

HB 524
 HB 971
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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
Absent			
Atwood	Hale	Smith	Wyatt
Doran	Lee	Stewart	
Farenthold	Nugent, J.	Traeger	
Finney	Slack	Williamson	

Absent-Excused

Agnich Lovell Salter Wayne
Golman

(Mr. Short occupied the Chair temporarily)

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

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

Mr. Golman on motion of Mr. McKissack.

Mr. Lovell on motion of Mr. Jungmichel.

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

Mr. Salter on motion of Mr. Tom Moore.

Mr. Agnich, on account of illness in the family, on motion of Mr. Christian.

Representatives Wyatt, Atwood, and Farenthold entered the House and were announced present.

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 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 225, By Hightower: Amending and revising the Texas Probate Code.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representatives Smith and Jim Nugent entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 112, by Heatly: Reaffirming The University of Texas M. D. Anderson Hospital and Tumor Institute as official state resource for education, research and treatment of cancer and allied diseases.

HCR 113, by Heatly: Congratulating Charles Russell McNamee.

HSR 346, by Salem: Commending the Sisters of the Incarnate Word and Blessed Sacrament of the Incarnate Word Convent of Corpus Christi.

SCR 77, Commending Major General William J. Sutton of San Antonio.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 106, Requiring inoculation or vaccination for admission of children to child caring institutions.

HCR 90, In memory of Captain Albert Tijerina, Jr.

HCR 102, In memory of Thomas E. Dewey.

HCR 107, Honoring Mrs. Robby Koons Mitchell.

INTRODUCTION OF HOUSE BILLS

Mr. McAlister asked unanimous consent to introduce and have placed on first reading HB 1712.

There was no objection offered.

Mr. Delwin Jones asked unanimous consent to introduce and have placed on first reading HB 1713.

There was no objection offered.

Mr. Burgess asked unanimous consent to introduce and have placed on first reading HB 1714.

There was no objection offered.

SCR 8—REFERRED TO COMMITTEE

(Concerning Interagency Natural Resources Council)

The Speaker laid before the House the following resolution:

SCR 8

Authorizing and directing the Interagency Natural Resources 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; to work with the state agencies in solution of certain urgent problems adversely affecting those resources; and to take certain other actions.

Whereas, By Senate Concurrent Resolution No. 38, the 61st Texas Legislature, Regular Session, authorized and directed the Interagency Natural Resources Council to make a comprehensive study of the state's submerged lands, beaches, islands, estuaries and estuarine areas, including but without limitations, coastal marshlands, bays, sounds, seaward areas and lagoons, and to submit a progress report to the Governor of Texas and to the Legislature by the first day of December, 1970, and its final report by the first day of December, 1972; and

Whereas, These coastal resources of the State of Texas are of great value to the present and future generations of Texans; and

Whereas, It is the declared policy of the state that such submerged lands, islands, estuaries, and estuarine areas shall be so managed and used as to insure the conservation, protection, and restoration of such submerged lands, islands, estuaries, and estuarine areas with resources and natural beauty and, consistent with such protection, conservation and restoration, their development and utilization in a manner that adequately and reasonably maintains a balance between the need for such protection in the interest of conserving the natural resources and natural beauty of the state and the need to develop these submerged lands, islands, estuaries, and estuarine areas to further the growth and development of the state; and

Whereas, The people of the State of Texas have a primary interest in the correction, and prevention of irreparable damage to or unreasonable impairment of the uses of the coastal waters of the state and inland waters of the state in such estuaries and estuarine areas caused by drainage, waste water disposal, industrial waste disposal, and all other activities that may contribute to the contamination and pollution of such waters; and

Whereas, The Summary of the Interim Report on the Coastal Resources Management Program submitted by the Interagency Natural Resources Council pursuant to Senate Concurrent Resolution No. 38, 61st Legislature, Regular Session, calls attention to a number of urgent and serious problems adversely affecting the state's coastal resources and the coastal environment, to the fact that the respective roles and responsibilities of the several state agencies with respect to the state's coastal resources and the coastal environment are not clearly defined in some instances, that there is need for coordination and cooperation among the state agencies, and recommends that certain actions be taken as soon as possible; and

Whereas, It is in the best interests of the people of Texas and the desire of the Legislature that all possible actions be effectively taken by the Interagency Natural Resources Council and the state agencies within their statutory powers to protect, conserve and properly develop the state's coastal resources and to improve the coastal environment pending submission of the Council's final report; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the following be accomplished:

Section 1. The Interagency Natural Resources Council is authorized and directed to:

1. Promote interagency cooperation and coordination in actions affecting the state's coastal resources;
2. Working with the appropriate agencies, delineate the roles and responsibilities of the state agencies as set out by statute in matters pertaining to the natural resources of the Coastal Zone;
3. Work with the General Land Office and the Attorney General in establishing a comprehensive policy concerning coastal lands, including: (a) policies on the sale and subsequent use of Texas' submerged lands, (b) clarification of ownership of lands resulting from erosion/accretion shifts, (c) delineation of limits of state and private ownership, and (d) equitable compensation for all economic uses of state lands;
4. Give every assistance to member pollution control agencies in their continued anti-pollution activities;
5. Work directly with the Institute of Marine and Coastal Law and other experts on legalistic problems of coastal resource management;
6. Work with the Coordinating Board for Higher Education, state-supported universities and colleges, the Advisory Council for Technical-Vocational Education and the Central Education Agency in encouraging the development of marine-related curricula and conservation education at all levels;
7. Investigate the feasibility of applying procedures of resources analysis developed in the Coastal Resources Management Program to other areas of the state;
8. Work with the Texas Water Quality Board, the Texas Parks and Wildlife Department, the Water Rights Commission, the Water Development Board, the Air Control Board and other concerned agencies in developing a consistent and logical policy for power plant siting;
9. Coordinate with the Texas Historical Survey Committee and provide through the Coastal Resources Management Program for the preservation of culturally and historically significant sites which might be destroyed or affected by natural resource use; and
10. Coordinate with the Interagency Transportation Council on matters related to transportation's effect on land use and resources in the Coastal Zone.

Section 2. The results of the actions of the Interagency Natural Resources Council pursuant hereto shall be incorporated in its final report on the Coastal Management Program, to be submitted by December, 1972.

The resolution was referred to the Committee on State Affairs.

SCR 9—REFERRED TO COMMITTEE

(Concerning Interagency Natural Resources Council)

The Speaker laid before the House the following resolution:

SCR 9

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 the coastal environment.

Whereas, The Interagency Natural Resources Council is conducting the Coastal Resources Management Program, a comprehensive study of the state's submerged lands, beaches, islands, estuaries and estuarine areas, including, but without limitation, coastal marshlands, bays, sounds, seaward areas and lagoons, pursuant to Senate Concurrent Resolution No. 38 of the 61st Texas Legislature, Regular Session; and

Whereas, The Summary of the Interim Report submitted by the Interagency Natural Resources Council to the 62nd Texas Legislature, Regular Session, pursuant to said Senate Concurrent Resolution No. 38, finds that the Coastal Zone of Texas, representing an invaluable social and economic, and in some respects irreplaceable resource to the State and Nation is experiencing pressures of urban, industrial, and agricultural growth that are causing a general degradation of the environment, that such conditions will worsen unless steps are taken to maintain a balance of conservation and economic development, and that the Coastal Resources Management Program during the next two years should concentrate on coastal environmental problems, their solution and the legalistic mechanisms necessary for full implementation of the Program; and

Whereas, It is in the best interests of the people of Texas and the policy of the Legislature that the coastal environment be upgraded and maintained at a high level; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the following be accomplished:

Section 1. The Interagency Natural Resources Council in its Coastal Resources Management Program, working through its member agencies and other qualified parties, is authorized and directed to conduct investigations and studies of the following:

1. Existing pollution and environmental problems including those unrelated to waste disposal, including information concerning their sources, long-term effects and solutions;
2. The environmental effects of proposed hurricane protection measures and other man-made additions to our Coastal Zone;
3. A legal analysis of institutional authority and responsibility necessary for the proper implementation of a Coastal Resources Management Program;
4. An inventory of remaining mineral resources, replenishable or alternative substitutes for those resources, and means by which to extract those resources with minimal environmental losses;

5. The long-term effects of persistent man-made substances such as oils, farm chemicals and pesticides upon the natural environment;

6. The use of a multidisciplinary approach in developing a practical and usable method for evaluating the consequences of alternative environmental management proposals including the assessment of consequences of varying land-use patterns;

7. Means of supporting research leading to a better understanding of hurricane forecasting as well as their destructive effects;

8. The availability of data for preparation of a comprehensive source-book of existing marine resources in the Gulf;

9. The Tektite Program of the Marine Biomedical Institute of The University of Texas Medical Branch at Galveston, and the many other multiple facets of the work of that Institute and all other means by which to encourage and support research in marine culture;

10. The cost to future Texans of unnecessarily depleting economically important nonreplenishable resources, including effects on long-term income and employment opportunities; and

11. Evaluation of the economic potential of resource utilization in the Coastal Zone.

Section 2. The Interagency Natural Resources Council will include the findings of these investigations and studies in its final report on the Coastal Resources Management Program to the 63rd Texas Legislature.

The resolution was referred to the Committee on State Affairs.

SCR 41—REFERRED TO COMMITTEE

(Concerning Mitchell Lake, Bexar County)

The Speaker laid before the House the following resolution:

SCR 41

Whereas, The sewage sludge that flows into Mitchell Lake, located in Bexar County, Texas, causes the water in the reservoir to smell and be noxious and offensive to residents over a large area of Southern Bexar County or to anyone passing through this area; and

Whereas, The stench from the water scum associated with the maintenance of the lake has relegated the Mitchell Lake Area to a stagnant condition regarding future growth and development; and

Whereas, During the periods when run-off water flows into Mitchell Lake, it becomes necessary to make a release of water and sludge from Mitchell Lake into the Medina and thence into the San Antonio River; and

Whereas, The residents and property owners adjacent to Mitchell Lake cannot live and prosper by the maintenance of sludge in Mitchell Lake; and

Whereas, Mitchell Lake could be a valuable body of water for public recreation, such as fishing, boating, camping and foot trails; and

Whereas, Mitchell Lake is the only sludge reservoir of its kind maintained and operated under authority of the State of Texas; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Water Quality Board is hereby authorized and requested to devise a plan, in conjunction with the Texas Water Development Board, the County of Bexar, the City of San Antonio, the San Antonio River Authority, the Texas Parks and Wildlife Commission, and the State Health Department for the purpose of cleaning the water of Mitchell Lake, and providing for the permanent conversion of the reservoir into a public recreation lake for inclusion in and in conformity with the State Recreation and Park Plan; and, be it further

Resolved, That such report shall be completed and presented to the Governor and Members of the Legislature not later than one (1) year after the passage of this Resolution; and, be it further

Resolved, That the report shall include the views of all agencies enumerated herein in the development of such plan plus the opinions of such agency regarding the final recommendation of the Texas Water Quality Board; and, be it further

Resolved, That the plan developed shall include a detailed financing scheme and schedule for implementations and identify any authorizations or appropriations required by the Legislature to facilitate accomplishment of the plan.

The resolution was referred to the Committee on State Affairs.

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 46.

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 7 to the Committee on Criminal Jurisprudence.

SB 32 to the Committee on Criminal Jurisprudence.

SB 111 to the Committee on Criminal Jurisprudence.

SB 160 to the Committee on State Affairs.

SB 174 to the Committee on Judiciary.

SB 176 to the Committee on Judiciary.

SB 177 to the Committee on Appropriations.

SB 213 to the Committee on Counties.
SB 232 to the Committee on Governmental Affairs and Efficiency.
SB 236 to the Committee on Urban Affairs.
SB 255 to the Committee on State Affairs.
SB 261 to the Committee on Judiciary.
SB 264 to the Committee on Judiciary.
SB 265 to the Committee on Judiciary.
SB 281 to the Committee on Judiciary.
SB 337 to the Committee on Higher Education.
SB 343 to the Committee on Judiciary.
SB 364 to the Committee on Judiciary.
SB 369 to the Committee on Judiciary.
SB 397 to the Committee on Judiciary.
SB 412 to the Committee on Mental Health and Mental Retardation.
SB 428 to the Committee on State Affairs.
SB 443 to the Committee on Counties.
SB 494 to the Committee on State Affairs.
SB 517 to the Committee on Governmental Affairs and Efficiency.
SB 554 to the Committee on Urban Affairs.
SB 601 to the Committee on Public Health.
SB 612 to the Committee on State Affairs.
SB 621 to the Committee on Urban Affairs.
SB 645 to the Committee on Criminal Jurisprudence.
SB 730 to the Committee on State Affairs.
SB 798 to the Committee on Judiciary.
SB 812 to the Committee on Counties.

HOUSE BILLS ON FIRST
READING

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

By Short:

HB 1688, A bill to be entitled An Act relating to the salary of the juvenile officer of Dawson County; amending Section 3, Chapter 388, Acts of the 57th Legislature, Regular Session, 1961 (Article 5139MM, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Ogg:

HB 1689, 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 Cypress-Klein 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 no 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 Ogg:

HB 1690, 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 Bear Creek 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 no 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 Ogg:

HB 1691, 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 Tall Timbers 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 no 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 Ogg:

HB 1692, 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 Harris County Water Control and Improvement District No. 144 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 no 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 Ogg:

HB 1693, 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 Malcomson Road 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 no 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 Ogg:

HB 1694, 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 Longhorn Town 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 no 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 Ogg:

HB 1695, A bill to be entitled An Act relating to Harris County Water Control and Improvement District No. 129 of Harris County, Texas; finding benefits to the land and other property in the District; granting the District additional rights, powers, privileges and duties; redefining the boundaries of the District and finding their closure; adding the land hereinafter described to the District; providing that all taxes levied by the District will be on the ad valorem basis; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing procedures for annexing land to the District; requiring supervision by the Texas Water Rights Commission; requiring the District to establish one or more offices and meeting places; providing for the selection of depositories; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that the District shall bear the sole expense of the relocation of certain facilities; validating the creation of the District and all governmental acts and proceedings of the District; containing other provisions relating to the subject; providing a severability clause; finding notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Ogg:

HB 1696, 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 Addicks 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 no 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 Ogg:

HB 1697, 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 Rolling Creek Utility District of Harris County, Texas; defining benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no 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 Ogg:

HB 1698, 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 Windfern Forest 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 no 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 Ogg:

HB 1699, 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 Lake Forest Utility District, 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 no 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 Ogg:

HB 1700, 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 Prestonwood 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.

HB 1701 was not read first time today.

By Ogg:

HB 1702, 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 Mason Creek 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 no 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 the Committee on Conservation and Reclamation.

Representatives Lee, Traeger, Slack, Finney, Doran, and Williamson entered the House and were announced present.

HB 113 WITH SENATE AMENDMENTS

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

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

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

The motion prevailed without objection.

HB 113—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 113:

Representatives Nichols, Chairman; Hendricks, Hale, Grant Jones, and Blanton.

SJR 20 ON FINAL PASSAGE (Mr. Clayton—House Sponsor)

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

SJR 20, Proposing an Amendment to the Constitution of Texas to exempt directors of soil and water conservation districts from prohibitions against dual office-holding.

The resolution was read third time on February 9, postponed until March 15; on the Calendar on March 15 and postponed until March 29 at which time the resolution was postponed until 11:00 a.m. today.

Representative Hale entered the House and was announced present.

SJR 20—(Consideration continued)

Mr. Moreno raised a point of order against further consideration of SJR 20 on the grounds that it violates Rule 19, Section 5 of the House Rules and Article 16, Section 59(d) of the Constitution.

The Speaker overruled the point of order.

Mr. Clayton offered the following amendment to the resolution:

Amend SJR 20 by striking that part of the first sentence of Section 3, on lines 19 and 20, and the date on line 21, and substitute the following in lieu thereof:

"The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972."

The amendment was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

HB 955, By Moncrief, et al: Relating to the membership of the board of directors of the Texas Turnpike Authority and the requirements of an annual report; amending Sections 3 and 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency, (amended).

HB 1458, By John Allen: Relating to the creation, establishment, consolidation, conversion, maintenance, operation, financing, powers, and duties of municipal utility districts; adding Chapter 54 to the Water Code; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 344, by Newton: Recognizing the senior civics class from Falls City High School.

HSR 345, by Newton: Commending the Junior Class of Falls City High School.

SJR 20—(Consideration continued)

Mr. Moreno offered the following amendment to the resolution:

Amend SJR 20, Second Printing by deleting the words "nor to Directors of Soil and Water Conservation Districts" on lines 44 and 45 and adding a period after the word "Corps" on line 44.

Mr. Clayton moved to table the above amendment.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

HB 146, by A. Moore: To amend Section (2) of Article 10.58, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Stewart entered the House and was announced present.

SJR 20—(Consideration continued)

Mr. Cruz offered the following amendment to the resolution:

Amend second printing of SJR 20 by adding on page 1, line 45 after the word "Districts" the following:

A Member of the legislature shall not be eligible to serve as a Director of a Soil and Water Conservation District.

The amendment was adopted without objection.

SJR 20, as amended, was passed by the following vote:

Yeas—114

Adams	Braecklein	Daniel	Hanna, Joe
Allen, John	Burgess	Davis, D.	Hannah, John
Allred	Bynum	Davis, H.	Harding
Angly	Calhoun	Denton	Hawkins
Atwell	Cates	Doran	Hawn
Atwood	Cavness	Doyle	Haynes
Baker	Christian	Earthman	Head
Bass, B.	Clark	Finnell	Heatly
Beckham	Clayton	Finney	Hendricks
Bigham	Coats	Floyd	Hilliard
Blanton	Cobb	Foreman	Holmes, T.
Blythe	Cole	Gammage	Howard
Bowers	Craddick	Garcia	Hubenak
Boyle	Cruz	Grant	Hull

Ingram	McKissack	Patterson	Solomon
Jones, D.	Mengden	Pickens	Spurlock
Jones, E.	Moncrief	Poerner	Stewart
Jones, G.	Moore, A.	Poff	Swanson
Jungmichel	Moore, G.	Presnal	Tarbox
Kilpatrick	Murray	Price	Traeger
Kost	Nabers	Rosson	Uher
Kubiak	Nelms	Sanchez	Von Dohlen
Lee	Neugent, D.	Schulle	Ward
Lemmon	Newton	Semos	Wieting
Lewis	Niland	Shannon	Williams
Ligarde	Nugent, J.	Short	Williamson
Lombardino	Ogg	Silber	Wyatt
Longoria	Orr	Slack	
McAlister	Parker, W.	Slider	

Nays—28

Allen, Joe	Finck	Moreno	Simmons
Bass, T.	Graves	Nichols	Smith
Braun	Hale	Parker, C.	Stroud
Caldwell	Harris	Reed	Truan
Carrillo	Holmes, Z.	Rodriguez	Tupper
Dramberger	Kaster	Salem	Vale
Farenthold	Moore, T.	Sherman	Wolff

Absent

Johnson	Santiesteban
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Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

Mr. Clayton moved to reconsider the vote by which SJR 20 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

HB 555, By Traeger: Validating proceedings relating to the creation and establishment of the Guadalupe County Water Control and Improvement District Number One as well as the proceedings relating to the issuance of bonds by the said district; changing the name of the district to West Guadalupe County Utility District and prescribing additional powers for the district and the prescribing of the manner in which said district shall accomplish the purposes for which organized and established; making certain findings; and declaring an emergency.

HB 496, By Wieting: Relating to Aransas County Navigation District No. 1; increasing the Board of Navigation and Canal Commissioners from three to five in number; providing for the election of one navigation and canal commissioner from each of the four County Commissioners' Precincts in Aransas County and the election of a fifth navigation and canal commissioner from Aransas County at large at elections to be held the second Saturday in July, 1971, and the second elections to be ordered by commission; designating notice required for elections; providing for filling of vacancies on the commission, term of office, compensation and method of removal of commissioners and appeal from order of removal; providing that Section 13, Chapter 5, Acts of the 39th Legislature, Regular Session, 1925, as amended, does not apply to district; amending Chapter 213, Acts of the 51st Legislature, Regular Session, 1949, to add Sections 1-A and 1-B; finding proper notice and delivery; and declaring an emergency.

HB 722, By Kubiak: Relating to approval by the commissioners court in Robertson County of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

HB 63, By Cavness: Relating to the appointment and terms of office of members of the Texas State Board of Examiners of Psychologists; amending Sections 4 and 5, Chapter 713, Acts of the 61st Legislature, Regular Session, 1969 (Article 4512c, Vernon's Texas Civil Statutes); and declaring an emergency.

HB 494, By Von Dohlen: Relating to annexation of territory by the DeWitt County Drainage District No. 1; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 31 by 29 Yeas, 0 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 64 ON SECOND READING
(Mr. Braecklein—House Sponsor)

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

SB 64, A bill to be entitled An Act amending Section 7, Chapter 171, Acts of the 50th Legislature, 1947 (Article 2783d, Vernon's Texas Civil Statutes), relating to the assessment and collection of taxes in certain independent school districts; and declaring an emergency.

(Mr. John Allen in the Chair)

The bill was on the Calendar on March 30, 1971 and was postponed until April 7, 1971.

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

Mr. Braecklein moved to reconsider the vote by which SB 64 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair)

SB 183 ON SECOND READING
(Mr. Calhoun—House Sponsor)

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

SB 183, Amending the Uniform Act Regulating Traffic on Highways.

The bill was on the Calendar on March 31, 1971 and was postponed until April 7, 1971.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 183, First Printing, by striking Section e, Line 27, Page 2, substituting in lieu the following:

“(e) School bus. Every motor vehicle that complies with the color and identification requirements set forth in the most recent addition of standards as produced and sponsored by the National Commission on Safety Education of the National Education Association, Washington, D.C., and is being used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.”

Committee Amendment No. 2

Amend SB 183, First Printing, by striking Section (g) on line 35 of page 2 of same and substituting the following in lieu thereof to read as follows:

“(g) Implement of husbandry. Every vehicle designed and adapted for use as a farm implement, machinery or tool as used in tilling the soil, but shall not include any passenger car or truck.”

Committee Amendment No. 3

Amend SB 183, First Printing, page 6, line 27, by deleting Section (c) on page 27 and all of Section (d) on line 32.

Committee Amendment No. 4

Amend SB 183, Second Printing, page 8, line 37, by striking Section 50A and substituting in lieu thereof the following:

“Section 50A. Homicide by vehicle. (a) whoever shall unlawfully and un-

intentionally with a conscious disregard for the rights of others cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or street car or to the regulation of traffic shall be guilty of homicide when such violation is the approximate cause of said death.

Committee Amendment No. 5

Amend SB 183, page 38, line 2, by changing the period after the word seat, substituting a semicolon and adding the following words:

“Provided, however, it shall be lawful for a motor vehicle specially designed as a mobile unit used in connection with a licensed television station to have television type receiving equipment so located that the viewer or screen is visible from the driver's side but said receiver shall never be used unless said motor vehicle is stopped.”

Committee Amendment No. 6

Amend SB 183, Second Printing, page 43, by deleting subsection (b) on line 1, and changing subsection (c) on line 5 to read subsection (b).

The committee amendments were severally adopted without objection.

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

Committee Amendment No. 7

Amend SB 183 by adding a new Section 98 to read as follows, and renumbering the remaining sections:

Section 98. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding a new Section 188 to read as follows:

“Section 188. Cutting Across Certain Property Prohibited. No person driving a vehicle shall cross a sidewalk or drive through a driveway, parking lot, or business or residential entrance at an intersection for the purpose of making either a right or a left turn from one street or highway to another street or highway.”

Mr. Williamson offered the following amendment to Committee Amendment No. 7:

Amend SB 183 by adding a new Section 98 to read as follows, and renumbering the remaining sections:

Section 98. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding a new Section 188 to read as follows:

“Section 188. Cutting Across Certain Property Prohibited. No person driving a vehicle shall cross a sidewalk or drive through a driveway, parking lot, or business or residential entrance without bringing the vehicle to a complete stop. No person driving a vehicle shall cross, drive in or on such sidewalks, driveways, parking lots or entrances at an intersection for the

purpose of making either a right or left turn from one street or highway to another street or highway."

The amendment was adopted without objection.

Committee Amendment No. 7, as amended, was adopted without objection.

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

Committee Amendment No. 8

Amend SB 183, page 5, line 29, by striking all after the word "highways" and substituting in lieu thereof "and other public places."

The committee amendment was adopted without objection.

Mr. Heatly offered the following amendment to the bill:

Amend SB 183, Section 19, by striking the language on line 46, "or shall be imprisoned" and all the language on lines 47 and 48 and substituting therefor the following language: "provided, however, that such person may be tried only upon indictment by a grand jury and may be tried only in the county where the violation occurred."

The amendment was adopted without objection.

Mr. Adams offered the following amendment to the bill:

Amend SB 183 by adding a new Section 99 to read as follows and renumbering the remaining Sections:

"Sec. 99. Sec. 36, Chap. 421, Acts of the 50th Leg., 1947, as amended, (Art. 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Display of unauthorized signs, signals or markings

"Sec. 36. (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

"(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

"(c) No person shall place or maintain a flashing light or flashing electric sign of any kind or color within one thousand (1,000) feet of any intersection.

"(d) This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

"(e) In addition to being a misdemeanor as set out in Section 143,

every such prohibited sign, signal, light or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice."

The amendment was adopted without objection.

Mr. Adams moved to reconsider the vote by which the above amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Tom Moore offered the following amendment to the bill:

Amend SB 183, Second Printing, by striking Section 86, Subsection (a), Numeral 3 and lines 36, 37, 38, 39, page 14.

The amendment was adopted without objection.

Mr. Harding offered the following amendment to the bill:

Amend SB 183, Second Printing, by striking Section 24, appearing on page 10, lines 15-29, and substituting the following:

Sec. 24. Section 57, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 57. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

"1. Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58;

"2. When approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing within the limits of an incorporated city or town;

"3. Outside the limits of an incorporated city or town when approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing and the intersection or crossing is indicated by signs or markings in accordance with Section 58;

"4. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

"(b) The foregoing limitations shall not apply upon a oneway roadway, nor to any driver of a vehicle turning left into or from an alley, private road, or driveway."

The amendment was adopted without objection.

Mr. Spurlock offered the following amendment to the bill:

Amend SB 183, first printing, by amending subsection "b" of Section 51

of Section 20 of the bill, on page 9 at line 1 by deleting all of such subsection "b" and substituting the following:

"(b) Every person convicted of reckless driving shall be punished upon such conviction by a fine of not more than \$200, or by imprisonment in the county jail for a period of not more than 30 days or by both such fine and imprisonment."

The amendment was adopted without objection.

Mr. Howard offered the following amendment to the bill:

Amend second printing of SB 183 by adding the words "inside or" after the word highway on line 7, page 18.

The amendment was adopted without objection.

Mr. Simmons offered the following amendment to the bill:

Amend SB 183, page 3, Sec. 9, line 38, by adding:

"Except in incorporated cities."

Mr. Calhoun moved to table the above amendment.

The motion to table was lost.

The amendment was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 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 78, By Creighton: Requesting return of HB 1458 for further consideration.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 183—(Consideration continued)

Mr. Adams offered the following amendment to the bill:

Amend 2nd printing of SB 183, Section 99 (c) by striking the period and adding the following:

"unless a permit is granted by the State Highway Commission for such flashing light or electric sign."

The amendment was adopted without objection.

Mr. Adams moved to reconsider the vote by which the above amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Spurlock offered the following amendment to the bill:

Amend SB 183, First Printing, by amending "Section 50" of Section 18 of the bill, in Subsection "(b)" at line 28, Page 8 by deleting the word "one" and number "1", and substituting the following word "two" and number "2"; and further at line 32, deleting the word "one" and number "1" and substituting the word "two" and number "2".

The amendment was adopted without objection.

SB 183, as amended, was passed to third reading.

Mr. Calhoun moved to reconsider the vote by which SB 183 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives John Allen, Jungmichel, Lombardino, Finnell, Poerner, Kubiak, Adams, Nabers, and Finck requested to be recorded as voting Nay on the passage to third reading of SB 183.

HB 427 ON THIRD READING

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

HB 427, Concerning insurer's designation of practitioners in insurance policy, etc.

The bill was read third time.

Mr. Boyle moved that consideration of HB 427 be postponed until 10:30 a.m., April 28, 1971.

Mr. Traeger moved to table the motion to postpone.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—97

Adams	Bass, T.	Cavness	Doran
Allen, Joe	Bigham	Clark	Dramberger
Allen, John	Blanton	Clayton	Earthman
Allred	Boyle	Cobb	Farenthold
Atwell	Braun	Cruz	Finck
Atwood	Burgess	Daniel	Gammage
Baker	Bynum	Davis, H.	Garcia
Bass, B.	Caldwell	Denton	Grant

Graves	Jones, D.	Nelms	Solomon
Hale	Jungmichel	Neugent, D.	Spurlock
Hanna, Joe	Kilpatrick	Newton	Stroud
Hannah, John	Kubiak	Nichols	Swanson
Harding	Lemmon	Niland	Tarbox
Harris	Lewis	Nugent, J.	Traeger
Hawkins	Ligarde	Parker, C.	Truan
Hawn	Lombardino	Poff	Tupper
Haynes	Longoria	Reed	Uher
Head	McAlister	Rodriguez	Vale
Hendricks	Moncrief	Salem	Von Dohlen
Hilliard	Moore, A.	Santiesteban	Wieting
Holmes, T.	Moore, G.	Schulle	Williams
Holmes, Z.	Moore, T.	Shannon	Wolff
Hubenak	Moreno	Short	
Hull	Murray	Slider	
Johnson	Nabers	Smith	

Nays—41

Angly	Davis, D.	Kost	Semos
Beckham	Doyle	Lee	Sherman
Blythe	Finnell	Ogg	Silber
Bowers	Finney	Orr	Simmons
Braecklein	Floyd	Parker, W.	Slack
Carrillo	Foreman	Pickens	Stewart
Cates	Heatly	Poerner	Williamson
Christian	Howard	Presnal	Wyatt
Coats	Ingram	Price	
Cole	Jones, G.	Rosson	
Craddick	Kaster	Sanchez	

Present—Not Voting

Ward

Absent

Calhoun	McKissack	Mengden	Patterson
Jones, E.			

Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

HB 427 was passed by the following vote:

Yeas—89

Adams	Bass, T.	Clark	Earthman
Allen, Joe	Bigham	Clayton	Farenthold
Allen, John	Blanton	Cobb	Gammage
Allred	Braun	Cruz	Garcia
Atwood	Burgess	Daniel	Grant
Baker	Bynum	Denton	Graves
Bass, B.	Caldwell	Dramberger	Hale

Hannah, John	Kilpatrick	Newton	Spurlock
Harding	Kubiak	Nichols	Stroud
Harris	Lemmon	Niland	Swanson
Hawkins	Lewis	Nugent, J.	Tarbox
Haynes	Ligarde	Ogg	Traeger
Head	Lombardino	Parker, C.	Truan
Hendricks	Longoria	Poff	Tupper
Hilliard	McAlister	Reed	Uher
Holmes, T.	Moncrief	Rodriguez	Vale
Holmes, Z.	Moore, A.	Rosson	Von Dohlen
Hubenak	Moore, T.	Salem	Wieting
Hull	Moreno	Santiesteban	Williams
Ingram	Murray	Schulle	Wolff
Johnson	Nabers	Short	
Jones, D.	Nelms	Slider	
Jungmichel	Neugent, D.	Smith	

Nays—51

Angly	Cole	Heatly	Price
Atwell	Craddick	Howard	Sanchez
Beckham	Davis, D.	Jones, E.	Semos
Blythe	Davis, H.	Jones, G.	Shannon
Bowers	Doran	Kaster	Sherman
Boyle	Doyle	Kost	Silber
Braecklein	Finck	Lee	Simmons
Calhoun	Finnell	Orr	Slack
Carrillo	Finney	Parker, W.	Solomon
Cates	Floyd	Patterson	Stewart
Cavness	Foreman	Pickens	Williamson
Christian	Hanna, Joe	Poerner	Wyatt
Coats	Hawn	Presnal	

Present—Not Voting

Ward

Absent

McKissack Mengden Moore, G.

Absent-Excused

Agnich Lovell Salter Wayne
Golman

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

The motion to table prevailed.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was read and was adopted unanimously:

HSR 343, by Short: Commending Miss Elda Cruce, Miss Cotton of Texas of 1971.

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

SCR 78—ADOPTED
(Mr. John Allen—House Sponsor)

(Requesting that HB 1458 be returned to the Senate)

The Speaker laid before the House the following resolution:

SCR 78

Whereas, HB 1458 has been passed by the Senate and is now in the House, and there are certain corrections to be made therein; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the House is hereby respectfully requested to return HB 1458 to the Senate for further consideration.

The resolution was read and was adopted without objection.

HB 322 ON SECOND READING

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

HB 322, A bill to be entitled An Act relating to permits issued by the Texas Air Control Board for construction, modification, expansion, or additions to industrial plants and facilities; amending Subchapter C, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), to add a new Section 3.28; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 322 by striking all below the enacting clause and substituting the following:

Section 1. Section 1.03, Subchapter A, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), is amended to add new Subsections (8) and (9) to read as follows:

"Section 1.03. Definitions. As used in this Act, unless the context requires a different definition:

"(1) 'air contaminant' means particulate matter, dust, fumes, gas, mist, smoke, vapor or odor, or any combination thereof produced by processes other than natural;

"(2) 'source' means a point of origin of air contaminants, whether privately or publicly owned or operated;

"(3) 'air pollution' means the presence in the atmosphere of one or more

air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property;

“(4) ‘board’ means the Texas Air Control Board;

“(5) ‘executive secretary’ means the executive secretary of the Texas Air Control Board;

“(6) ‘person’ means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity;

“(7) ‘local government’ means a county; an incorporated city or town; or a health district established under authority of Chapter 63, Acts of the 51st Legislature, 1949, as amended by Chapter 239, Acts of the 56th Legislature, 1959 (Article 4447a, Vernon’s Texas Civil Statutes);

“(8) ‘new facility’ means equipment, machines, devices, contrivances, or installations built or installed on or after the effective date of this statute; or any equipment which is moved to another premise involving a change of address, or purchased and operated by a new owner, or operated by a new lessee after the effective date of this statute;

“(9) ‘modification’ means any alteration which will affect or tend to affect the amount, the effect, or the characteristics of the air contaminants discharged.”

Sec. 2. Subchapter C, Texas Clean Air Act, as amended (Article 4477-5, Vernon’s Texas Civil Statutes), is amended to add a new Section 3.27 to read as follows:

“Section 3.27. Construction Permit. (a) Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall apply for and obtain a construction permit from the board before any actual work is begun on the facility.

“(b) Along with the application for the permit, the person shall submit copies of all plans and specifications for the proposed facility together with any other information which the board considers necessary.

“(c) If the board determines that the emission from the proposed facility will not contravene air pollution control standards set by the board or will not contravene the intent of the Texas Clean Air Act, as amended, it shall grant a permit to construct or modify the facility, but if the board finds that the emissions from the proposed facility will contravene these standards or will contravene the intent of the Texas Clean Air Act, as amended, it shall set out in a report to the applicant its specific objections to the submitted plans of the proposed facility and not grant the permit.

“(d) If the person applying for a permit makes the alteration in his plans and specifications to meet the specific objections of the board, the board shall grant the permit, but in no instance shall the board accept new applications by a person until all previous objections of the board to the previously submitted plans of that person are met, and if the person fails or re-

fuses to alter the plans and specifications, the board shall refuse to grant the permit.

"(e) If a permit is not granted by the board, or if the stipulations of the permit as granted does not meet with the approval of affected persons, or at the discretion of the board, the board may hold a public hearing as outlined in Section 3.17 of this Act.

"(f) When a person who plans to construct any new facility or to engage in the modification of any existing facility applies for a permit, the board shall not at any time provide for a variance from its standards or rules as provided in Section 3.21 and 3.23 of this Act for the new or modified facility.

"(g) A permit granted under this section may be revoked by the board if the board later determines that emission from the proposed facility will contravene air pollution control standards set by the board.

"(h) The board may seek an injunction in a court of competent jurisdiction to halt work on a facility which is being done without a permit issued under this section or is in violation of the terms of a permit issued under this section."

Sec. 3. Subchapter C, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), is amended to add a new Section 3.28 to read as follows:

"Section 3.28. Initial Operation Permit. (a) If a permit to construct is issued and when the facility is ready to begin operation, the person in charge of the facility shall apply for an initial operation permit before beginning the operation of the facility.

"(b) At the time of application, the board shall inspect the new or modified facility and shall be assured that all provisions and stipulations of the construction permit have been properly initiated and that all pollution control equipment is operable.

"(c) If the board is satisfied that all stipulations of the construction permit are met and that the operation of the facility will not contravene air pollution control standards set by the board, the board shall issue the initial operation permit.

"(d) If the board determines that the operation of such a facility will contravene the air pollution control standards set by the board, it shall set out in a report to the applicant the specific objections which it finds to the facility and shall not grant the permit.

"(e) At no time shall the board accept new applications by a person for an initial operation permit until all the previous objections to that facility submitted by the board are rectified.

"(f) At no time shall the board provide for a variance from its standards or rules as provided in Sections 3.21 and 3.23 of this Act for the new or modified facility in consideration of an initial operation permit.

"(g) A permit issued under this section may be revoked by the board

if the board later determines that emission from the facility contravene air pollution control standards set by the board.

“(h) The board may seek an injunction in a court of competent jurisdiction to halt the operation of any facility which is operating without a permit issued under this section or which is operating in violation of the terms of a permit issued under this section.”

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Cavness offered the following amendments to Committee Amendment No. 1:

Amendment No. 1

Amend Section 2 of Committee Amendment No. 1 to HB 322 by adding the following on line 51 at the end of paragraph (a) page 1, second printing of quoted Section 3.27:

“The Board may classify types of minor modifications as too insignificant to require permits if such modifications do not contribute in any manner to air emissions from the facility.

Amendment No. 2

Amend Section 2 of Committee Amendment No. 1 to HB 322 by adding the following words after the word “for” on line 53, page 1, paragraph (b) (second printing) of quoted section 3.27:

“Controlling air emissions from”

Amendment No. 3

Amend Section 2 of Committee Amendment No. 1 to HB 322, by inserting the words “within a reasonable time” after the word “grant” on line 58, paragraph (c) second printing, page 1 of quoted Section 3.27.

Amendment No. 4

Amend Section 3 of Committee Amendment No. 1 to HB 322 by adding the words “within a reasonable time” following the phrase “the board shall” on line 40, paragraph (c) second printing of quoted Section 3.28, (page 2).

Amendment No. 5

Amend Section 3 of Committee Amendment No. 1 to HB 322 by adding the words “within a reasonable time” following the words “it shall” on line 43, paragraph (d) second printing of quoted Section 3.28, (page 2).

Amendment No. 6

Amend Committee Amendment No. 1 to HB 322, page 3, line 5 second printing by inserting a new section 4 as follows, and renumbering the subsequent section:

Sec. 4. Upon the failure of the Board to take action within 120 days after receipt in proper form of an application for a permit under Sec. 3.27 or Sec. 3.28, the petitioner shall be entitled to assume that his petition has been denied, and he may perfect an appeal on this basis in the manner provided in Section 6.01 of this Act. However, until such time as the petitioner files his appeal in the manner provided in Section 6.01 of this Act, the board shall continue to have jurisdiction to act on the petition.

The amendments were severally adopted without objection.

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

Amend HB 322, 2nd Printing, page 2 by striking subsection (g) beginning on line 20 and substituting the following:

"(g) a permit granted under this section may be revoked by the board if the board later determines that there have been variations in the project which will allow emissions from the proposed facility which will contravene air pollution control standards set by the board."

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to HB 322 by adding a new subsection (i) to "Section 3.27 Construction Permit" to read as follows:

Provided, however, that at the time this act becomes effective no provision of this act shall apply where any person, firm, partnership or corporation that has let any contract; or begun any construction for any addition, alteration or modification to any new or existing facility. Any contracts under this subsection shall have a beginning construction date no later than six months after the effective date of this Act to qualify for this exemption.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

HB 322, as amended, was passed to engrossment.

Mr. Nelms moved to reconsider the vote by which HB 322 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE
HB 322 ON THIRD READING

Mr. Nelms moved that the constitutional rule requiring bills to be read

on three several days be suspended and that HB 322 be placed on its third reading and final passage.

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

Yeas—89

Allen, Joe	Davis, D.	Ligarde	Semos
Allen, John	Davis, H.	Lombardino	Shannon
Allred	Denton	Longoria	Sherman
Angly	Dramberger	McKissack	Short
Atwell	Finnell	Moncrief	Slider
Baker	Finney	Moore, A.	Smith
Beckham	Foreman	Moore, G.	Solomon
Bigham	Gammage	Moore, T.	Spurlock
Blanton	Garcia	Nelms	Stewart
Blythe	Grant	Neugent, D.	Stroud
Braecklein	Hale	Nichols	Swanson
Braun	Hannah, John	Niland	Traeger
Caldwell	Harris	Ogg	Truan
Calhoun	Hawkins	Orr	Tupper
Carrillo	Hawn	Parker, C.	Uher
Cavness	Haynes	Poff	Ward
Clark	Head	Presnal	Wieting
Clayton	Hendricks	Price	Williams
Coats	Hilliard	Rodriguez	Williamson
Cole	Hubenak	Salem	Wyatt
Craddick	Jungmichel	Sanchez	
Cruz	Kubiak	Santiesteban	
Daniel	Lewis	Schulle	

Nays—51

Adams	Earthman	Jones, D.	Parker, W.
Atwood	Farenthold	Jones, G.	Patterson
Bass, B.	Finck	Kaster	Pickens
Bass, T.	Floyd	Kilpatrick	Poerner
Bowers	Graves	Kost	Reed
Boyle	Hanna, Joe	Lee	Rosson
Burgess	Harding	Lemmon	Silber
Bynum	Heatly	McAlister	Simmons
Cates	Holmes, T.	Mengden	Slack
Christian	Holmes, Z.	Moreno	Vale
Cobb	Howard	Nabers	Von Dohlen
Doran	Ingram	Newton	Wolff
Doyle	Johnson	Nugent, J.	

Absent

Hull	Jones, E.	Murray	Tarbox
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Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

COMMITTEE MEETING

Mr. Orr asked unanimous consent of the House that the Committee on Youth be permitted to meet at this time.

There was no objection offered.

HB 754 ON SECOND READING

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

HB 754, A bill to be entitled An Act relating to the authority of commissioners courts to regulate certain real estate subdivisions; amending Subsection (b), Section 1, Chapter 151, Acts of the 52nd Legislature, 1951 (Article 2372k, Vernon's Texas Civil Statutes); and declaring an emergency.

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

Mr. Floyd moved to reconsider the vote by which HB 754 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 166 ON SECOND READING

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

HB 166, A bill to be entitled An Act relating to the establishment of a schedule of abused drugs by the State Board of Pharmacy and the dispensing of abused drugs; amending Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), by adding a new Section 16; and declaring an emergency.

The bill was read second time.

(Mr. Ogg in the Chair)

Mr. McKissack offered the following amendment to the bill:

Amend Section 16 in Section 1, HB 166 by deleting the entire Section and replacing it with the following:

"Sec. 16(a). The said Board of Pharmacy shall establish a schedule of abused drugs in conformity with the schedules set out in the Federal Comprehensive Drug Abuse Prevention and Control Act. Any new drug or a drug containing any narcotic which is being abused or may be abused may be put on the schedule of abused drugs by the State Board of Pharmacy. Such determination shall be made only after ten (10) days notice of hearing has been delivered to the manufacturer of such drug or preparation and a hearing pursuant to such notice has been held. Appeals from the decision of the Board shall be in the same manner as other appeals from action of the Board as provided in Section 12 of Article 4542a, Vernon's Texas Statutes.

“(b) In making the determination regarding the drug, the State Board of Pharmacy shall consider the following:

“(1) the actual or relative potential for abuse;

“(2) the scientific evidence of its pharmacological effect, if known;

“(3) the state of current scientific knowledge regarding the substance;

“(4) the history and current pattern of abuse;

“(5) the scope, duration, and significance of abuse;

“(6) the risk to the public health; and

“(7) the potential of the substance to produce psychic or physiological dependence liability.”

“(c). The Board shall not place on the schedule of abused drugs any nonnarcotic drug or preparation which may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

“(d) Any drug placed on the schedule of abused drugs by the State Board of Pharmacy may not be sold or dispensed except under the rules and regulations provided by the Board or may not be dispensed to an ultimate user without a written or oral prescription, except when dispensed directly by a practitioner to an ultimate user. Such prescriptions may not be filled or refilled more than six months after the date on which they were issued or be refilled more than five times after the date of the prescription unless renewed by the practitioner.”

(Speaker in the Chair)

The amendment was adopted without objection.

HB 166, as amended, was passed to engrossment.

Mr. Von Dohlen moved to reconsider the vote by which HB 166 passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. John Allen requested to be recorded as voting Nay on passage to engrossment of HB 166.

HB 516 ON SECOND READING

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

HB 516, A bill to be entitled An Act defining the term “eligible city” as any incorporated city which owns and operates any portion of a toll bridge over the Rio Grande River; authorizing each eligible city to acquire,

purchase, construct, improve, enlarge, equip, operate, and maintain property, buildings, structures, activities, or other facilities for any public purpose; authorizing each eligible city to issue revenue bonds for public purposes; providing the terms, conditions, payment, and security of said revenue bonds, and liens, pledges, and encumbrances in connection therewith; providing for refunding bonds, enacting other provisions relating to the subject; prescribing a severability provision; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 516, by deleting the existing Section 7, and substituting in lieu thereof a new Section 7, to read as follows:

"Section 7. Additional Powers. It is hereby found, determined, and declared that the acquisition, purchase, construction, improvement, enlargement, and/or equipment by an eligible city of any property, buildings, structures, or other facilities for lease or rental to the United States of America, or any department or agency thereof, for use in performing Federal governmental functions in the city, or in performing Federal governmental functions at or near, and relating to, its toll bridge, even though its toll bridge and said Federal facilities relating thereto are not located in the city, is and constitutes a public purpose and a proper municipal function. Any such property, buildings, structures, or other facilities acquired, purchased, constructed, improved, enlarged, and/or equipped in whole or in part with proceeds from the sale of bonds issued pursuant to this Act may be leased or rented by an eligible city to the United States of America, or any department or agency thereof, upon such terms and conditions, and for such period, as such parties shall agree.

Mr. Rodriguez moved to table the above amendment.

The motion to table was lost.

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

Amend Committee Amendment No. 1 to HB 516 by striking quoted Section 7 and substituting the following:

Sec. 7. Additional Powers. It is hereby found, determined, and declared that the acquisition, purchase, construction, improvement, enlargement, and equipment by an eligible city of any property, buildings, structures, or other facilities for lease or rental to the United States of America, or any department or agency thereof, for use in performing federal governmental functions in the city, is and constitutes a public purpose and a proper municipal function. Any such property, buildings, structures, or other facilities acquired, purchased, constructed, improved, enlarged, and equipped in whole or in part with proceeds from the sale of bonds issued pursuant to this Act may be leased or rented by an eligible city to the United States of America, or any department or agency thereof, upon such terms and conditions, and for such period, as such parties shall agree.

Mr. Ligarde moved to table the above amendment.

The motion to table prevailed.

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

Amend quoted Section 7 of Committee Amendment No. 1 of HB 516 to strike the words "even though its toll bridge and said Federal facilities relating thereto are not located in the city."

The amendment failed of adoption.

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

Amend the first sentence of quoted Section 7 of Committee Amendment No. 1 of HB 516 to read as follows: "It is hereby found, determined, and declared that the acquisition, purchase, construction, improvement, enlargement, and/or equipment by an eligible city of any property, buildings, structures, or other facilities for lease or rental to the United States of America, or any department or agency thereof, for use in performing Federal governmental functions at or near, and relating to, its toll bridge, even though its toll bridge and said Federal facilities are not located in the eligible city so long as they are located outside the boundaries of any other city, is and constitutes a public purpose and a proper municipal function."

The amendment failed of adoption.

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

Amend Committee Amendment No. 1 to HB 516 by adding a new sentence at Line 31 of Page 4, Second Printing, to read as follows:

This Act shall in no manner allow a city to alter, change or halt the flow of traffic within another incorporated city nor be construed to authorize the power of eminent domain by one governmental entity within the limits of another.

A record vote was requested.

The amendment failed of adoption by the following vote:

Yeas—24

Adams	Braun	Grant	Moore, T.
Allen, Joe	Caldwell	Graves	Moreno
Allred	Calhoun	Harris	Nichols
Bigham	Cole	Hawkins	Poff
Blythe	Farenthold	Head	Reed
Bowers	Gammage	Holmes, Z.	Rodriguez

Nays—93

Allen, John	Baker	Boyle	Carrillo
Atwell	Bass, T.	Braecklein	Cates
Atwood	Blanton	Bynum	Cavness

Christian	Howard	Moore, A.	Shannon
Clark	Hubenak	Moore, G.	Short
Clayton	Hull	Nabers	Silber
Coats	Ingram	Nelms	Simmons
Cobb	Johnson	Neugent, D.	Slack
Craddick	Jones, D.	Newton	Slider
Cruz	Jones, G.	Niland	Solomon
Davis, D.	Jungmichel	Nugent, J.	Spurlock
Davis, H.	Kaster	Ogg	Stewart
Doran	Kilpatrick	Orr	Swanson
Earthman	Kost	Patterson	Tarbox
Finck	Lee	Pickens	Traeger
Finnell	Lemmon	Poerner	Tupper
Finney	Lewis	Presnal	Uher
Foreman	Ligarde	Price	Williams
Garcia	Lombardino	Rosson	Williamson
Hale	Longoria	Salem	Wolff
Hanna, Joe	McAlister	Sanchez	Wyatt
Hawn	McKissack	Santiesteban	
Heatly	Mengden	Schulle	
Hilliard	Moncrief	Semos	

Present—Not Voting

Angly	Daniel	Kubiak	Vale
Bass, B.	Doyle	Parker, C.	Von Dohlen
Beckham	Floyd	Smith	Ward
Burgess	Hendricks	Stroud	Wieting

Absent

Denton	Harding	Jones, E.	Sherman
Dramberger	Haynes	Murray	Truan
Hannah, John	Holmes, T.	Parker, W.	

Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

Committee Amendment No. 1 was adopted.

HB 516, as amended, was passed to engrossment by the following vote:

Yeas—124

Adams	Boyle	Clayton	Earthman
Allen, John	Braecklein	Coats	Finck
Atwell	Burgess	Cobb	Finnell
Atwood	Bynum	Cole	Finney
Baker	Caldwell	Craddick	Floyd
Bass, B.	Calhoun	Cruz	Foreman
Bass, T.	Carrillo	Daniel	Gammage
Beckham	Cates	Davis, D.	Garcia
Blanton	Cavness	Davis, H.	Grant
Blythe	Christian	Doran	Graves
Bowers	Clark	Dramberger	Hale

Hanna, Joe	Kaster	Niland	Simmons
Hannah, John	Kilpatrick	Nugent, J.	Slack
Harding	Kost	Ogg	Slider
Hawkins	Lee	Orr	Smith
Hawn	Lemmon	Parker, C.	Solomon
Haynes	Lewis	Parker, W.	Spurlock
Head	Ligarde	Patterson	Stewart
Heatly	Lombardino	Pickens	Swanson
Hendricks	Longoria	Poerner	Tarbox
Hilliard	McAlister	Presnal	Traeger
Holmes, T.	McKissack	Price	Truan
Holmes, Z.	Mengden	Rosson	Tupper
Howard	Moncrief	Salem	Uher
Hubenak	Moore, A.	Sanchez	Von Dohlen
Hull	Moore, G.	Santiesteban	Ward
Ingram	Murray	Schulle	Wieting
Johnson	Nabers	Semos	Williams
Jones, D.	Nelms	Shannon	Williamson
Jones, G.	Neugent, D.	Short	Wolff
Jungmichel	Newton	Silber	Wyatt

Nays—13

Allen, Joe	Denton	Moore, T.	Rodriguez
Allred	Farenthold	Moreno	
Bigham	Harris	Nichols	
Braun	Kubiak	Reed	

Present—Not Voting

Angly	Poff	Stroud	Vale
Doyle			

Absent

Jones, E.	Sherman
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Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

Mr. Ligarde moved to reconsider the vote by which HB 516 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Pickens asked unanimous consent of the House that the Committee on Insurance be permitted to meet at this time.

There was no objection offered.

HB 514 ON SECOND READING

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

HB 514, A bill to be entitled An Act relating to regulations governing the absence of faculty members of state-supported colleges and universities; and declaring an emergency.

The bill was read second time.

Mr. Cobb offered the following amendment to the bill:

Amend HB 514 by inserting the following:

"Section 1. Section 5, Chapter 380, Acts of the 60th Legislature, Regular Session, 1967, (Article 2647c-2, Sec. 5, Tex. Rev. Civ. Stat. Ann. (1969)) is amended to read as follows:

"Sec. 5. The governing board may grant to a faculty member a faculty development leave authorized by this Act either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made only from funds appropriated by the Legislature specifically for that purpose. A faculty member on faculty development leave may accept a grant for study, research or travel from any institution of higher education or from a charitable, religious or educational corporation or foundation, or from any federal, state or local governmental agency. A faculty member on faculty development leave may not accept employment from any other person, corporation, or government, unless the governing board determines that it would be in the public interest to do so and expressly approves the employment."

Further amend HB 514 by renumbering Sections 1, 2, and 3 as follows:

"Sec. 2. The governing board of each college or university supported in whole or in part by state funds shall issue regulations concerning the authorized and unauthorized absence from duty of faculty members, including teaching assistants and research assistants.

"Sec. 3. Not later than 90 days after the effective date of this Act, each governing board shall file a copy of these regulations with the Coordinating Board, Texas College and University System. Each governing board shall file any amendment to its regulations with the Coordinating Board not later than 30 days after the effective date of the amendment.

"Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

VOTE RECORDED

Mr. Silber requested to be recorded as voting Nay on the amendment by Mr. Cobb.

HB 514, as amended, was passed to engrossment by the following vote:

Yeas—114

Adams	Doyle	Kaster	Rosson
Allen, John	Dramberger	Kilpatrick	Salem
Allred	Earthman	Kost	Sanchez
Angly	Finck	Lee	Santiesteban
Atwell	Finnell	Lemmon	Schulle
Atwood	Finney	Lewis	Semos
Baker	Floyd	Ligarde	Shannon
Beckham	Foreman	Lombardino	Short
Blanton	Garcia	Longoria	Silber
Blythe	Grant	McAlister	Simmons
Bowers	Hale	McKissack	Slack
Boyle	Hanna, Joe	Mengden	Slider
Braecklein	Harding	Moncrief	Smith
Burgess	Hawkins	Moore, A.	Solomon
Bynum	Hawn	Moore, G.	Spurlock
Calhoun	Haynes	Murray	Stewart
Carrillo	Head	Nabers	Stroud
Cates	Heatly	Neugent, D.	Swanson
Cavness	Hendricks	Newton	Tarbox
Christian	Hilliard	Niland	Traeger
Clayton	Holmes, T.	Nugent, J.	Tupper
Cobb	Howard	Ogg	Uher
Cole	Hubenak	Orr	Von Dohlen
Craddick	Hull	Parker, W.	Ward
Cruz	Ingram	Pickens	Wieting
Daniel	Jones, D.	Poerner	Williamson
Davis, D.	Jones, E.	Poff	Wolff
Davis, H.	Jones, G.	Price	
Doran	Jungmichel	Reed	

Nays—27

Allen, Joe	Denton	Johnson	Patterson
Bass, T.	Farenthold	Kubiak	Presnal
Bigham	Gammage	Moore, T.	Rodriguez
Braun	Graves	Moreno	Truan
Caldwell	Hannah, John	Nelms	Williams
Clark	Harris	Nichols	Wyatt
Coats	Holmes, Z.	Parker, C.	

Absent

Bass, B.	Sherman	Vale
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Absent-Excused

Agnich	Lovell	Salter	Wayne
Golman			

Mr. Delwin Jones moved to reconsider the vote by which HB 514 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 519 ON SECOND READING

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

HB 519, A bill to be entitled An Act relating to the abolition and subdivision of common school districts; amending Section 19.401, Texas Education Code; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 519 by striking out all below the enacting clause and substitute the following:

Section 1. Section 19.401, Texas Education Code, is amended to read as follows:

"Section 19.401. Authority of County Governing Board.

"(a) The county school trustees or county board of education, as the case may be, may abolish and annex or subdivide any common school district located entirely within its county.

"(b) The territory of the district so abolished shall be annexed to a single contiguous independent school district, or subdivided and annexed to one or more contiguous independent school districts located entirely within its county, in such manner as may be determined by order of the county governing board.

"Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or applications, and to this end the provisions of this Act are declared to be severable.

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

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

Amend Committee Amendment No. 1 to HB 519 by striking subsection (a) and substituting in lieu thereof the following:

(a) The county school trustees or county board of education, as the case may be, may abolish and annex or subdivide any common school district located entirely within its county, provided that a formal application or request is submitted by the trustees of the common school district.

Said application or request shall not affect the authority of the county school trustees or county board of education, as the case may be, to determine if the common school district should be abolished, annexed or subdivided.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

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

Committee Amendment No. 2

Amend HB 519 by striking out all above the enacting clause and substitute the following:

"A bill to be entitled An Act to amend Section 19.401, Texas Education Code, to authorize abolishment of certain common school districts and the annexation or subdivision of the territory thereof; providing a severability clause; and declaring an emergency."

The committee amendment was adopted without objection.

HB 519, as amended, was passed to engrossment.

Mr. Atwood moved to reconsider the vote by which HB 519 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECORD OF VOTES

I was absent-excused because of important business on yesterday. Had I been present on yesterday when the votes were taken on HB 203 and SB 31, I would have voted "Yea" on both issues.

Signed: Clyde Haynes, Jr.

ADJOURNMENT

Mr. Clayton moved that the House adjourn until 9:30 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 2:25 p.m., adjourned until 9:30 a.m. tomorrow.

APPENDIX

BILLS TRANSMITTED TO GOVERNOR UNDER ARTICLE 16, SECTION 59

HB 1689 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1690 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1691 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1692 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1693 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1694 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1695 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1696 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1697 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1698 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1699 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1700 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1701 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1702 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1710 transmitted by the Chief Clerk to the Governor on April 13, 1971.

HB 1711 transmitted by the Chief Clerk to the Governor on April 13, 1971.

STANDING COMMITTEE REPORTS

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

Constitutional Amendments: HJR 2, HJR 8, HJR 31, SJR 16.

Counties: HB 118, HB 177, HB 298, HB 373, HB 573, HB 574, HB 584, HB 833, SB 73.

Engrossed and Enrolled Bills: Correctly engrossed—HB 203, HB 427,
Correctly enrolled—HB 106, HB 524, HCR 90, HCR 102, HCR 107.

Insurance: SB 827.

State Affairs: HB 727.

Youth: HB 466.

SENT TO THE GOVERNOR
April 14, 1971

HB 106

HCR 90

HCR 102

HCR 107

FIFTY-FOURTH DAY—THURSDAY, APRIL 15, 1971

The House met at 9:30 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	Craddick	Jones, D.	Reed
Adams	Daniel	Jones, E.	Rosson
Agnich	Davis, H.	Jones, G.	Salem
Allen, Joe	Denton	Jungmichel	Salter
Allen, John	Doran	Kaster	Schulle
Allred	Doyle	Kilpatrick	Semos
Angly	Dramberger	Kubiak	Shannon
Atwell	Earthman	Lemmon	Sherman
Atwood	Farenthold	Lewis	Short
Baker	Finck	Lombardino	Silber
Bass, T.	Finnell	Longoria	Simmons
Beckham	Foreman	McAlister	Slack
Bigham	Gammage	McKissack	Smith
Blanton	Garcia	Mengden	Solomon
Blythe	Golman	Moncrief	Spurlock
Bowers	Grant	Moore, A.	Stewart
Boyle	Hanna, Joe	Moore, T.	Stroud
Braecklein	Harris	Nabers	Swanson
Braun	Hawkins	Nelms	Tarbox
Burgess	Hawn	Neugent, D.	Traeger
Calhoun	Head	Newton	Truan
Carrillo	Heatly	Nichols	Tupper
Cates	Hendricks	Niland	Uher
Cavness	Hilliard	Ogg	Vale
Christian	Holmes, T.	Orr	Von Dohlen
Clark	Howard	Parker, W.	Ward
Clayton	Hubenak	Pickens	Wieting
Coats	Hull	Poerner	Williams
Cobb	Ingram	Poff	Wolff
Cole	Johnson	Presnal	Wyatt