Secretary of State a financial statement which shall be a public record covering sources of income, all acquisitions, investments, and divestments obtained or consummated during the preceding calendar year of the individual filing the statement, and his spouse, and shall be in the form prescribed in Subsection (j) of this section. The financial statement shall be filed within fifteen (15) days after the filing deadline for the election in which the individual is a candidate.

Sec. 4. Noncompliance. (a) An alleged violation of any provision of Section 3 of this Act shall constitute grounds for investigation by the State Ethics Commission.

(b) Violation of any provision of Section 3 of this Act shall be grounds for removal from office or discharge.

Sec. 5. Violation of the Provisions. Violation of the provisions of Section 3 of this Act shall be a felony and upon conviction is punishable by fine of not more than \$10,000 or imprisonment in the state penitentiary of not more than 10 years or both such fine and imprisonment.

Sec. 6. Conspiring to Violate the Provisions. Any official covered by this Act conspiring to violate the provisions of Section 3 of this Act shall be guilty of a felony which shall be punishable by fine of not more than \$10,000 or by imprisonment in the state penitentiary of not more than 10 years or both such fine and imprisonment.

Sec. 7. Civil Remedies. Any contract, agreement, ruling, or any other arrangement binding on the state that was issued because of a violation of this Act may at the state's option be cancelled without further obligation on the part of the state or limited to any degree the state deems proper without any obligation whatsoever.

Sec. 8. State Ethics Commission. (a) In the event that SJR 15 of the 62nd Legislature amending Article III, Section 24, of the Texas Constitution by providing for the establishment of a State Ethics Commission is adopted by the people of Texas in an election to be held on May 18, 1971, the members of that commission appointed pursuant to Article III, Section 24, shall constitute the State Ethics Commission referred to in this Act.

(b) In the event that SJR 15 of the 62nd Legislature is not adopted by the people of Texas in an election to be held on May 18, 1971, a State Ethics Commission is hereby created consisting of:

- (1) three Members of the Senate, elected by the Senate;
- (2) three Members of the House of Representatives, elected by the Members of the House of Representatives;
- (3) two persons appointed by the Chief Justice of the Supreme Court of the State of Texas;
- (4) two persons appointed by the Presiding Judge of the Court of Criminal Appeals of the State of Texas,

(5) two persons appointed by the Chairman of the State Judicial Qualifications Commission.

(c) Each House of the Legislature shall elect its representatives to serve on the commission at the convening of each Regular Session of the Legislature. These Members shall serve terms of two years.

(d) Each appointed member to the commission shall serve terms of two years. Terms expire on January 1 of odd-numbered years.

(e) Vacancies shall be filled for the unexpired term by appointment by the person making the appointment which has become vacant, and in the case of a Member of the Legislature if the Legislature is not in session, by appointment by the presiding officer of the House whose representative has vacated.

(f) The commission shall elect from its members a chairman to serve a term of 2 years.

Sec. 9. Powers and Duties of the Commission. (a) The commission may make rules and regulations to govern its proceedings consistent with this Act.

(b) The commission shall have the power to investigate alleged violations of this Act.

(c) The commission shall have full investigatory powers and subpoena powers; however no subpoena may be issued pertaining to any investigation until the commission adopts a resolution by a majority vote of the members of the commission defining the nature and scope of the investigation.

(d) Actions of the commission require the concurrence of a majority of the members, including the concurrence of two Members from the same House when the action pertains to that House or a Member of that House.

Sec. 10. Filing a Complaint. (a) Any person may file a verified written complaint with the commission, stating the name of the individual alleged to have violated this Act and a description of the alleged violation. Upon receipt of a complaint, the commission shall promptly furnish the alleged violator, hereafter referred to as respondent, a copy of the complaint. The respondent is entitled to make copies of all evidence in the possession of the commission with regard to the complaint.

(b) No complaint may be filed after the expiration of two years from the date of the alleged violation.

Sec. 11. Preliminary Investigation. (a) Upon receipt of a complaint, the commission shall determine whether or not the complaint alleges facts, directly or upon information and belief, sufficient to constitute a violation of this Act.

(b) If the commission determines the complaint does not allege facts sufficient to constitute a violation of this Act, it shall dismiss the complaint and notify the complainant and respondent in writing of its action.

(c) If the commission determines the complaint alleges facts sufficient to

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constitute a violation of this Act, the commission shall conduct a preliminary investigation of the alleged violation.

(d) If the preliminary investigation shows probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint and notify in writing the complainant and respondent of its actions.

(e) If the preliminary investigation shows probable cause does exist for believing the allegations of the complaint, the commission shall fix a time for a hearing in the matter which shall be not less than 30 or more than 60 days from the date of finding probable cause. The commission shall cause written notice to be served on the complainant and the respondent containing the date and time set for hearing, and the charges against the respondent. Such notice must be served at least 40 days prior to the date set for hearing and may be given by certified mail, return receipt requested, to the last known address of the respondent and complainant.

Sec. 12. Hearing. (a) At the hearing the respondent has the right to appear personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the commission, to introduce evidence, and to cross-examine opposing or adverse witnesses.

(b) The hearing shall be open to the public.

Sec. 13. Right of Persons Named or Adversely Affected to Testify or File Statement of Facts. Any official or other person whose name is mentioned at any investigation or hearing of the commission and who believes that testimony has been given which adversely affects him, shall have the right to testify and, at the discretion of the commission, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

Sec. 14. Findings of Fact and Disposition. (a) After the hearing, the commission shall state its findings of fact in writing.

(b) If the commission finds that the respondent has not violated a provision of this Act, the commission shall notify the respondent and complainant and dismiss the proceeding.

(c) If the commission finds that the respondent has violated a provision of this Act, it shall notify the respondent and complainant and submit a written report of its findings to the House in which the respondent serves in the case of a legislator, or to the Secretary of State in the case of an elected official or the officer of a state agency. It shall also send a copy of its report to the complainant, respondent, the Attorney General, and to the district attorney of the county where the violation occurred.

(d) Any report issued by the commission shall be public record.

Sec. 15. Confidential Investigative Records. The commission shall maintain a record of its investigations and inquiries. All such information, records and documents shall be deemed confidential and shall not be open to inspection by any person other than a member, agent or employee of the commission. Provided, however, the commission may, by adoption of a resolution, authorize the release to the Attorney General or to the dis-

trict attorney of the appropriate county of any information, records, complaints, documents, reports and transcripts in its possession material to any matter pending before the Attorney General or the district attorney. Provided further, all matters presented at a public hearing of the commission and all reports of the commission stating a final finding of fact shall be public records and open to public inspection.

Sec. 16. Any person who discloses or allows to be disclosed any information deemed to be confidential by this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or imprisonment in the county jail for not more than six months, or both.

Sec. 17. Compensation. Members of the commission shall receive actual expenses incurred in the performance of their duties. Members of the commission who are not legislators shall also receive \$20 per diem for each day spent in the performance of their duties.

Sec. 18. Severability. If any word, phrase, clause, paragraph, sentence, subsection, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, subsection, part, portion or provision.

Sec. 19. Emergency. The fact that the lack of an adequate code of ethics for any legislator, elected official, or officer of a state agency lessens the public's respect for its government and the crowded condition of the calendars of both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read or three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—70

Adams	Hale	McAlister	Schulle
Baker	Hanna, Joe	McKissack	Shannon
Blanton	Harding	Moncrief	Sherman
Boyle	Hawn	Moore, A.	Short
Burgess	Heatly	Moore, G.	Slack
Calhoun	Holmes, T.	Nabers	Slider
Cates	Howard	Neugent, D.	Solomon
Christian	Hubenak	Newton	Spurlock
Clayton	Hull	Nugent, J.	Swanson
Cobb	Jones, D.	Ogg	Tarbox
Cruz	Jones, G.	Parker, W.	Uher
Doran	Jungmichel	Patterson	Von Dohlen
Doyle	Kaster	Pickens	Ward
Finck	Kost	Poerner	Wieting
Finnell	Ligarde	Poff	Williams
Finney	Lombardino	Presnal	Williamson
Foreman	Longoria	Rosson	
Garcia	Lovell	Santiesteban	

## Nays—69

Agnich	Clark	Hawkins	Price
Allen, Joe	Coats	Head	Reed
Allen, John	Cole	Hendricks	Rodriguez
Allred	Craddick	Hilliard	Salem
Angly	Daniel	Johnson	Semos
Atwell	Davis, D.	Jones, E.	Silber
Atwood	Davis, H.	Kilpatrick	Simmons
Bass, B.	Denton	Kubiak	Smith
Bass, T.	Dramberger	Lee	Stewart
Beckham	Earthman	Lemmon	Stroud
Bigham	Farenthold	Lewis	Traeger
Blythe	Floyd	Mengden	Truan
Bowers	Gammage	Moreno	Vale
Braecklein	Golman	Murray	Wolff
Braun	Grant	Nelms	Wyatt
Bynum	Graves	Nichols	
Caldwell	Hannah, John	Orr	
Cavness	Harris	Parker, C.	

## Absent

Moore, T.                      Sanchez

## Absent-Excused

Carrillo                      Holmes, Z.                      Niland                      Tupper  
Haynes                      Ingram                      Salter                      Wayne

HB 203, as amended, was passed by the following vote:

## Yeas—133

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

Nugent, J.	Reed	Slack	Vale
Ogg	Rodriguez	Smith	Von Dohlen
Orr	Rosson	Solomon	Ward
Parker, C.	Salem	Spurlock	Wieting
Parker, W.	Santiesteban	Stewart	Williams
Patterson	Schulle	Stroud	Williamson
Pickens	Semos	Swanson	Wolff
Poerner	Shannon	Tarbox	Wyatt
Poff	Sherman	Traeger	
Presnal	Short	Truan	
Price	Simmons	Uher	

Nays—6

Atwood	Jones, G.	Silber	Slider
Doran	Moore, A.		

Absent

Hubenak	Sanchez
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Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

Mr. Jim Nugent moved to reconsider the vote by which HB 203 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 31 ON SECOND READING  
(Mr. Wieting—House Sponsor)

The Speaker laid before the House, in lieu of HB 546, on its second reading and passage to third reading,

SB 31, A bill to be entitled An Act relating to adoption by the State Board of Insurance of rules and regulations providing for an assigned risk plan for fire and casualty insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.75; and declaring an emergency.

The bill was read second time.

Mr. Grant Jones offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 31 by striking all below the Enacting Clause and substituting the following:

“Section 1. Declaration and Purpose—It is hereby declared by the Legislature that an adequate market for windstrom, hail and fire insurance is necessary to the economic welfare of the State of Texas and that without such insurance the orderly growth and development of the State of Texas would be severely impeded. It is therefore the purpose of this Act to pro-

vide a method whereby adequate windstorm, hail and fire insurance may be obtained in certain designated portions of the State of Texas.

"Section 2. Name of Act—This Act shall be known as the 'Texas Catastrophe Property Insurance Pool Act.'

"Section 3. Definitions—In this Act, unless the context clearly dictates to the contrary:

"(a) 'Board' means the State Board of Insurance of the State of Texas.

"(b) 'Association' means the Texas Catastrophe Property Insurance Association as established pursuant to the provisions of this Act.

"(c) 'Plan of Operation' means the plan for providing Texas windstorm and hail insurance in a catastrophe area and Texas fire and explosion insurance in an inadequate fire insurance area which plan has been approved by the Board for operation by the Association pursuant to the provisions of this Act, which plan may, among other things, provide for limits of liability for each structure insured, and/or the corporeal movable property located therein.

"(d) 'Texas Windstorm and Hail Insurance' means deductible insurance against direct loss to insurable property as a result of windstorm or hail as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

"(e) 'Texas Fire and Explosion Insurance' means insurance against direct loss to insurable property as a result of fire and explosion as such terms shall be defined and limited in policies and forms approved by the State Board of Insurance.

"(f) 'Insurable Property' means immovable property at fixed locations in a catastrophe area or corporeal movable property located therein (as may be designated in the plan of operation) which property is determined by the Association, pursuant to the criteria specified in the plan of operation to be in an insurable condition against windstorm, hail and/or fire and explosion as appropriate, as determined by normal underwriting standards; provided, however, that, insofar as windstorm and hail insurance is concerned, any structure located within the seacoast territory as defined by the State Board of Insurance in the General Basis Schedule, commenced on or after the 30th day following the publication of the plan of operation, not built or continuing in compliance with building specifications set forth in the plan of operation shall not be an insurable risk under the terms of this Act. A structure, or an addition thereto, which is constructed in conformity with plans and specifications that comply with the specifications set forth in the plan of operation at the time construction commences shall not be declared ineligible for windstorm and hail insurance as a result of subsequent changes in the building specifications set forth in the plan of operation. When repair of damage to a structure involves replacement of items covered in the building specifications as set forth in the plan of operation, such repairs must be completed in a manner to comply with such specifications for the structure to continue within the definition of Insurable Property for windstorm and hail insurance. Nothing in this Act shall preclude special rating of individual risks as may be provided in the plan of operation.

"(g) 'Net Direct Premiums' means gross direct written premiums less return premiums upon canceled contracts (irrespective of reinsurance assumed or ceded) written on property in this state as defined by the Board of Directors of the Association.

"(h) 'Catastrophe Area' means a city or county in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that windstorm and hail insurance is not reasonably available to a substantial number of owners of insurable property within such city or county, due to such insurable property being located within a city or county subject to unusually frequent and severe damage resulting from windstorms and/or hailstorms. Such designation shall be revoked by the Board if it determines, after notice of not less than 10 days and a hearing, that windstorm and hail insurance in such catastrophe area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that windstorm and hail insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated catastrophe area or areas, then the Association may request in writing that the Board revoke the designation of any or all of such catastrophe areas and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request be approved, revoke such designation or designations.

"(i) 'Inadequate Fire Insurance Area' means a city or county which is, or is within an area, designated as a catastrophe area, as defined in paragraph (h), above, and in which it may be determined by the Board, after notice of not less than 10 days and a hearing, that fire and explosion insurance is not reasonably available to a substantial number of owners of insurable property within such city or county. Such designation shall be revoked by the Board if it determines, after 10 days' notice and a hearing, that fire and explosion insurance in such inadequate fire insurance area is no longer reasonably unavailable to a substantial number of owners of insurable property within such designated city or county. If the Association shall determine that fire and explosion insurance is no longer reasonably unavailable to a substantial number of owners of insurable property in any designated inadequate fire insurance area or areas, then the Association may request in writing that the Board revoke the designation of any or all such inadequate fire insurance areas, and, after notice of not less than 10 days and a hearing, but within 30 days of such hearing, the Board shall either approve or reject the Association's request and shall, if such request is approved, revoke such designation or designations.

"(j) 'Insurance' as hereinafter used in this Act shall mean the types of insurance described in paragraphs (d) and (e) of this Section 3.

"Section 4. Creation of the Texas Catastrophe Property Insurance Association—

"(a) The Association which is hereby created, shall consist of all property insurers authorized to transact property insurance in this state; except those companies that are prevented by law from writing coverages available through the pool on a statewide basis. Every such insurer shall be a member of the Association and shall remain a member of the Association so long as the Association is in existence, as a condition of its

authority to transact the business of insurance in this state. Any insurer which ceases to be a member of the Association shall remain liable on contracts of insurance entered into during its membership in the Association to the same extent and effect as if its membership in the Association had not been terminated.

“(b) The organizational plan of certain types of insurers precludes such insurers from writing insurance coverage for the State of Texas, any city, political subdivision or agency of the state. When insuring property of the State of Texas, any city, political subdivision or agency of the state, the Association shall not cause such policies to be issued in such companies, nor shall such companies be included as reinsurers for any policies of insurance in this category.

“Section 5. Operation of the Texas Catastrophe Property Insurance Association—

“(a) The Association shall, pursuant to the provisions of this Act and the plan of operation, and with respect to insurance on insurable property, have the power on behalf of its members to cause to be issued policies of insurance to applicants, to assume reinsurance from its members, and to cede reinsurance to its members and to purchase reinsurance on behalf of its members.

“(b) On or before 10 days after the effective date of this Act the Board shall appoint a temporary board of directors of the Association which shall consist of seven representatives of members of the Association, selected so as to fairly represent various classes of member insurers. Such temporary board of directors shall prepare and submit a plan of operation and shall serve until the permanent board of directors shall take office in accordance with said plan of operation.

“(c) All members of the Association shall participate in its writings, expenses, profits and losses in the proportions that the net direct premiums (excluding premiums on property of the State of Texas, any city political subdivision or agency of the State) of such member written in this state during the preceding calendar years bears to the aggregate net direct premiums (excluding premiums on property of the State of Texas, any city, political subdivision or agency of the state) written in this state by all members of the Association, as furnished to the Association by the Board after review of annual statements, other reports and other statistics the Board shall deem necessary to provide the information herein required and which the Board is hereby authorized and empowered to obtain from any member of the Association, provided, however, that a member shall, in accordance with the plan of operation, be entitled to receive credit for similar insurance voluntarily written in the area designated by the Board and its participation in the writings in the Association shall be reduced in accordance with the provisions of the plan of operation. Each member's participation in the Association shall be determined annually in the same manner as the initial determination. Any insurer authorized to write and engaged in writing any insurance, the writing of which required such insurer to be a member of the Association, who becomes authorized to engage in writing such insurance after the effective date of this Act shall become a member of the Association on the 1st day of January immediately following such authorization and the determination of such insurer's participation in the Association shall be made as of

the date of such membership in the same manner as for all other members of the Association.

“(d) On or before 45 days after the effective date of this Act, the temporary board of directors of the Association shall submit to the Board for review and approval a proposed plan of operation. Such proposed plan shall set forth the number, qualifications, terms of office and manner of election of the members of the board of directors and shall provide for the efficient, economical, fair, and nondiscriminatory administration of the Association. Such proposed plan may include a preliminary assessment of all members for initial expenses necessary to the commencement of operation, the establishment of necessary facilities, management of the Association, plan for assessment of members to defray losses and expenses, underwriting standards, procedures for the acceptance and cession of reinsurance, procedures for determining the amount of insurance to be provided to specific risks, time limits and procedures for processing applications for insurance, and for such other provisions as may be deemed necessary by the board of directors and the Board to carry out the purposes of this Act. The proposed plan shall be reviewed by the Board and approved, unless it finds that such plan does not properly fulfill the purposes of this Act. In the review of the proposed plan the Board may, in its discretion, consult with the directors of the Association and may seek any further information which it deems necessary for a decision. If the Board approves the proposed plan, it shall certify such approval to the directors and the plan shall become effective 10 days after such certification. If the Board disapproves all or any part of the proposed plan of operation, it shall return the same to the directors with its written statement setting forth the reasons for the disapproval and any recommendations it may wish to make. The directors may alter the plan in accordance with the recommendations of the Board or shall, within 15 days from the date of disapproval, return a new plan to the Board. In the event the Association has not proposed a plan satisfactory to the Board on or before the 14th day of May, 1971, the Board shall certify and adopt a plan under which the Association shall operate.

“The Directors of the Association may, subject to the approval of the Board, amend the plan of operation at any time.

“In the absence of an appeal, the Association shall adopt amendments to the plan proposed by the Board within 30 days.

“Section 6. Eligibility: Application—

“(a) Any person having an insurable interest in insurable property located in an area designated by the Board shall be entitled to apply to the Association for insurance provided for under the plan of operation and for an inspection of the property under such rules and regulations, including an inspection fee, if any, as determined by the Board of Directors of the Association and approved by the State Board of Insurance. The term ‘insurable interest’ as used in this subsection shall be deemed to include any lawful and substantial economic interest in the safety or preservation of property from loss, destruction or pecuniary damage. Application shall be made on behalf of the applicant by a Local Recording Agent and shall be submitted on forms prescribed by the Association. The application shall contain a statement as to whether or not the applicant has or will submit the premium in full from personal funds, or if not, to whom a balance is or will be due.

“(b) If the Association determines that the property is insurable, the Association, upon payment of the premium shall cause to be issued a policy of insurance as may be provided in the plan for a term of one year.

“In the event an agent or some other person, firm, or corporation shall finance the payment of all or a portion of the premium and there is a balance due for the financing of such premium and such balance, or any installment thereof, is not paid within 10 days after the due date, the agent or other person, firm, or corporation to whom such balance is due may request cancellation of the insurance by returning the policy, with proof that the insured was notified of such return, or by requesting the Association to cancel such insurance by notice mailed to the insured and any others shown in the policy as having an insurable interest in the property. Upon completion of cancellation, the Association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, to the person, firm, or corporation to whom the unpaid balance is due. In the event an insured requests cancellation of insurance, the Association shall make refund of such unearned premium payable to the insured and the holder of an unpaid balance. The Local Recording Agent, who submitted the application, shall refund the commission on any unearned premium in the same manner.

“(c) Any policy issued pursuant to the provisions of this Act may be renewed annually, upon application therefor, so long as the property continues to meet the definition of ‘insurable property’ set forth in Section 3.

“(d) Each Association member shall cede to the Association 100 per cent of the fire and windstorm insurance written pursuant to, and on the terms and conditions set forth in, the plan of operation.

“Section 7. Deletion of Coverages from Other Policies—

“The Board shall prepare endorsements and forms applicable to the standard policies which it has promulgated providing for the deletion of coverages available through the Association and shall promulgate the applicable reduction of premiums and rates for the use of such endorsements and forms.

“Section 8. Rates, Rating Plans and Rate Rules Applicable—

“(a) The Association shall file with the Board every manual of classifications, rules, rates which shall include condition charges, every rating plan, and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the character and the extent of the coverage contemplated and shall be accompanied by the policies and endorsements forms proposed to be used, which said forms and endorsements may be designed specifically for the use by the Association and without regard to other forms filed with, approved by, or promulgated by the Board for use in this state.

“(b) For the purpose of making such filing the Association may utilize filings made by licensed rating organizations and it may utilize the loss or expense statistics or recommendations collected and furnished to the Board by an advisory organization authorized under Article 5.73, Insurance Code of Texas.

“(c) Any filing made by the Association pursuant hereto shall be submitted to the Board and as soon as reasonably possible after the filing has been made the Board shall, in writing, approve, modify, or disapprove the same; provided that any filing shall be determined approved unless modified or disapproved within 30 days after date of filing.

“(d) If at any time the Board finds that a filing so approved no longer meets the requirements of this Act, it may, after a hearing held on not less than 20 days’ notice to the Association specifying the matters to be considered at such hearing, issue an order withdrawing its approval thereof. Said order shall specify in what respects the Board finds that such filing no longer meets the requirements of this Act and shall be effective not less than 30 days after its issuance.

“(e) All rates shall be made in accordance with the following provisions:

“(1) Due consideration shall be given to the past and prospective loss experience within and outside the state of hazards for which insurance is made available through the plan of operation, if any, to expenses of operation including acquisition costs to a reasonable margin for profit and contingencies, and to all other relevant factors, within and outside the state.

“(2) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in such risks on the basis of any or all of the factors mentioned in the preceding paragraph. Such rates may include rules for classification of risks insured hereunder and rate modifications thereof. All such provisions, however, as respects rates, classifications, standards and premiums shall be without prejudice to or prohibition of provision by the Association for consent rates on individual risks if the rate and risk are acceptable to the Association and as is similarly provided for, or as is provided for, in Art. 5.26(a), Texas Insurance Code, and this provision or exception on consent rates is irrespective of whether or not any such risk would otherwise be subject to or the subject of a provision of rate classification or eligibility.

“(3) Rates shall be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory as to any class of insurer.

“(4) Commissions paid to agents shall be reasonable, adequate, not unfairly discriminatory and nonconfiscatory.

“(f) For the purpose of this Act the applicant under Section 6(a) hereof shall be considered to have consented to the appropriate rates and classifications authorized by this Act irrespective of any and all other rates or classifications.

“(g) All premiums written and losses paid under this Act as appropriate shall be included in applicable classifications for general rate-making purposes.

“Section 9. Appeals—Any person insured pursuant to this Act, or his duly authorized representative, or any affected insurer who may be aggrieved by an act, ruling or decision of the Association, may, within 30 days after such act, ruling or decision, appeal to the Board. In the event the Association is aggrieved by the action of the Board with respect to any

ruling, order, or determination of the Board, it may, within 30 days after such action, make a written request to the Board for a hearing thereon. The Board shall hear the Association, or the appeal from an act, ruling or decision of the Association, within 30 days after receipt of such request or appeal and shall give not less than 10 days' written notice of the time and place of the hearing to the Association making such request or the person, or his duly authorized representative, appealing from the act, ruling or decision of the Association. Within 30 days after such hearing, the Board shall affirm, reverse or modify its previous action or the act, ruling or decision appealed to the Board. Pending such hearing and decision thereon, the Board may suspend or postpone the effective date of its previous rule or of the act, ruling or decision appealed to the Board. The Association, or the person aggrieved by any order or decision of the Board may thereafter appeal to the District Court of Travis County, Texas, and not elsewhere, in accordance with Article 1.04(f) of the Insurance Code of Texas.

"Section 10. Immunity from Liability—There shall be no liability on the part of and no cause of action of any nature shall arise against the Board or any of its staff, the Association or its agents or employees, or against any participating insurer or its agents or employees, for any inspections made under the plan of operation or any statements made in good faith by them in any reports or communications concerning risks submitted to the Association, or at any administrative hearings conducted in connection therewith under the provisions of this Act.

"Section 11. Indemnification—Each person serving as a director of the Association, each member of the Association, and each officer and employee of the Association shall be indemnified by the Association against all costs and expenses actually and necessarily incurred by him or it in connection with the defense of any action, suit, or proceeding in which he or it is made a party by reason of his or its being or having been a director or member of the Association, or an officer or employee of the Association except in relation to matters as to which he or it has been judged in such action, suit or proceeding to be liable by reason of misconduct in the performance of his or its duties as a director of the Association or a member or officer or employee of the Association, provided, however, that this indemnification shall in no way indemnify a member of the Association from participating in the writings, expenses, profits, and losses of the Association in the manner set out in this Act. Indemnification hereunder shall not be exclusive of other rights to which such member or officer may be entitled as a matter of law.

"Section 12. Annual Report—The Association shall file in the office of the Board annually a statement which shall summarize the transactions, conditions, operations and affairs of the Association during the preceding year at such times and covering such periods as may be designated by the Board. Such statement shall contain such matters and information as are prescribed by the Board and shall be in such form as is required by it.

"Section 13. Effective Date— This Act shall become effective from and after passage.

"Section 14. Conflicting Laws—All laws or parts of laws in conflict herewith are hereby repealed to the extent necessary to accomplish the purposes of this Act.

"Section 15. Partial Invalidity—If any provision of this Act or the

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

"Section 16. Emergency—The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended."

The committee amendment was adopted.

Mr. Grant Jones offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 31 by striking all above the enacting clause and substituting the following:

"A bill to be entitled An Act relating to the creation, powers, duties, and procedures of a Texas Catastrophe Property Insurance Pool; setting forth the purpose of such Act; naming such Act; defining certain terms; providing for the creation of the Texas Catastrophe Property Insurance Association; providing for the operation of the Texas Catastrophe Property Insurance Association; providing for eligibility; providing for rates, rating plans, and rate rules; providing for appeals; providing for immunity from liability; providing for indemnification; providing for annual reports; providing an effective date; repealing conflicting laws; providing for severability; and declaring an emergency."

The committee amendment was adopted without objection.

SB 31, as amended, was passed to third reading.

#### SB 31 ON THIRD READING

Mr. Murray moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 31 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Adams	Blanton	Clark	Doyle
Agnich	Blythe	Clayton	Dramberger
Allen, Joe	Bowers	Coats	Earthman
Allen, John	Boyle	Cobb	Farenthold
Allred	Braecklein	Cole	Finck
Angly	Braun	Craddick	Finnell
Atwell	Burgess	Cruz	Finney
Atwood	Bynum	Daniel	Foreman
Baker	Caldwell	Davis, D.	Gammage
Bass, B.	Cates	Davis, H.	Garcia
Bass, T.	Cavness	Denton	Golman
Beckham	Christian	Doran	Grant

Hale	Kost	Nichols	Simmons
Hanna, Joe	Kubiak	Ogg	Slack
Hannah, John	Lemmon	Parker, C.	Slider
Harding	Lewis	Parker, W.	Smith
Harris	Ligarde	Patterson	Solomon
Hawkins	Lombardino	Pickens	Spurlock
Hawn	Longoria	Poerner	Stewart
Head	Lovell	Poff	Stroud
Heatly	McAlister	Presnal	Swanson
Hendricks	McKissack	Price	Tarbox
Hilliard	Mengden	Reed	Traeger
Holmes, T.	Moncrief	Rodriguez	Truan
Howard	Moore, A.	Rosson	Uher
Hubenak	Moore, G.	Salem	Vale
Hull	Moore, T.	Santiesteban	Von Dohlen
Johnson	Moreno	Schulle	Ward
Jones, E.	Murray	Semos	Wieting
Jones, G.	Nabers	Shannon	Williams
Jungmichel	Nelms	Sherman	Williamson
Kaster	Neugent, D.	Short	Wolff
Kilpatrick	Newton	Silber	Wyatt

## Nays—7

Calhoun	Graves	Lee	Orr
Floyd	Jones, D.	Nugent, J.	

## Absent

Bigham	Sanchez
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## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

The Speaker then laid SB 31 before the House on third reading and final passage.

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

## Yeas—137

Adams	Bowers	Cole	Finney
Agnich	Boyle	Craddick	Floyd
Allen, Joe	Braecklein	Cruz	Foreman
Allen, John	Braun	Daniel	Gammage
Allred	Burgess	Davis, D.	Garcia
Angly	Bynum	Davis, H.	Golman
Atwell	Caldwell	Denton	Grant
Atwood	Cates	Doran	Graves
Baker	Cavness	Doyle	Hale
Bass, B.	Christian	Dramberger	Hanna, Joe
Bass, T.	Clark	Earthman	Hannah, John
Beckham	Clayton	Farenthold	Harding
Blanton	Coats	Finck	Harris
Blythe	Cobb	Finnell	Hawkins

Hawn	Ligarde	Parker, W.	Smith
Head	Lombardino	Patterson	Solomon
Heatly	Longoria	Pickens	Spurlock
Hendricks	Lovell	Poerner	Stewart
Hilliard	McAlister	Poff	Stroud
Holmes, T.	McKissack	Presnal	Swanson
Howard	Mengden	Price	Tarbox
Hubenak	Moncrief	Reed	Traeger
Hull	Moore, A.	Rodriguez	Truan
Johnson	Moore, G.	Rosson	Uher
Jones, D.	Moore, T.	Salem	Vale
Jones, E.	Moreno	Santiesteban	Von Dohlen
Jones, G.	Murray	Schulle	Ward
Jungmichel	Nabers	Semos	Wieting
Kaster	Nelms	Shannon	Williams
Kilpatrick	Neugent, D.	Sherman	Williamson
Kost	Newton	Short	Wolff
Kubiak	Nichols	Silber	Wyatt
Lee	Nugent, J.	Simmons	
Lemmon	Ogg	Slack	
Lewis	Parker, C.	Slider	

Nays—2

Calhoun            Orr

Absent

Bigham            Sanchez

Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

Mr. Wieting moved to reconsider the vote by which SB 31 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HB 546—LAID ON THE TABLE SUBJECT TO CALL

Mr. Wieting moved that HB 546 be laid on the table subject to call.

There was no objection offered and it was so ordered.

#### MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following Message from the Governor:

April 13, 1971

To the Members of the 62nd Legislature, Regular Session:

I am herewith returning to the House, House Bill No. 106, pursuant to

the provisions of House Concurrent Resolution No. 106, for the purpose of making certain corrections therein.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

#### HB 427 ON SECOND READING

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

HB 427, A bill to be entitled An Act relating to the authority of an insurer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance and to the form of membership certificates in group hospital plans; relating to the prohibition against group hospital services contracting for medical services; amending Subsection B, Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as amended (Article 3.70-2, Vernon's Texas Insurance Code); amending Articles 20.12 and 20.16, Texas Insurance Code, as amended; providing for severability; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 427, First Printing, as follows:

(1) Strike Section 2 of the bill and substitute the following:

"Section 2. This Act shall apply to all accident and sickness policies issued and delivered in the State of Texas or issued for delivery in the State of Texas after the effective date hereof, but this act shall not apply to any policies issued and delivered in the State of Texas or issued for delivery in the State of Texas prior to the effective date hereof. This act shall apply to any policies issued and delivered in the State of Texas or issued for delivery in the State of Texas prior to the effective date hereof which are renewed, extended or amended after the effective date hereof. With respect to any policy forms approved by the State Board of Insurance prior to the effective date of this act, an insurer is authorized to achieve compliance with this act by the use of endorsements or riders provided such endorsements or riders are approved by the State Board of Insurance as being in compliance with this act."

(2) Strike Section 3 of the bill and renumber the subsequent sections accordingly.

The committee amendment was adopted.

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

Committee Amendment No. 2

Amend HB 427 by striking the words "Texas State Board of Examiners in Optometry" wherever they may appear in the bill and inserting in lieu thereof the words "Texas Optometry Board".

The committee amendment was adopted.

Mr. Von Dohlen offered the following amendment to the bill:

Amend HB 427, Second Printing, by:

(1) redesignating the quoted Subsection (B), beginning on line 22 of page 1, as Subsection "(B) (1)"; and

(2) adding, to the end of Subsection (B) a new Subdivision (2) to read as follows:

"(2) No practitioner of the healing arts and no group or association of practitioners of the healing arts may advertise, in public statements directed to beneficiaries or prospective beneficiaries under policies of accidents and sickness insurance, that treatment by such practitioners is covered by such policies of insurance. This subdivision shall not be construed to prohibit a group or association of practitioners from disseminating information to the individual members of the group or association."

The amendment was adopted.

Mr. Nabers offered the following amendment to the bill:

Amend HB 427 by adding the following paragraph at the end of Section One thereof:

Provided however, upon the written request of the insured, any policy of accident and sickness insurance may exclude the payment of benefits for treatment or examination by any one or more of the practitioners of the healing arts as hereinabove designated. The written request of the insured herein provided shall be upon a form previously filed with and approved by the State Board of Insurance Commissioners, and such written request of the insured, with the insured's signature affixed thereto, shall be attached to and made a part of such requesting insured's policy, contract or certificate of insurance as an endorsement or rider thereto. The term "insured" as used herein includes persons insured under individual policies or contracts of accident and sickness insurance and the individual members of groups who are insured under group policies or contracts of accident and sickness insurance.

Mr. Dean Neugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—69

Adams	Bynum	Davis, H.	Graves
Allen, Joe	Caldwell	Dramberger	Hale
Allen, John	Cayness	Earthman	Harris
Atwood	Clark	Farenthold	Hilliard
Bass, T.	Clayton	Finnell	Hubenak
Blanton	Cobb	Foremar	Johnson
Braun	Cruz	Gammage	Jungmichel
Burgess	Daniel	Garcia	Kilpatrick

Kubiak	Moreno	Reed	Truan
Lemmon	Nelms	Rodriguez	Uher
Lewis	Neugent, D.	Salem	Vale
Ligarde	Newton	Santiesteban	Von Dohlen
Lombardino	Nichols	Schulle	Wieting
Longoria	Nugent, J.	Spurlock	Williams
Lovell	Ogg	Stroud	Wolff
Moncrief	Parker, C.	Swanson	
Moore, A.	Patterson	Tarbox	
Moore, T.	Poff	Traeger	

## Nays—64

Agnich	Craddick	Hendricks	Pickens
Allred	Davis, D.	Holmes, T.	Poerner
Angly	Denton	Howard	Presnal
Atwell	Doran	Hull	Price
Baker	Doyle	Jones, D.	Rosson
Bass, B.	Finck	Jones, E.	Semos
Beckham	Finney	Jones, G.	Shannon
Blythe	Floyd	Kaster	Sherman
Bowers	Grant	Kost	Short
Boyle	Hanna, Joe	Lee	Silber
Braecklein	Hannah, John	McAlister	Simmons
Calhoun	Harding	Moore, G.	Slack
Cates	Hawkins	Murray	Slider
Christian	Hawn	Nabers	Solomon
Coats	Head	Orr	Stewart
Cole	Heatly	Parker, W.	Wyatt

## Present—Not Voting

## Ward

## Absent

Bigham	McKissack	Sanchez	Williamson
Golman	Mengden	Smith	

## Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

## MESSAGE FROM THE SENATE

Austin, Texas, April 13, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

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

SB 32, By Schwartz, Bernal, et al: Providing that any person selling any explosive, inflammable or combustible substance classified as a bomb in Chapter 453 shall require the purchaser to identify himself and shall keep records of the sales for a period of two years; and declaring an emergency.

SB 281, By Mauzy: Texas Tort Claim Act, relating to making remedies against units of government exclusive in certain cases; and declaring an emergency.

SB 812, By Schwartz: Relating to the authority of the commissioners court of any county to regulate traffic on county roads and on county-owned land; and declaring an emergency.

SCR 77, By Kothmann: Commending General William J. Sutton for his notable and patriotic service to his country.

SCR 41, By Kothmann, Bernal: Authorizing and directing the Texas Water Quality Board to devise a plan providing for the permanent conversion of Mitchell Lake in Bexar County, Texas, from a sludge reservoir to a public recreation lake.

Respectfully,  
**CHARLES A. SCHNABEL**  
 Secretary of the Senate

**HB 427—(Consideration continued)**

HB 427, as amended, was passed to engrossment by the following vote:

**Yeas—79**

Adams	Farenthold	Lombardino	Rodriguez
Allen, Joe	Gammage	Longoria	Rosson
Allen, John	Garcia	Lovell	Salem
Atwood	Grant	McAlister	Santiesteban
Baker	Graves	Moncrief	Schulle
Bass, B.	Hale	Moore, A.	Slider
Bass, T.	Harding	Moore, T.	Smith
Blanton	Harris	Moreno	Spurlock
Braun	Hilliard	Murray	Stroud
Burgess	Holmes, T.	Nabers	Swanson
Bynum	Hubenak	Nelms	Tarbox
Caldwell	Hull	Neugent, D.	Traeger
Clark	Johnson	Newton	Truan
Clayton	Jones, D.	Nichols	Uher
Cobb	Jungmichel	Nugent, J.	Vale
Cruz	Kilpatrick	Ogg	Von Dohlen
Daniel	Kubiak	Parker, C.	Wieting
Denton	Lemmon	Patterson	Williams
Dramberger	Lewis	Poff	Wolff
Earthman	Ligarde	Reed	

**Nays—58**

Agnich	Braecklein	Davis, D.	Foreman
Allred	Calhoun	Davis, H.	Hanna, Joe
Angly	Cates	Doran	Hannah, John
Atwell	Cavness	Doyle	Hawkins
Beckham	Christian	Finck	Hawn
Blythe	Coats	Finnell	Head
Bowers	Cole	Finney	Heatly
Boyle	Craddick	Floyd	Howard

Jones, E.	Parker, W.	Shannon	Solomon
Jones, G.	Pickens	Sherman	Stewart
Kaster	Poerner	Short	Wyatt
Kost	Presnal	Silber	
Lee	Price	Simmons	
Orr	Semos	Slack	

Present—Not Voting

Ward

Absent

Bigham	Hendricks	Mengden	Sanchez
Golman	McKissack	Moore, G.	Williamson

Absent-Excused

Carrillo	Holmes, Z.	Niland	Tupper
Haynes	Ingram	Salter	Wayne

Mr. Dean Neugent moved to reconsider the vote by which HB 427 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### REASON FOR VOTE

I voted Present—Not Voting on HB 427 because my family has a direct interest in this legislation.

Signed: J. E. Ward

#### MEMORIAL RESOLUTIONS ADOPTED

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

SCR 72, In memory of Latham (Dolly) Boone, Jr.

SCR 73, In memory of James M. Dellinger.

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

SCR 74, Commending the sponsors of the San Antonio International Trade Fair.

SCR 75, Congratulating Joe Deats.

#### HSR 89—COMMITTEE APPOINTED

Pursuant to HSR 89, the Speaker announced the appointment of the following committee: Murray, Chairman; Jim Nugent, Hale, Slider, and Haynes.

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**PROVIDING FOR ADJOURNMENT**

Mr. Delwin Jones moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 10:30 a.m. tomorrow.

The motion prevailed without objection.

**HOUSE BILLS ON FIRST  
READING**

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

(Mr. Salem in the Chair)

By Smith:

HB 1662, A bill to be entitled An Act requiring the Texas School for the Deaf to remain open and hold classes for 12 months of the year; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Smith:

HB 1663, A bill to be entitled An Act relating to supplements to the salaries of certain teachers of exceptional children; amending Subchapter D, Chapter 16, Texas Education Code, by adding Section 16.351; and declaring an emergency.

Referred to Committee on Appropriations.

By Smith:

HB 1664, A bill to be entitled An Act relating to the creation of a branch of the Texas School for the Deaf; amending Subchapter A, Chapter 11, Texas Education Code, by adding Section 11.051; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1665 and HB 1666 were not read first time today.

By Tarbox:

HB 1667, A bill to be entitled An Act relating to exceptions in emergency situations from the requirement that certain contracts proposed to be made by a public school board be submitted to competitive bidding; amending Section 21.901, Texas Education Code, by adding Subsection (e); and declaring an emergency.

Referred to Committee on Public Education.

By Burgess, Ingram, H. Davis, and Mengden:

HB 1668, A bill to be entitled An Act relating to sex education in the

public schools; amending Subchapter C, Chapter 21, Texas Education Code, by adding Section 21.117; and declaring an emergency.

Referred to Committee on Public Education.

By Beckham:

HB 1669, A bill to be entitled An Act relating to the creation, establishment, maintenance, and operation of the Grayson County Airport Authority pursuant to Article IX, Section 12, of the Texas Constitution; providing a severability clause; and declaring an emergency.

Referred to Committee on Counties.

By Hale and Salem:

HB 1670, A bill to be entitled An Act prescribing procedures whereby school districts may issue and deliver Certificates of Indebtedness for certain school building or refunding purposes; limiting the application of the law and the amount of certificates which may be issued or be outstanding against a particular district; requiring such certificates to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions incident and related to the purpose; providing a severance clause; and declaring an emergency.

Referred to Committee on Public Education.

By Floyd, Johnson, and Wolff:

HB 1671, A bill to be entitled An Act relating to state purchasing procedures; amending Section 8, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Appropriations.

By Murray, Sanchez, and Garcia:

HB 1672, A bill to be entitled An Act relating to contracts and leases for the operation of water systems; amending Section 1, Chapter 342, Acts of the 51st Legislature, Regular Session, 1949 (Article 1109e, Vernon's Texas Civil Statutes), and adding Section 62.120 to the Water Code; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Smith:

HB 1673, A bill to be entitled An Act relating to definitions and exemptions of the State Building Construction Administration Act; amending Subdivision (A) of Section 2, and Section 3, Chapter 455, Acts of the 59th Legislature, Regular Session, 1965 (Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Cavness:

HB 1674, A bill to be entitled An Act relating to time for payment and the requirement of a surety bond to secure payment by distributors for cigarette stamps and meter settings; amending Section (9), Article 7.08, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; relating to possession of unstamped cigarettes; amending Article 7.10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; relating to exemptions of food and food products for human consumption; amending Sections (K) (1) and (K) (2) (b), 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 Salter, T. Moore, and Denton:

HB 1675, A bill to be entitled An Act relating to the assessment, collection, and equalization of taxes in certain common school districts; and declaring an emergency.

Referred to Committee on School Districts.

By Salter, T. Moore, and Denton:

HB 1676, 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 Cates:

HB 1677, A bill to be entitled An Act providing for the creation of the Hansford County Hospital District over all of Hansford County, Texas; providing procedure for annexation of additional territory to said district; providing that the district shall assume any outstanding debt of Hansford County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

Referred to Committee on Counties.

By Short:

HB 1678, A bill to be entitled An Act relating to abolishing the office of county school superintendent in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Solomon:

HB 1679, A bill to be entitled An Act relating to the fees paid to directors

of the Franklin County Water District; amending Subsection (f), Section 3, Chapter 719, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-341, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Ingram:

HB 1680, A bill to be entitled An Act relating to the salary of the Criminal District Attorney of Upshur County, his assistant, and his secretary; amending Sections 4 and 5, Chapter 508, Acts of the 58th Legislature, 1963 (Article 326k-51, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Kubiak:

HB 1681, A bill to be entitled An Act relating to a required driver education and training course in public high schools; amending Subchapter D, Chapter 21, Texas Education Code by adding Section 21.118; and declaring an emergency.

Referred to Committee on Public Education.

By C. Parker, Doyle, Kilpatrick, and Smith:

HB 1682, A bill to be entitled An Act to be known as the "Civic Center Authority Act", providing for the creation of civic center authorities without taxing power; defining terms; making the authority a body politic and corporate and a political subdivision of the state; providing for an authority's powers, authorization, and purposes; providing the areas which may be included within an authority; providing the manner of creation of an authority; providing for its governing body; providing that the authority can enter into contracts and leases; providing for the issuance of bonds and refunding bonds by the authority; making such bonds legal investments; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By C. Parker, Doyle, Kilpatrick, and Smith:

HB 1683, A bill to be entitled An Act authorizing cities, towns, and villages to contract with civic center authorities; declaring the applicability of the Act; authorizing the contracts for certain purposes and providing for the terms, conditions, and duration thereof; providing for payments by city to an authority and declaring the sources therefor; providing for election by a city for authority to levy and collect ad valorem taxes; providing that this Act shall control in instances of conflict with general laws or home-rule charters; containing other provisions relating to the subject; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Clayton:

HB 1684, A bill to be entitled An Act amending Article 4413d-1, Vernon's Annotated Civil Statutes providing for a separate Office of State-Federal Relations; providing that the Director of the Office of State-Federal Relations shall serve at the pleasure of the Governor; providing that the Director of the Office of State-Federal Relations may receive up to \$25.00 per diem allowance in addition to the General Appropriations Acts; providing that the Director of the Office of State-Federal Relations shall report to the Governor; and creating an emergency.

Referred to Committee on Appropriations.

By Williams:

HB 1685, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Beaumont Place Utility District of Harris County, Texas; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that a confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad valorem basis of taxation; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Daniel:

HB 1686, 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 Colony Hills Public Utility District; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election

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

Referred to Committee on Conservation and Reclamation.

**By Daniel:**

HB 1687, A bill to be entitled An Act relating to the authority of certain counties having a population of not less than 49,400 nor more than 52,000, according to the last preceding federal census, to employ a county engineer; providing certain duties for the county engineer and the commissioners court; providing for a master plan; providing for inspection and approval of certain plats; providing for the employment of assistants for the county engineer; and providing an emergency.

Referred to Committee on Counties.

#### HCR 109—REFERRED TO COMMITTEE

(Concerning admission requirements for graduate school)

Mr. Cruz offered the following resolution:

**HCR 109**

Whereas, The colleges and universities of the State of Texas offer opportunity for students, especially those studying at the graduate level, not only to specialize within their chosen fields, but to come to terms with the pressing social and economic problems of our times. Today's graduate students will play an even larger role in shaping the destiny of this great state, seeking and implementing positively constructive solutions to complex situations; and

Whereas, The quality of education received at our colleges and universities is greatly enhanced by the presence of students who differ widely in their ethnic and cultural origins. The educational value of contact between persons of various racial background is immeasurable. Through such interaction, insight into problems can be increased and a fundamental appreciative tolerance for differences can be established; and

Whereas, The Mexican-Americans of Texas have much to contribute to the state, due to their unique cultural background and orientation to complicated social issues. However, the potentiality of the Mexican-American to provide effective leadership and creative direction in solving some of the state's most urgent problems has not been utilized to its fullest extent. Opportunity for graduate study is often closed to many Mexican-Americans and members of other minority groups because their educational background does not prepare them to meet the strict admission requirements set by graduate schools in this state. The system of standardized testing which is an integral part of the admission process does not adequately measure the abilities and potential productivity of prospective Mexican-American graduate students. Many of the intelligent and talented Mexican-Americans of Texas, especially those in the fields of education and social work who have had direct experience with the economically and socially deprived, are confined when they wish to further their study and professional training. Because many schools attended by Mexican-Americans do not adequately prepare their graduates for advanced study, numerous creative, dedicated individuals are greatly restricted, not only in their personal professional advancement, but in the quality of service they can render to the citizens of this state; and

Whereas, The desire of these individuals to serve the state in a constructive, peaceful manner deserves the encouragement of all citizens. The need for enlightened guidance is great, and well-educated, concerned citizens can offer much-needed dynamic leadership. The entire state stands to benefit from the energy and talents of these dedicated Texans, especially if they have the opportunity to receive the complete education they desire; and

Whereas, It is appropriate for the Legislature of Texas to commend the members of all minority groups in the state, and especially the Mexican-Americans, who are devoted to serving their communities and who sincerely want to advance their education and professional training through graduate study. These persons deserve praise for desiring to express their altruistic and professional aspirations in keeping with the best of American and Texan tradition: seeking to build an enlightened, free society in which all citizens can live in peace and prosperity; and

Whereas, It is equally appropriate that this august Body offer its approval and encouragement to these dedicated Texans by requesting that the excellent colleges and universities of this state be more positively responsive to their educational needs; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the 62nd Legislature, by this Resolution, require that special consideration be given to members of minority groups, and specifically Mexican-Americans, seeking entrance into graduate school at the state's colleges and universities, and that these persons not be penalized because their previous educational background has not adequately prepared them to meet admission requirements for advanced study; and, be it further

Resolved, That copies of this Resolution be prepared for the graduate school admissions officials of the colleges and universities of the state, with the sincere appreciation of the Texas Legislature for their efforts to uphold high educational standards.

Signed: Cruz, Longoria, Truan, Santiesteban, Moreno, Vale, Ligarde, Rodriguez, and Sanchez.

The resolution was referred to the Committee on Higher Education.

#### HCR 110—REFERRED TO COMMITTEE

(Creating a special interim committee to study no-fault automobile insurance and competitive automobile insurance rate-making)

Mr. Grant Jones offered the following resolution:

#### HCR 110

Whereas, A limited no-fault automobile insurance plan has been enacted in the State of Massachusetts and such plans have been recommended by the Department of Transportation, after extensive study, for consideration by the several states; and

Whereas, The automobile insurance rate-fixing function of the Texas Board of Insurance has come increasingly under attack from various segments of the Texas community; and

Whereas, The cost and availability of automobile insurance is a matter of critical concern to Texas motorists; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That a special interim committee of six members be created to conduct a study of no-fault automobile insurance and competitive automobile insurance ratemaking; that the committee be comprised of three Members of the House of Representatives, one to be designated as chairman, to be appointed by the Speaker of the House, and three Members of the Senate, to be appointed by the Lieutenant Governor; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the study committee; and, be it further

Resolved, That from the expense funds of the House and Senate the members of the committee shall be reimbursed by their respective Houses for their actual expenses incurred in carrying out the purposes and duties of this resolution, and other necessary expenses of operation of the committee shall be paid from the expense funds of the House and Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for the operating expense of the committee which shall be submitted to the Administration Committee of the Senate and the House Administration Committee. Prior approval of the budget by the House Administration Committee and the Administration Committee of the Senate must be obtained before any non-budgeted expenses may be paid; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed advisable, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

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

#### HSR 330—REFERRED TO COMMITTEE

(Concerning pledge card system)

Mr. Graves offered the following resolution:

#### HSR 330

Whereas, The "pledge card" system of electing the Speaker of the House of Representatives creates a repressive situation which prevents each Member of this House from representing the people of his district and from exercising his independent judgment on issues of crucial importance to the people of Texas; and

Whereas, This system has been developed and perfected by powerful special-interest groups for the sole purpose of establishing and maintaining control of the House; and

Whereas, This system is generally not known or understood by the people, nor is it understood the extent to which the affluent special interests have succeeded in gaining control over the entire legislative process in Texas as a result of the system; and

Whereas, The practical effect of the pledge system within the last ten years has witnessed the selection of a Speaker at least two years (one biennial session) in advance of the session's opening day thereby depriving the House of its prerogative of choosing its Speaker; and

Whereas, The "pledge card" system required aspiring candidates for the Speakership to announce their candidacies years in advance of a session's opening day and thereby requires prodigious funds to provide which the conglomerate lobby for the selfish vested interests are even willing, ready and able to provide in return for a pledge of complete commitment and obligation on the part of the aspirant upon his election; and

Whereas, By virtue of the aggregate results of many sessions under Speakers chosen under the "pledge card" system, the Rules of the House of Representatives bestow upon the Speaker unlimited and autocratic powers to appoint standing House committees and refer bills thereby rendering

unto him despotic and dictatorial powers over the legislative process and rendering the House of Representatives a travesty and mockery in the eyes of all Texans; now, therefore, be it

Resolved by the House of Representatives, That the "pledge card" system be and is hereby condemned, disapproved, and abolished during the time the Legislature is in regular or called session; and that during the time the Legislature is in session each Member of this House be and is hereby prohibited from requesting or soliciting, directly or indirectly, any pledge, promise, or other assurance of a vote or any manner of support for himself or another person for the office of Speaker of the House of Representatives of the succeeding Legislature; and that any Member of this House who violates this rule shall be censured; and, be it further

Resolved, That all existing pledges be, and are hereby, declared to be void and of no binding effect; and, be it further

Resolved, That the first day of each Legislative session there shall be a resolution introduced which sets out that a temporary Speaker and other House officials be chosen by the House. The temporary Speaker shall appoint a nominating committee of not more than five Members who shall report back to the House within twenty-four hours the names of two candidates for Speaker. The House shall then be open for nominations from the floor and there shall be roll call balloting until one Member receives a majority vote for Speaker.

Signed: Graves and Denton.

The resolution was referred to the Committee on Rules.

#### HSR 333—REFERRED TO COMMITTEE

(Amending the Rules of the House of Representatives)

Mr. Grant Jones offered the following resolution:

#### HSR 333

Be it Resolved by the House of Representatives, That Section 2, Rule XX, Rules of the House of Representatives of the 62nd Legislature, be and is hereby amended to read as follows:

"Section 2. Four copies of each amendment, identical in text, shall be filed with the Speaker, one copy of which shall be given to the author of the matter to be amended. When the amendment is read, two copies shall go to the Chief Clerk and one copy to the Journal Clerk."

The resolution was referred to the Committee on Rules.

#### HSR 336—REFERRED TO COMMITTEE

(Amending the Rules of the House of Representatives)

Mr. Jim Nugent offered the following resolution:

**HSR 336**

Be it Resolved by the House of Representatives, That: Rule XXVI, Section 1, of the Permanent Rules of the House of Representatives, be and is amended to read as follows:

Section 1. Except as otherwise provided herein, all bills and joint resolutions shall be printed and a copy provided to each Member at each of the following stages in the parliamentary progress of such bill or joint resolution, as follows:

(a) At the time the bill or joint resolution is introduced and referred to committee, which shall be known as "First Printing".

(b) At the time of the committee report on the bill or joint resolution, which shall be known as "Second Printing". The second printing shall consist of:

(1) a complete text of the bill or joint resolution as reported from committee and in the event the bill or joint resolution proposes to amend an existing section of a statute or constitutional provision, the language sought to be deleted shall be inserted in its appropriate place in double parentheses and any language sought to be added shall be underlined, except as provided in Rule VIII, Section 23. Sections on severability, non-severability, emergency and repealers shall not be underlined.

(2) a complete copy of the committee bill analysis;

(3) the text of the committee report;

(4) the vote by which the measure was reported from committee; and

(5) in the event the bill or joint resolution proposes an entirely new statute or constitutional provision, the second printing shall so state.

(c) At the time the bill or joint resolution finally passes the Senate, Senate amendments, if any, will be printed, which shall be known as "Third Printing".

(d) At the time the conference committee, if any, makes its report on the bill or joint resolution, which shall be known as "Fourth Printing".

The resolution was referred to the Committee on Rules.

**MASCOT RESOLUTIONS**

The following Mascot Resolutions were referred to the Committee on House Administration:

HSR 341, by Christian: Naming Laura Dee Poff Mascot of the House.

HSR 342, by McAlister: Naming Lisa Leanne Mutscher Mascot of the House.

**SCR 20—REFERRED TO COMMITTEE**

(Granting the Board of Trustees of the College of the Guadalupe Baptist Association, Bexar County, Texas permission to sue the state)

The Chair laid before the House the following resolution:

SCR 20

Whereas, The board of trustees of the College of the Guadalupe Baptist Association, Bexar County, Texas, was deeded a parcel of land in 1905 by George W. Brackenridge; and

Whereas, The deed to the property contains a provision to the effect that if there is any attempt to sell or mortgage the land it will revert to the state; and

Whereas, The board of trustees of the college alleges that this provision, if given effect, is an illegal restraint on the alienation of the property; and

Whereas, The board of trustees desires to bring a declaratory judgment suit against the state to declare the provision void; now, therefore, be it

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

(1) the board of trustees of the College of the Guadalupe Baptist Association is granted permission to sue the State of Texas in any court of competent jurisdiction in Bexar County, Texas;

(2) in the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas; and

(3) the suit shall be tried as other civil suits; and, be it further

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

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

The resolution was referred to the Committee on Judiciary.

#### 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 20 to the Committee on Public Education.

SB 39 to the Committee on Parks and Wildlife.

SB 71 to the Committee on Judiciary.

SB 76 to the Committee on State Affairs.

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- SB 130 to the Committee on Elections.
- SB 133 to the Committee on Counties.
- SB 134 to the Committee on Agriculture.
- SB 154 to the Committee on Counties.
- SB 161 to the Committee on Judiciary.
- SB 168 to the Committee on Counties.
- SB 211 to the Committee on Counties.
- SB 244 to the Committee on Revenue and Taxation.
- SB 252 to the Committee on Counties.
- SB 254 to the Committee on Governmental Affairs and Efficiency.
- SB 259 to the Committee on Parks and Wildlife.
- SB 272 to the Committee on Counties.
- SB 329 to the Committee on Conservation and Reclamation.
- SB 357 to the Committee on Counties.
- SB 360 to the Committee on Insurance.
- SB 371 to the Committee on Higher Education.
- SB 372 to the Committee on Parks and Wildlife.
- SB 398 to the Committee on Agriculture.
- SB 410 to the Committee on Judiciary.
- SB 413 to the Committee on Conservation and Reclamation.
- SB 424 to the Committee on Counties.
- SB 425 to the Committee on Counties.
- SB 437 to the Committee on Appropriations.
- SB 442 to the Committee on Counties.
- SB 448 to the Committee on Counties.
- SB 449 to the Committee on Judiciary.
- SB 450 to the Committee on Counties.
- SB 457 to the Committee on Agriculture.
- SB 522 to the Committee on Appropriations.

SB 533 to the Committee on Judiciary.  
SB 592 to the Committee on Counties.  
SB 593 to the Committee on Counties.  
SB 602 to the Committee on Agriculture.  
SB 622 to the Committee on Urban Affairs.  
SB 652 to the Committee on Conservation and Reclamation.  
SB 713 to the Committee on Judiciary.  
SB 725 to the Committee on Counties.  
SB 729 to the Committee on Counties.  
SB 755 to the Committee on Counties.  
SB 759 to the Committee on Governmental Affairs and Efficiency.  
SB 772 to the Committee on Higher Education.  
SB 805 to the Committee on Judiciary.  
SB 808 to the Committee on Counties.  
SB 814 to the Committee on Counties.  
SB 819 to the Committee on Counties.  
SB 827 to the Committee on Insurance.  
SB 884 to the Committee on Conservation and Reclamation.  
SB 895 to the Committee on Appropriations.

#### 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 2.

#### COAUTHOR OF HB 944

Mr. Cobb was granted permission by the author of HB 944 to sign the bill as coauthor.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 5:43 p.m., adjourned until 10:30 a.m. tomorrow.

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**APPENDIX**

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**RECOMMENDATIONS OF THE TEXAS WATER  
COMMISSION FILED WITH SPEAKER**

Recommendations of the Texas Water Commission on HB 1381 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1379 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1382 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1383 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1384 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1385 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1386 filed with the Speaker on April 13, 1971.

Recommendations of the Texas Water Commission on HB 1387 filed with the Speaker on April 13, 1971.

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

HB 1685 and HB 1686 transmitted by the Chief Clerk to the Governor on April 7, 1971.

**STANDING COMMITTEE REPORTS**

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

Banks and Banking: HB 612, SB 75, SB 465, SB 466.

Counties: HB 238, HB 239, HB 572, HB 628, HB 667, HB 837, SB 43, SB 215.

Engrossed and Enrolled Bills: Correctly engrossed—HB 203, HCR 106, HCR 107, HCR 108. Correctly enrolled—HB 971, HCR 30, HCR 33, HCR 105, HCR 106, HCR 108.

Public Health: HB 1118, SB 226.

**SENT TO THE GOVERNOR  
April 13, 1971**

HB 207

HB 524  
 HB 971  
 HCR 30  
 HCR 33  
 HCR 105  
 HCR 106  
 HCR 108

FIFTY-THIRD DAY—WEDNESDAY, APRIL 14, 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	Daniel	Jones, D.	Pickens
Adams	Davis, D.	Jones, E.	Poerner
Allen, Joe	Davis, H.	Jones, G.	Poff
Allen, John	Denton	Jungmichel	Presnal
Allred	Doyle	Kaster	Price
Angly	Dramberger	Kilpatrick	Reed
Atwell	Earthman	Kost	Rodriguez
Baker	Finck	Kubiak	Rosson
Bass, B.	Finnell	Lemmon	Salem
Bass, T.	Floyd	Lewis	Sanchez
Beckham	Foreman	Ligarde	Santiesteban
Bigham	Gammage	Lombardino	Schulle
Blanton	Garcia	Longoria	Semos
Blythe	Grant	McAlister	Shannon
Bowers	Graves	McKissack	Sherman
Boyle	Hanna, Joe	Mengden	Short
Braecklein	Hannah, John	Moncrief	Silber
Braun	Harding	Moore, A.	Simmons
Burgess	Harris	Moore, G.	Slider
Bynum	Hawkins	Moore, T.	Solomon
Caldwell	Hawn	Moreno	Spurlock
Calhoun	Haynes	Murray	Stroud
Carrillo	Head	Nabers	Swanson
Cates	Heatly	Nelms	Tarbox
Cavness	Hendricks	Neugent, D.	Truan
Christian	Hilliard	Newton	Tupper
Clark	Holmes, T.	Nichols	Uher
Clayton	Holmes, Z.	Niland	Vale
Coats	Howard	Ogg	Von Dohlen
Cobb	Hubenak	Orr	Ward
Cole	Hull	Parker, C.	Wieting
Craddick	Ingram	Parker, W.	Williams
Cruz	Johnson	Patterson	Wolff
<b>Absent</b>			
Atwood	Hale	Smith	Wyatt
Doran	Lee	Stewart	
Farenthold	Nugent, J.	Traeger	
Finney	Slack	Williamson	