

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

## Absent

Bass, B.	Graves	Ligarde	Patterson
Bynum	Hale	Lovell	Price
Caldwell	Hannah, John	Moore, G.	Rodriguez
Cruz	Haynes	Moreno	Sanchez
Davis, D.	Holmes, Z.	Murray	Santiesteban
Finney	Kost	Nugent, J.	Slider
Floyd	Lee	Parker, C.	

## Absent-Excused

Harding	Wayne	Williamson
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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. Harding, temporarily for today, on motion of Mr. Tom Holmes.

Mr. Williamson on motion of Mr. Hawkins.

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Representatives Finney, Slider, John Hannah, Jim Nugent, Lee, and Rodriguez entered the House and were announced present.

## MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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 56, By Word, Hall: Relating to tuition equalization grants for students of certain private colleges and universities in Texas; and declaring an emergency.

SB 421, By Harrington; Relating to vesting of benefits under the optional retirement program; and declaring an emergency.

SJR 1, By Creighton: Amending the Constitution of the State of Texas, to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, etc., and certain statutory state officers.

HB 32, By Kubiak: Relating to the speed for motorcycles and motor-driven cycles; and declaring an emergency.

HB 302, By Cavness: Relating to compilation of delinquent tax records

and payment of fees for services in connection therewith; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

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Representatives Murray, Kost, Caldwell, Bill Bass, Dee Davis, Haynes, Zan Holmes, and Moreno entered the House and were announced present.

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MEMORIAL RESOLUTION ADOPTED

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

HSR 347, by Dramberger: In memory of Captain Ivan Leslie Lawrence.

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

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

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INTRODUCTION OF HB 1716

Mr. Heatly asked unanimous consent to introduce and have placed on first reading HB 1716.

There was no objection offered.

INTRODUCTION OF HJR 91

Mr. Reed asked unanimous consent to introduce and have placed on first reading HJR 91.

There was no objection offered.

HCR 111—REFERRED TO COMMITTEE

(Concerning referendum proposition for first primary election in 1972)

Mr. Mengden offered the following resolution:

HCR 111

Be it Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the state executive committee of each political party holding primary elections in this state be and are hereby requested to have the ballots for the first primary election held in 1972 printed

to provide for voting for or against the following referendum proposition:  
"Should the State of Texas enact a personal income tax?"

The resolution was referred to the Committee on Revenue and Taxation.

#### COMMITTEE MEETING

Mr. Murray asked unanimous consent of the House that the Committee on Higher Education be permitted to meet at this time.

There was no objection offered.

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Representatives Lovell, Sanchez, Cruz, and Price entered the House and were announced present.

#### SENATE BILL ON FIRST READING

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

SB 225 to the Committee on Judiciary.

#### 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 Ogg:

HB 1701, A bill to be entitled An Act granting Harris County Fresh Water Supply District No. 61 the power and authority to construct and maintain all works and improvements necessary or convenient for the prevention of floods, drainage of lands, construction of levees and alteration of land elevation, and the power and authority to issue orders, adopt rules and regulations, and perform any other act necessary or convenient to carry out purposes of this Act; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas, have been fulfilled and accomplished; providing a severability clause; and declaring an emergency.

Referred to the Committee on Conservation and Reclamation.

HB 1702 was read first time and referred to Committee on yesterday.

By Harris and D. Neugent:

HB 1703, A bill to be entitled An Act exempting certain judicial retirement payments and rights from state, county, and municipal tax, levy, sale, garnishment, attachment, or other process; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by adding a Section 8b; and declaring an emergency.

Referred to Committee on Judiciary.

By Longoria, Rodríguez, and Atwood:

HB 1704, A bill to be entitled An Act relating to the issuance of interest-bearing time warrants by certain independent school districts; and declaring an emergency.

Referred to Committee on Public Education.

By Nabers:

HB 1705, A bill to be entitled An Act relating to the appointment of an assistant district attorney for the 35th Judicial District; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Lovell:

HB 1706, A bill to be entitled An Act relating to the die stamping of permanent vehicle identification numbers on motor vehicles; providing penalties; and declaring an emergency.

Referred to Committee on Motor Transportation.

By Lovell:

HB 1707, A bill to be entitled An Act relating to the possession of a motor vehicle or part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's permanent vehicle identification number removed, changed, or obliterated and permitting seizure of such vehicles or parts of vehicles by peace officers; providing penalties for violation; amending Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), by adding Section 21a and by amending Subsections (c) and (d), Section 49; and declaring an emergency.

Referred to Committee on Motor Transportation.

By Hale:

HB 1708, A bill to be entitled An Act relating to allowances for traveling expenses and automobile depreciation of members of the commissioners court in connection with the use of privately owned automobiles for traveling on official business within the county; amending Acts 1959, 56th Legislature, Regular Session, Page 502, Chapter 221, by establishing a new maximum for such allowance in all counties having a population in excess of 124,000; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Counties.

By Swanson:

HB 1709, A bill to be entitled An Act relating to the compensation of employees of the Battleship Texas Commission and its Operating Board; amending Section 13, Chapter 139, Acts of the 50th Legislature, 1947, as

amended (Article 6145-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Ogg:

HB 1710, 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 Enchanted Valley Public Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the district, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated and to situations where necessary to carry out the purposes for which district was created; providing district shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of district offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this district; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this district; providing that district is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the

aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Ogg:

HB 1711, 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 Northwest Municipal 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 McAlister:

HB 1712, A bill to be entitled An Act relating to the powers and duties of the Western Information Network Association; amending Section 11, Chapter 305, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 2919e-3, Vernon's Texas Civil Statutes), by adding Subsections (e), (f), and (g); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

HB 1713 was not read first time today.

By Burgess:

HB 1714, A bill to be entitled An Act relating to the authorization for life insurance companies to make student loans guaranteed by the federal government; amending Subchapter C, Chapter 3, Insurance Code, by adding Article 3.41a; and declaring an emergency.

Referred to Committee on Insurance.

By Garcia, Murray, and Sanchez:

HB 1715, A bill to be entitled An Act relating to the salary of certain

officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), by adding Section 1D; and declaring an emergency.

Referred to Committee on Counties.

Representatives Graves, Carl Parker, Bynum, and Patterson entered the House and were announced present.

#### INTRODUCTION OF HB 1717

Mr. Blanton asked unanimous consent to introduce and have placed on first reading HB 1717.

There was no objection offered.

#### 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:

SB 31, Relating to creation, etc., of a Texas Catastrophe Property Insurance Pool Act.

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

SCR 73, In memory of James M. Dellinger.

SCR 75, Congratulating Joe Deats.

SCR 77, Commending General William J. Sutton.

#### SB 27—CONFERENCE COMMITTEE REPORT ADOPTED

Mr. Clayton submitted the following Conference Committee Report on SB 27:

Austin, Texas  
April 13, 1971

Honorable Ben Barnes  
President of the Senate.

Honorable Gus Mutscher  
Speaker of The House of Representatives.

**Sirs:**

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 27 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Chet Brooks  
Joe J. Bernal  
Patman  
Wallace  
Kothmann

On the part of the House: Bill Clayton  
Lombardino  
D. Neugent  
Williams  
Cavness

## SB 27

An Act relating to the immunization of persons attending elementary or secondary schools or institutions of higher education; amending Section 2.09, Texas Education Code; and declaring an emergency.

Be It Enacted By The Legislature Of The State Of Texas:

Section 1. Section 2.09, Texas Education Code, is amended to read as follows:

“Section 2.09. Immunization

“(a) No person may be admitted to any elementary or secondary school or institution of higher education unless he has been immunized against diphtheria, rubeola, rubella, tetanus, poliomyelitis, and smallpox, except as provided in Subsection (c).

“(b) Subject to the provisions of Subsection (c) the State Board of Health may require immunization against additional diseases as a requirement for admission to any elementary or secondary school or institution of higher education.

“(c) No form of immunization is required for a person's admission to any elementary or secondary school or institution of higher education when the person applying for admission submits to the admitting official either of the following:

“(1) an affidavit signed by a doctor who is duly registered and licensed under the Medical Practice Act of Texas, in which it is stated that, in the doctor's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his family or household; or

“(2) an affidavit signed by the applicant or, if a minor, by his parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the Commissioner of Health.

“(d) The State Department of Health shall provide the required immunizations to children in areas where no local provision exists to provide these services.”

Section 2. 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. Clayton moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 27.

The motion prevailed by the following vote:

Yeas—142

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

Absent

Floyd	Hannah, John	Ligarde	Moore, G.
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Absent-Excused

Harding	Wayne	Williamson
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SB 64 ON THIRD READING  
(Mr. Braecklein—House Sponsor)

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

SB 64, Relating to assessment and collection of taxes in certain independent school districts.

Representative Floyd entered the House and was announced present.

SB 64—(Consideration continued)

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

Yeas—142

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

## Absent

Hannah, John      Ligarde                  Moore, G.                  Santiesteban

## Absent-Excused

Harding                  Wayne                  Williamson

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

The Speaker laid before the House on its third reading and final passage,  
SB 183, Amending the Uniform Act Regulating Traffic on Highways.

The bill was read third time.

Mr. Pickens offered the following amendment to the bill:

Amend SB 183 by striking all of Section 41 thereof.

The amendment was adopted without objection.

Mr. Tom Moore moved to reconsider the vote by which the above amendment was adopted.

Mr. Calhoun moved to table the motion to reconsider.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—109

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

## Nays—34

Allen, Joe	Daniel	Harris	Parker, C.
Allred	Denton	Hawkins	Reed
Bass, B.	Doyle	Head	Rodriguez
Bass, T.	Farenthold	Holmes, Z.	Santiesteban
Bigham	Finney	Kilpatrick	Tarbox
Braecklein	Gammage	Kubiak	Truan
Braun	Grant	Moore, T.	Vale
Caldwell	Graves	Moreno	
Coats	Hannah, John	Nichols	

## Present—Not Voting

Salter

Absent

Ligarde                      Patterson

Absent-Excused

Harding                      Wayne                      Williamson

SB 183, as amended, was passed by the following vote:

## Yeas—102

Agnich	Cruz	Jones, E.	Presnal
Allen, Joe	Daniel	Jones, G.	Price
Angly	Davis, D.	Jungmichel	Salem
Atwell	Davis, H.	Kaster	Sanchez
Baker	Denton	Lee	Santiesteban
Bass, B.	Doyle	Lemmon	Schulle
Bass, T.	Earthman	Lewis	Semos
Beckham	Finck	McAlister	Shannon
Bigham	Garcia	McKissack	Sherman
Blanton	Golman	Mengden	Short
Blythe	Grant	Moncrief	Slack
Bowers	Graves	Moore, A.	Slider
Boyle	Hale	Moore, G.	Smith
Bynum	Hanna, Joe	Moore, T.	Solomon
Caldwell	Hawkins	Moreno	Spurlock
Calhoun	Hawn	Murray	Stewart
Carrillo	Haynes	Nabers	Stroud
Cates	Heatly	Nelms	Swanson
Cavness	Hendricks	Neugent, D.	Truan
Christian	Hilliard	Nichols	Tupper
Clark	Holmes, T.	Niland	Ward
Clayton	Holmes, Z.	Nugent, J.	Wieting
Coats	Howard	Ogg	Williams
Cobb	Hubenak	Parker, C.	Wyatt
Cole	Hull	Parker, W.	
Craddick	Jones, D.	Pickens	

## Nays—39

Adams	Finnell	Kubiak	Rosson
Allen, John	Foreman	Lombardino	Silber
Allred	Gammage	Longoria	Simmons
Atwood	Hannah, John	Newton	Tarbox
Braecklein	Harris	Orr	Traeger
Braun	Head	Patterson	Uher
Burgess	Ingram	Poerner	Vale
Doran	Johnson	Poff	Von Dohlen
Dramberger	Kilpatrick	Reed	Wolff
Farenthold	Kost	Rodriguez	

## Present—Not Voting

Salter

## Absent

Finney	Floyd	Ligarde	Lovell
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## Absent-Excused

Harding	Wayne	Williamson
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Mr. Calhoun moved to reconsider the vote by which SB 183 was passed and to table the motion to reconsider.

The motion to table prevailed.

## BILLS SIGNED BY THE SPEAKER

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

HB 63, Relating to appointment and terms of Texas State Board of Examiners of Psychologists.

HB 146, Stipulating computation method for consumption of liquefied gas and taxes due.

HB 494, Relating to annexation of territory by the DeWitt County Drainage District No. 1.

HB 496, Adjusting the Aransas County Navigation District No. 1 commissioners' terms, election, compensation and number.

HB 555, Validating proceedings of Guadalupe County Water Control and Improvement District No. 1.

## COMMITTEE MEETING

Mr. John Allen asked unanimous consent of the House that the Committee on Conservation and Reclamation be permitted to meet at this time.

There was no objection offered.

## HB 556 ON SECOND READING

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

HB 556, A bill to be entitled An Act effecting reform in the trial of civil actions; establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of causal negligence; providing for the necessary procedures relative to instructions to the jury by the court of the law, the burden of proof, the effect of their answers and submission of issues; rendering of verdicts by a majority of nine members concurring; and the contribution to the award of damages in case of multiple defendants, repealing all laws in conflict therewith including Article 2212, Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

The bill was read second time.

## MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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 79, By Connally, et al: A special legislative committee be created to cooperate with the Governor and the Commissioner of Agriculture in formulating the program of purchase and distribution; and declaring an emergency.

HB 226, By Kaster: An Act authorizing incorporated cities of not more than 250,000 population according to the last preceding federal census to expend money, not exceeding one percent of the city's general fund budget, for advertising the city and promoting its growth and development and providing for the creation and operation of a Citizens' Advisory Committee or City Board of Development; and declaring an emergency.

HB 420, By Hendricks: An Act including the water area of Lake Ray Hubbard located within Rockwall County and Collin County under the provisions of the Uniform Wildlife Regulatory Act; amending Sections 1 and 18 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

HB 556—(Consideration continued)

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

Committee Amendment No. 1

Amend HB 556, First Printing, by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering; provided that where recovery is allowed against more than one defendant, each such defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

Section 2. The Supreme Court of the State of Texas, under its rule making power governing the practice and procedure in court action shall, on or before September 1, 1971, promulgate rules which shall simplify the issues to be submitted to the jury for consideration in all court cases where liability is based on fault (fault is negligence, or the breach of a statutory duty or an intentional wrong).

Section 3. In all civil cases where liability is based on fault, tried in district courts, the jury may render a verdict upon the concurrence of as many as 10 of its members and when such verdict is less than unanimous it shall be signed by each member concurring therein.

Section 4. All laws or parts of laws in conflict are expressly repealed to the extent of any conflict. However, nothing herein shall be construed to repeal Chapter 225, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6701b, Vernon's Texas Civil Statutes).

Section 5. 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."

Signed: Pickens, C. Parker, Solomon, Slider, Clayton, Nabers and Uher.

Mr. Jim Nugent offered the following substitute amendment for Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 556 by deleting Sections 1 through 5 and substituting the following:

Section 1. Contributory negligence shall not bar recovery in any action by any person or his legal representative seeking to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not greater than the negligence of the person or persons against whom recovery is sought, but any damages awarded shall be diminished by the jury in the proportion to the amount of negligence attributed to the person recovering; and the court shall so instruct the jury.

Sec. 2. The Supreme Court of the State of Texas shall, on or before September 1, 1971, promulgate rules which shall simplify the issues and the charge to be submitted to the jury for consideration in all court cases where liability is based on fault (fault is negligence, or the breach of a

statutory duty, or an intentional wrong), whereby only the basic simplified issues will be submitted to the jury for consideration, such as:

(1) Which party or parties was at fault in causing the accident or event? (Answer to be by checking from the written names of the parties or a written statement that none of the parties was at fault.)

(2) If any of the parties were at fault in causing the accident or event, what was their specific fault? (Answer to be by checking from written specific grounds of fault that have been raised by the pleading and proof for each party.)

(3) If more than one party is at fault, what is the percentage that each contributed to cause the accident or event?

(4) What are the legal damages sustained by the injured and/or damaged parties? (Taking into consideration all appropriate elements of damages, including any reduction in proportion to any contributing fault of the injured or damaged party in negligence and breach of statutory duty cases.)

Inferential rebuttal or special defensive issues shall be eliminated.

The basic issues will follow simplified explanatory instructions of the court in its general charge to the jury as to the role of the jury in answering the issues; the law applicable to the case including any grounds for recovery and any special defenses existing under the present law, such as unavoidable accident, sole cause, sudden emergency, imminent peril, assumption of the risk, and new and independent cause, and the burden of proof. The court shall not comment directly on the evidence or the weight to be given the evidence, but the court's charge shall not be objectionable on the ground that it indirectly or inferentially constitutes a comment on the weight of the evidence or advises the jury the effect of their answers.

Sec. 3. In all cases where liability is based on the fault as defined in Section 2 hereof, wherein recovery is sought against more than one party and the causal negligence of the party seeking an affirmative recovery is not greater than the negligence of all the parties from whom recovery is sought, contribution to the damages awarded shall be in proportion to the percentage of negligence attributable to each party from whom recovery is sought, provided however, that such defendants shall be entitled only to an offset from said entire award of any sum paid in settlement to the party seeking recovery by any other alleged tortfeasor who is not then a party to the suit; provided, further, all claims for contribution and indemnity, not based on contract between defending parties, over which the Texas courts have in personam jurisdiction, must be determined in the primary suit; however a cross-claimant's recovery shall not be taken as an offset to the recovery of any plaintiff or other cross-claimant.

Sec. 4. In all civil cases where liability is based on fault, tried in district courts, the jury may render a verdict upon the concurrence of as many as 10 of its members and when such verdict is less than unanimous it shall be signed by each member concurring therein.

Sec. 5. If any word, phrase, clause, provision, sentence, part or parts of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of

this Act and all remaining parts shall be valid. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such word, phrase, clause, provision, sentence, part or parts thereof would be declared invalid or unconstitutional.

Sec. 6. All laws or parts of laws in conflict, including Article 2212, Revised Civil Statutes of Texas, 1925, are expressly repealed to the extent of any conflict. However, nothing herein shall be construed to repeal Chapter 225, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6701b, Vernon's Texas Civil Statutes).

Sec. 7. The fact that many court calendars of this state are crowded, congested and delay is prevalent, trials have become lengthy and too much time is expended in preparing the court's charge and jury deliberation, and further grave injustice is constantly being worked upon persons in this state injured in person and property by the negligence or fault of others due to the fact that under existing law there can be no recovery of damages by the person so suffering injury or damage if he be in any degree contributorily negligent, and juries are submitted a large number of technically-worded issues without being advised of the law, and all 12 jurors are required to agree unanimously on a multitude of granulated special issues, resulting in mistrials, deadlocked juries, retrials, and technical appeals, creates 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 shall take effect and be in force for all causes of tort action arising after the date of its passage and that such portion of this Act providing in civil cases for less than unanimous jury verdicts and for submission of issues and instructions to the jury shall take effect and be in force for all civil negligence causes of action in the district courts of this state the trial of which shall begin after the date of its passage, and it is so enacted.

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

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HB 556—(Consideration continued)

Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute by deleting the period after the last word in Section 1 placing a “;” and adding the below phrase:

“provided that where recovery is allowed against more than one defendant, each such defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.”

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—83

Adams	Earthman	Kost	Rodriguez
Allen, Joe	Farenthold	Lemmon	Salem
Allred	Finnell	Longoria	Salter
Bass, B.	Finney	McAlister	Sanchez
Bass, T.	Gammage	Mengden	Santiesteban
Beckham	Golman	Moore, A.	Sherman
Bigham	Grant	Moore, T.	Silber
Braecklein	Graves	Moreno	Simmons
Braun	Hale	Nabers	Slack
Bynum	Hannah, John	Nelms	Smith
Caldwell	Harris	Neugent, D.	Spurlock
Carrillo	Haynes	Newton	Stewart
Clark	Head	Nichols	Stroud
Coats	Hendricks	Niland	Swanson
Cobb	Hilliard	Nugent, J.	Truan
Cole	Holmes, Z.	Ogg	Tupper
Cruz	Hull	Parker, C.	Uher
Daniel	Ingram	Poff	Vale
Davis, D.	Johnson	Presnal	Von Dohlen
Denton	Jones, D.	Price	Williams
Doyle	Kaster	Reed	

## Nays—63

Agnich	Craddick	Jones, E.	Pickens
Allen, John	Davis, H.	Jones, G.	Poerner
Angly	Doran	Jungmichel	Rosson
Atwell	Dramberger	Kilpatrick	Schulle
Atwood	Finck	Kubiak	Semos
Baker	Floyd	Lee	Shannon
Blanton	Foreman	Lewis	Short
Blythe	Garcia	Lombardino	Slider
Bowers	Hanna, Joe	Lovell	Solomon
Boyle	Harding	McKissack	Tarbox
Burgess	Hawkins	Moncrief	Traeger
Calhoun	Hawn	Moore, G.	Ward
Cates	Heatly	Murray	Wieting
Cavness	Holmes, T.	Orr	Wolff
Christian	Howard	Parker, W.	Wyatt
Clayton	Hubenak	Patterson	

Absent

Ligarde

Absent-Excused

Wayne

Williamson

Mr. Boyle offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment to HB 556, by deleting Section 4 in its entirety and renumbering the succeeding sections accordingly.

Signed: Boyle and Coats

#### LEAVE OF ABSENCE GRANTED

On motion of Mr. Carrillo, Mr. Ligarde was granted leave of absence for the remainder of today on account of important business.

(Mr. Sherman occupied the Chair temporarily)

(Speaker in the Chair)

#### HB 556—(Consideration continued)

Mr. Cobb moved to table the amendment by Mr. Boyle.

A record vote was requested.

The motion to table prevailed by the following vote:

#### Yeas—86

Adams	Earthman	Lombardino	Salter
Allen, Joe	Farenthold	Longoria	Sanchez
Allred	Finnell	Mengden	Santiesteban
Angly	Finney	Moncrief	Shannon
Atwell	Gammage	Moore, G.	Short
Bass, B.	Grant	Moore, T.	Simmons
Bass, T.	Graves	Moreno	Slider
Beckham	Hale	Murray	Smith
Bigham	Hannah, John	Nabers	Solomon
Bowers	Harding	Nelms	Spurlock
Braun	Harris	Neugent, D.	Stewart
Caldwell	Haynes	Newton	Stroud
Carrillo	Head	Nichols	Swanson
Clark	Hendricks	Niland	Truan
Clayton	Hilliard	Nugent, J.	Tupper
Cobb	Holmes, Z.	Ogg	Uher
Cruz	Hull	Parker, C.	Vale
Daniel	Johnson	Price	Von Dohlen
Davis, D.	Kost	Reed	Williams
Denton	Kubiak	Rodriguez	Wolff
Doran	Lemmon	Rosson	
Doyle	Lewis	Salem	

#### Nays—59

Agnich	Burgess	Craddick	Hanna, Joe
Allen, John	Bynum	Davis, H.	Hawkins
Atwood	Calhoun	Dramberger	Hawn
Baker	Cates	Finck	Heatly
Blanton	Cavness	Floyd	Holmes, T.
Blythe	Christian	Foreman	Howard
Boyle	Coats	Garcia	Hubenak
Braecklein	Cole	Golman	Jones, D.

Jones, E.	McAlister	Poerner	Slack
Jones, G.	McKissack	Poff	Tarbox
Jungmichel	Moore, A.	Presnal	Traeger
Kaster	Orr	Schulle	Ward
Kilpatrick	Parker, W.	Semos	Wieting
Lee	Patterson	Sherman	Wyatt
Lovell	Pickens	Silber	

Absent

Ingram

Absent-Excused

Ligarde                      Wayne                      Williamson

MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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 378, By Floyd: Relating to the use of a .22 caliber jetgun or rocketgun in the taking or shooting, or in attempting to take or shoot, certain wild animals; and declaring an emergency.

Pursuant to SCR 79, the following committee members have been appointed: Senators Bates, Connally, Hightower, Ratliff, Sherman, Snelson, and Word.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

HB 556—(Consideration continued)

Mr. Delwin Jones offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment by striking Sec. 4 and substituting the following:

"Section 4. In all civil cases tried in the district courts of this state where liability is based upon fault, the jury may render a verdict upon the concurrence of as many as 11 of its members and when such verdict is less than unanimous it shall be required (a) that the same 11 jury members shall be in agreement as to each of the special issues answered, and (b) that as to each special issue answered where the jury is not unanimous that each juror shall personally sign and indicate his vote on each such issue."

Mr. Salter raised a point of order against further consideration of the amendment by Mr. Delwin Jones on the grounds that it is vague and indefinite.

The Speaker sustained the point of order.

SCR 79—REFERRED TO COMMITTEE

(Creating a special committee to cooperate with the Governor and Commissioner of Agriculture concerning drought disaster relief)

The Speaker laid before the House the following resolution:

SCR 79

Whereas, The future of the livestock industry in the State of Texas is seriously threatened by the current drought; and

Whereas, The Legislature may, under the provisions of Article III, Section 51, of the Texas Constitution, make grants of aid in cases of public calamity; and

Whereas, The Governor may, under the Texas Civil Protection Act of 1951, declare the existence of a disaster and great public calamity and provide for the organization and coordination of a program for disaster relief; and

Whereas, It is within the powers of the State Commissioner of Agriculture, as interpreted by the Attorney General of the State of Texas, to administer a program of disaster relief to agricultural and kindred industries; and

Whereas, During the severe drought of 1953, the Governor issued an emergency proclamation pursuant to the Civil Protection Act and called on all state agencies to exercise their authority in lending services and facilities toward alleviating the disaster conditions; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature of the State of Texas, the House of Representatives concurring, request the Governor of the State of Texas to declare that the present drought constitutes a grave public calamity; and, be it further

Resolved, That the State Commissioner of Agriculture shall assist farmers and ranchers in areas of Texas affected by the drought, by administering a program of purchasing and distributing hay; and, be it further

Resolved, That a special legislative committee be created to cooperate with the Governor and the Commissioner of Agriculture in formulating the program of purchase and distribution; to serve as liaison between state agencies, the Executive Department, the Commissioner of Agriculture and the Federal Office of Emergency Preparedness; and to consider funding of the program; and, be it further

Resolved, That the committee shall consist of seven Members of the Senate, to be appointed by the Lieutenant Governor, and seven Members of the House, to be appointed by the Speaker of the House; and, be it further

Resolved, That, in view of the gravity of the situation, the committee shall be appointed as soon as possible, that it shall begin to function immediately after the appointment of its members, and that it shall meet with the Governor and the Commissioner of Agriculture as soon as possible in order to arrive at a plan for carrying out the purposes of this Resolution; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations, to the 62nd Legislature before the adjournment of this regular session, and that five copies of the report shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Livestock.

**HB 556—(Consideration continued)**

Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment by striking Sec. 4 and substituting in lieu thereof:

“Section 4. In all civil cases tried in the district courts of this state where liability is based upon fault, the jury may render a verdict upon the concurrence of as many as 10 of its members and when such verdict is less than unanimous it shall be required (a) that the same jury members shall be in agreement as to each of the special issues answered, and (b) that as to each special issue answered where the jury is not unanimous that each juror shall personally sign and indicate his vote on each issue.”

**REQUEST FOR COMMITTEE MEETING**

Mr. Tom Holmes asked unanimous consent of the House that the Committee on Livestock be permitted to meet at this time.

There was objection offered.

**HB 556—(Consideration continued)**

Mr. Delwin Jones offered the following substitute amendment for the Pickens amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment by striking Sec. 4 and substitute the following:

“Section 4. In all civil cases tried in the district courts of this state where liability is based upon fault, the jury may render a verdict upon the concurrence of as many as 11 of its members and when such verdict is less than unanimous it shall be required (a) that the same 11 jury members shall be in agreement as to each of the special issues answered, and (b) that as to each special issue answered where the jury is not unanimous that each juror shall personally sign and indicate his vote on each such issue.”

Mr. Cobb moved to table the above substitute amendment offered by Mr. D. Jones for the Pickens amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—90

Adams	Farenthold	Lombardino	Salter
Agnich	Finnell	Longoria	Sanchez
Allen, Joe	Finney	Mengden	Santiesteban
Allred	Gammage	Moncrief	Shannon
Angly	Golman	Moore, G.	Sherman
Atwell	Grant	Moore, T.	Short
Bass, B.	Graves	Moreno	Silber
Bass, T.	Hale	Murray	Simmons
Beckham	Hanna, Joe	Nabers	Slack
Bigham	Hannah, John	Nelms	Slider
Bowers	Harding	Neugent, D.	Smith
Braun	Harris	Newton	Solomon
Caldwell	Head	Nichols	Spurlock
Coats	Hendricks	Niland	Stewart
Cobb	Hilliard	Nugent, J.	Stroud
Cole	Holmes, Z.	Ogg	Truan
Cruz	Hull	Parker, C.	Tupper
Daniel	Johnson	Patterson	Uher
Davis, D.	Kilpatrick	Poff	Vale
Denton	Kost	Price	Von Dohlen
Doran	Kubiak	Reed	Williams
Doyle	Lee	Rodriguez	
Earthman	Lemmon	Salem	

## Nays—55

Allen, John	Clark	Hubenak	Pickens
Atwood	Clayton	Ingram	Poerner
Baker	Craddick	Jones, D.	Presnal
Blanton	Davis, H.	Jones, E.	Rosson
Blythe	Dramberger	Jones, G.	Schulle
Boyle	Finck	Jungmichel	Semos
Braecklein	Foreman	Kaster	Swanson
Burgess	Garcia	Lewis	Tarbox
Bynum	Hawkins	Lovell	Traeger
Calhoun	Hawn	McAlister	Ward
Carrillo	Haynes	McKissack	Wieting
Cates	Heatly	Moore, A.	Wolff
Cavness	Holmes, T.	Orr	Wyatt
Christian	Howard	Parker, W.	

## Absent

## Floyd

## Absent-Excused

Ligarde                      Wayne                      Williamson

Mr. Cobb then moved to table the amendment offered by Mr. Pickens to the Jim Nugent substitute amendment for Committee Amendment No. 1.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—88

Adams	Denton	Kilpatrick	Rodriguez
Allen, Joe	Doyle	Kost	Salem
Allred	Earthman	Kubiak	Salter
Angly	Farenthold	Lemmon	Sanchez
Atwell	Finnell	Lombardino	Santiesteban
Bass, B.	Finney	Longoria	Shannon
Bass, T.	Gammage	Mengden	Sherman
Beckham	Grant	Moore, T.	Short
Bigham	Graves	Moreno	Simmons
Bowers	Hale	Nabers	Slack
Braun	Hanna, Joe	Nelms	Smith
Bynum	Hannah, John	Neugent, D.	Spurlock
Caldwell	Harding	Newton	Stewart
Carrillo	Harris	Nichols	Stroud
Cates	Haynes	Niland	Swanson
Clark	Head	Nugent, J.	Tarbox
Coats	Hendricks	Ogg	Truan
Cobb	Hilliard	Parker, C.	Tupper
Cole	Holmes, Z.	Patterson	Uher
Cruz	Hull	Poff	Vale
Daniel	Ingram	Price	Von Dohlen
Davis, D.	Johnson	Reed	Williams

## Nays—56

Agnich	Davis, H.	Jones, E.	Pickens
Allen, John	Doran	Jones, G.	Poerner
Atwood	Dramberger	Jungmichel	Presnal
Baker	Finck	Kaster	Rosson
Blanton	Floyd	Lee	Schulle
Blythe	Foreman	Lewis	Semos
Boyle	Garcia	Lovell	Silber
Braecklein	Golman	McAlister	Slider
Burgess	Hawkins	McKissack	Solomon
Calhoun	Hawn	Moncrief	Traeger
Cavness	Heatly	Moore, A.	Ward
Christian	Holmes, T.	Murray	Wieting
Clayton	Howard	Orr	Wolff
Craddick	Hubenak	Parker, W.	Wyatt

## Absent

Jones, D.                      Moore, G.

## Absent-Excused

Ligarde                      Wayne                      Williamson

## MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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 adopted the Conference Committee Report on SB 27 by the following vote: 30 Yeas, 0 Nays.

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

HCR 70, By Foreman: Authorizing the Parks and Wildlife Department to locate its offices at McKinney Falls State Park.

HB 368, By Swanson, Clark, Ogg: Providing for appeal to a district court of any order of the Board of Trustees of the Firemen's Relief and Retirement Fund in certain cities; and declaring an emergency.

HB 926, By Hale: Relating to the establishment of the Nueces County Juvenile Board and the juvenile probation department; and declaring an emergency.

HB 1458, By John Allen: Relating to the creation, etc., of municipal utility districts; and declaring an emergency. (with amendments)

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

HB 556—(Consideration continued)

Mr. Ogg moved to limit the amendments to those amendments now on the Speaker's desk and to limit the form in which they are drawn.

Mr. Pickens raised a point of order on further consideration of the motion by Mr. Ogg on the grounds that the motion is improper and out of order.

The Speaker sustained the point of order.

Mr. Ogg moved to limit the amendments to those amendments now on the Speaker's desk.

The motion was seconded.

The motion was lost by the following vote:

Yeas—59

Adams	Doyle	Hendricks	Moreno
Allen, Joe	Earthman	Hilliard	Nabers
Beckham	Farenthold	Ingram	Nelms
Bigham	Gammage	Johnson	Neugent, D.
Braun	Golman	Kilpatrick	Newton
Caldwell	Grant	Kost	Nichols
Cobb	Graves	Lewis	Niland
Cruz	Hale	Longoria	Ogg
Daniel	Harding	Mengden	Parker, C.
Davis, D.	Harris	Moore, A.	Rodriguez
Denton	Head	Moore, T.	Salem

Salter	Short	Stroud	Uher
Sanchez	Simmons	Swanson	Von Dohlen
Santiesteban	Smith	Truan	Williams
Sherman	Spurlock	Tupper	

Nays—85

Agnich	Clayton	Hubenak	Presnal
Allen, John	Coats	Jones, D.	Price
Allred	Cole	Jones, E.	Reed
Angly	Craddick	Jones, G.	Rosson
Atwell	Davis, H.	Jungmichel	Schulle
Atwood	Doran	Kaster	Semos
Baker	Dramberger	Kubiak	Shannon
Bass, B.	Finck	Lee	Silber
Bass, T.	Finnell	Lemmon	Slack
Blanton	Finney	Lombardino	Slider
Blythe	Floyd	Lovell	Solomon
Bowers	Foreman	McAlister	Stewart
Boyle	Garcia	McKissack	Tarbox
Braecklein	Hanna, Joe	Moncrief	Traeger
Burgess	Hannah, John	Moore, G.	Vale
Bynum	Hawkins	Murray	Ward
Calhoun	Hawn	Orr	Wieting
Carrillo	Haynes	Parker, W.	Wolff
Cates	Heatly	Patterson	Wyatt
Cavness	Holmes, T.	Pickens	
Christian	Holmes, Z.	Poerner	
Clark	Howard	Poff	

Absent

Hull                   Nugent, J.

Absent-Excused

Ligarde               Wayne                   Williamson

## RECESS

Mr. Cavness moved that the House recess until 2:15 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:00 p.m., recessed until 2:15 p.m. today.

## AFTERNOON SESSION

The House met at 2:15 p.m. and was called to order by the Speaker.

(Mr. Jim Nugent occupied the Chair temporarily)

(Speaker in the Chair)

## HB 556—PENDING BUSINESS

The House proceeded to consideration of HB 556 with the Committee

Amendment No. 1 and the Jim Nugent substitute for Committee Amendment No. 1 pending.

Mr. Calhoun offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent's substitute to Committee Amendment No. 1 by striking Sections 1, 2 and 3 and inserting in lieu thereof the following:

"Section 1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering.

Section 2. The Supreme Court of the State of Texas, under its rule making power governing the practice and procedure in court action shall, on or before December 31, 1971, promulgate rules which shall simplify the issues to be submitted to the jury for consideration in all court cases where liability is based on fault (fault is negligence, or the breach of a statutory duty or an intentional wrong).

Sec. 3. In all cases where liability is based on the fault as defined in Section 2 hereof, wherein recovery is sought against more than one party and the causal negligence of the party seeking an affirmative recovery is not as great as the negligence of all the parties from whom recovery is sought, contribution to the damages awarded shall be in proportion to the percentage of negligence attributable to each party from whom recovery is sought, provided, however, that such defendants shall be entitled only to an offset from said entire award of any sum paid in settlement to the party seeking recovery by any other alleged tortfeasor who is not then a party to the suit."

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—85

Adams	Cobb	Hannah, John	Lewis
Allen, Joe	Cole	Harding	Lombardino
Allred	Cruz	Harris	Longoria
Angly	Daniel	Haynes	Mengden
Atwell	Denton	Head	Moncrief
Bass, B.	Doyle	Hendricks	Moore, A.
Bass, T.	Earthman	Hilliard	Moore, T.
Beckham	Farenthold	Holmes, Z.	Moreno
Bigham	Finnell	Hull	Nabers
Bowers	Finney	Johnson	Neugent, D.
Braun	Gammage	Kaster	Newton
Caldwell	Golman	Kilpatrick	Nichols
Carrillo	Grant	Kost	Niland
Clark	Graves	Kubiak	Nugent, J.
Coats	Hale	Lemmon	Ogg

Parker, C.	Rodriguez	Slack	Uher
Patterson	Salem	Smith	Vale
Poerner	Salter	Spurlock	Von Dohlen
Poff	Sanchez	Stroud	Williams
Presnal	Santiesteban	Tarbox	
Price	Short	Truan	
Reed	Simmons	Tupper	

## Nays—57

Agnich	Craddick	Ingram	Schulle
Allen, John	Davis, D.	Jones, D.	Semos
Atwood	Davis, H.	Jones, E.	Shannon
Baker	Doran	Jones, G.	Sherman
Blanton	Dramberger	Jungmichel	Silber
Blythe	Finck	Lee	Slider
Boyle	Floyd	Lovell	Solomon
Braecklein	Foreman	McAlister	Traeger
Burgess	Garcia	McKissack	Ward
Bynum	Hanna, Joe	Moore, G.	Wieting
Calhoun	Hawn	Murray	Wolff
Cates	Heatly	Orr	Wyatt
Cavness	Holmes, T.	Parker, W.	
Christian	Howard	Pickens	
Clayton	Hubenak	Rosson	

## Absent

Hawkins	Nelms	Stewart	Swanson
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## Absent-Excused

Ligarde	Wayne	Williamson	
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## LEAVE OF ABSENCE GRANTED

On motion of Mr. Tom Holmes, Mr. Harding was granted leave of absence for the remainder of today on account of important business.

## HB 556—(Consideration continued)

Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute to HB 556, Sections 1 and 3 by striking the words "not greater than", and substituting therefor the words "not as great as."

Mr. Hale moved to table the above amendment.

The motion to table prevailed by the following vote:

## Yeas—83

Adams	Atwell	Beckham	Braun
Allen, Joe	Bass, B.	Bigham	Caldwell
Allred	Bass, T.	Bowers	Carrillo

Clark	Hendricks	Nabers	Sanchez
Coats	Hilliard	Nelms	Santiesteban
Cobb	Holmes, Z.	Neugent, D.	Silber
Cruz	Hull	Newton	Simmons
Daniel	Johnson	Nichols	Slack
Denton	Jones, D.	Niland	Smith
Doyle	Kost	Nugent, J.	Spurlock
Earthman	Kubiak	Ogg	Stewart
Farenthold	Lemmon	Parker, C.	Stroud
Finnell	Lewis	Parker, W.	Swanson
Finney	Lombardino	Patterson	Truan
Gammage	Longoria	Poff	Tupper
Golman	Mengden	Presnal	Uher
Grant	Moncrief	Price	Vale
Hale	Moore, A.	Reed	Von Dohlen
Hannah, John	Moore, T.	Rodriguez	Williams
Harris	Moreno	Salem	Wyatt
Haynes	Murray	Salter	

## Nays—60

Agnich	Clayton	Holmes, T.	Pickens
Allen, John	Cole	Howard	Poerner
Angly	Craddick	Hubenak	Rosson
Atwood	Davis, D.	Ingram	Schulle
Baker	Davis, H.	Jones, E.	Semos
Blanton	Dramberger	Jones, G.	Shannon
Blythe	Finck	Jungmichel	Sherman
Boyle	Floyd	Kaster	Short
Braecklein	Foreman	Kilpatrick	Slider
Burgess	Garcia	Lee	Solomon
Bynum	Hanna, Joe	Lovell	Tarbox
Calhoun	Hawkins	McAlister	Traeger
Cates	Hawn	McKissack	Ward
Cavness	Head	Moore, G.	Wieting
Christian	Heatly	Orr	Wolff

## Absent

Doran Graves

## Absent-Excused

Harding Ligarde Wayne Williamson

Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute to HB 556 by striking Sec. 2 and substituting in lieu thereof the following:

“Section 2. The Supreme Court of the State of Texas, under its rule making power governing the practice and procedure in court action shall, on or before December 31, 1971, promulgate rules which shall simplify the issues to be submitted to the jury for consideration in all court cases where liability is based on fault (fault is negligence, or the breach of a statutory duty or an intentional wrong.)”

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—88

Adams	Farenthold	Lemmon	Price
Allen, Joe	Finnell	Lewis	Reed
Allred	Finney	Lombardino	Rodriguez
Angly	Gammage	Longoria	Salem
Atwell	Garcia	Mengden	Salter
Bass, B.	Golman	Moore, A.	Sanchez
Bass, T.	Grant	Moore, T.	Santiesteban
Beckham	Hale	Moreno	Shannon
Bigham	Hannah, John	Murray	Short
Bowers	Harris	Nabers	Silber
Braun	Haynes	Nelms	Simmons
Bynum	Head	Neugent, D.	Slack
Caldwell	Hendricks	Newton	Smith
Carrillo	Hilliard	Nichols	Spurlock
Clark	Holmes, Z.	Niland	Stroud
Coats	Hull	Nugent, J.	Swanson
Cobb	Ingram	Ogg	Truan
Cruz	Johnson	Parker, C.	Tupper
Daniel	Jones, D.	Parker, W.	Uher
Denton	Kilpatrick	Patterson	Vale
Doyle	Kost	Poff	Von Dohlen
Earthman	Kubiak	Presnal	Williams

Nays—54

Agnich	Cole	Howard	Rosson
Allen, John	Craddick	Hubenak	Schulle
Atwood	Davis, D.	Jones, E.	Semos
Baker	Davis, H.	Jones, G.	Sherman
Blanton	Doran	Jungmichel	Slider
Blythe	Dramberger	Kaster	Solomon
Boyle	Finck	Lee	Tarbox
Braecklein	Floyd	Lovell	Traeger
Burgess	Foreman	McKissack	Ward
Calhoun	Hanna, Joe	Moncrief	Wieting
Cates	Hawkins	Moore, G.	Wolff
Cavness	Hawn	Orr	Wyatt
Christian	Heatly	Pickens	
Clayton	Holmes, T.	Poerner	

Absent

Graves	McAlister	Stewart
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Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Mr. Traeger offered the following amendment to Committee Amendment No. 1:

Amend Section 1 of Committee Amendment No. 1 to HB 556 by adding, at the end of said section, the following language:

“Provided, however, that the provisions of this section shall not apply to, nor be considered in connection with, any accidents, occurrences, injury, or death resulting from any violation of Sections 86, 87, 88, 89 and 90 of Article 6701d.”

Mr. Ogg raised a point of order against further consideration of the above amendment on the grounds that it amends Committee Amendment No. 1 which is not before the House at this time.

The Speaker sustained the point of order.

Mr. Doran offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment to HB 556, Section 2, Subsection 4 by striking the last sentence and substituting in lieu thereof the following sentence:

“The court shall not comment directly on the evidence or the weight to be given the evidence.”

Mr. Hale moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—87**

Adams	Earthman	Lombardino	Rosson
Allen, Joe	Farenthold	Longoria	Salem
Allred	Finney	McAlister	Salter
Angly	Gammage	Mengden	Sanchez
Atwell	Grant	Moncrief	Santiesteban
Bass, B.	Graves	Moore, A.	Shannon
Bass, T.	Hale	Moore, T.	Short
Beckham	Hannah, John	Moreno	Silber
Bigham	Harris	Nabers	Simmons
Bowers	Haynes	Nelms	Slack
Braun	Head	Neugent, D.	Smith
Bynum	Hendricks	Newton	Spurlock
Caldwell	Hilliard	Nichols	Stroud
Carrillo	Holmes, Z.	Niland	Swanson
Clark	Hull	Nugent, J.	Truan
Coats	Johnson	Ogg	Tupper
Cobb	Kaster	Parker, C.	Uher
Cruz	Kilpatrick	Patterson	Vale
Daniel	Kost	Poff	Von Dohlen
Davis, D.	Kubiak	Presnal	Williams
Denton	Lemmon	Reed	Wolff
Doyle	Lewis	Rodriguez	

## Nays—57

Agnich	Craddick	Howard	Poerner
Allen, John	Davis, H.	Hubenak	Price
Atwood	Doran	Ingram	Schulle
Baker	Dramberger	Jones, D.	Semos
Blanton	Finck	Jones, E.	Sherman
Blythe	Finnell	Jones, G.	Slider
Boyle	Floyd	Jungmichel	Solomon
Braecklein	Foreman	Lee	Tarbox
Burgess	Garcia	Lovell	Traeger
Calhoun	Golman	McKissack	Ward
Cates	Hanna, Joe	Moore, G.	Wieting
Cavness	Hawkins	Murray	Wyatt
Christian	Hawn	Orr	
Clayton	Heatly	Parker, W.	
Cole	Holmes, T.	Pickens	

## Absent

Stewart

## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Mr. Traeger offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute Section 1 of HB 556 by adding, at the end of said section, the following language:

“Provided, however, that the provisions of this section shall not apply to, nor be considered in connection with, any accidents, occurrences, injury, or death resulting from any violation of Sections 86, 87, 88, 89 and 90 of Article 6701d.”

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—76

Adams	Cobb	Garcia	Longoria
Allen, Joe	Cruz	Grant	McAlister
Allred	Daniel	Graves	Mengden
Bass, B.	Denton	Hale	Moncrief
Bass, T.	Doran	Hannah, John	Moore, G.
Bigham	Doyle	Harris	Moore, T.
Bowers	Earthman	Haynes	Moreno
Braecklein	Farenthold	Head	Murray
Braun	Finck	Hilliard	Nabers
Caldwell	Finney	Johnson	Nelms
Carrillo	Floyd	Lee	Newton
Clark	Gammage	Lemmon	Nichols

Niland	Reed	Silber	Truan
Nugent, J.	Rodriguez	Simmons	Tupper
Ogg	Rosson	Slack	Uher
Parker, C.	Salem	Smith	Vale
Patterson	Salter	Spurlock	Von Dohlen
Presnal	Santiesteban	Swanson	Williams
Price	Short	Tarbox	Wolff

## Nays—65

Agnich	Coats	Hull	Parker, W.
Allen, John	Cole	Ingram	Pickens
Angly	Craddick	Jones, D.	Poerner
Atwell	Davis, D.	Jones, E.	Poff
Atwood	Davis, H.	Jones, G.	Sanchez
Baker	Dramberger	Jungmichel	Schulle
Beckham	Finnell	Kaster	Semos
Blanton	Foreman	Kilpatrick	Shannon
Blythe	Golman	Kost	Slider
Boyle	Hanna, Joe	Kubiak	Solomon
Burgess	Hawkins	Lewis	Stroud
Bynum	Hawn	Lombardino	Ward
Calhoun	Heatly	Lovell	Wieting
Cates	Hendricks	McKissack	Wyatt
Cavness	Holmes, T.	Moore, A.	
Christian	Howard	Neugent, D.	
Clayton	Hubenak	Orr	

## Absent

Holmes, Z.	Sherman	Stewart	Traeger
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## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Mr. Heatly offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent amendment to HB 556 by striking Sections 1, 2, 3 and 4 and insert the following and renumber the remaining sections:

Section 1. At the request of any party, in all cases hereafter tried in any district court, county court, or county court at law with the aid of a jury, the court's charge to the jury shall be submitted on a general charge rather than on special issues.

Sec. 2. All statutes, rules of civil procedures, or case laws in conflict herewith are hereby repealed or overruled.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—90

Adams	Doyle	Lemmon	Salem
Allen, Joe	Earthman	Lombardino	Salter
Allred	Farenthold	Longoria	Santiesteban
Angly	Finnell	Mengden	Shannon
Atwell	Finney	Moncrief	Simmons
Bass, B.	Gammage	Moore, G.	Slack
Bass, T.	Garcia	Moore, T.	Slider
Beckham	Grant	Moreno	Smith
Bigham	Graves	Murray	Solomon
Bowers	Hale	Nabers	Spurlock
Braecklein	Hannah, John	Nelms	Stewart
Braun	Harris	Newton	Stroud
Caldwell	Haynes	Nichols	Swanson
Carrillo	Head	Niland	Truan
Clark	Hendricks	Nugent, J.	Tupper
Coats	Hilliard	Ogg	Uher
Cobb	Holmes, Z.	Parker, C.	Vale
Cole	Hull	Patterson	Von Dohlen
Cruz	Ingram	Presnal	Williams
Daniel	Johnson	Price	Wolff
Davis, D.	Kilpatrick	Reed	Wyatt
Denton	Kost	Rodriguez	
Doran	Kubiak	Rosson	

## Nays—55

Agnich	Craddick	Jones, D.	Pickens
Allen, John	Davis, H.	Jones, E.	Poerner
Atwood	Dramberger	Jones, G.	Poff
Baker	Finck	Jungmichel	Sanchez
Blanton	Floyd	Kaster	Schulle
Blythe	Foreman	Lee	Semos
Boyle	Golman	Lewis	Sherman
Burgess	Hanna, Joe	Lovell	Short
Bynum	Hawkins	McAlister	Silber
Calhoun	Hawn	McKissack	Tarbox
Cates	Heatly	Moore, A.	Traeger
Cavness	Holmes, T.	Neugent, D.	Ward
Christian	Howard	Orr	Wieting
Clayton	Hubenak	Parker, W.	

## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute by striking section 7 thereof and substitute the following in lieu thereof:

“Section 7. In order that a timely transition from the system of contributory negligence to the system of comparative negligence as provided in this Act may be effected, and in order that the Supreme Court of the State of Texas may have ample time for consideration of changes in

the rules of practice and procedure which may be necessary or appropriate under this Act, this Act shall take effect and be in force as of January 1, 1972, and it is so enacted."

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—92**

Adams	Doyle	Lewis	Rodriguez
Allen, Joe	Earthman	Longoria	Salem
Allred	Farenthold	McAlister	Sanchez
Atwell	Finnell	Mengden	Santiesteban
Bass, B.	Finney	Moncrief	Shannon
Bass, T.	Foreman	Moore, G.	Short
Beckham	Gammage	Moore, T.	Silber
Bigham	Golman	Moreno	Simmons
Blanton	Grant	Murray	Slack
Bowers	Graves	Nabers	Smith
Braecklein	Hale	Nelms	Solomon
Braun	Hannah, John	Neugent, D.	Spurlock
Bynum	Harris	Newton	Stewart
Caldwell	Haynes	Nichols	Stroud
Carrillo	Head	Niland	Swanson
Cates	Hendricks	Nugent, J.	Tarbox
Clark	Hilliard	Ogg	Truan
Coats	Holmes, Z.	Orr	Tupper
Cobb	Hull	Parker, C.	Uher
Cruz	Johnson	Parker, W.	Vale
Daniel	Jones, D.	Poff	Von Dohlen
Davis, D.	Kilpatrick	Presnal	Williams
Denton	Kost	Reed	Wolff

**Nays—53**

Agnich	Davis, H.	Jones, E.	Price
Allen, John	Doran	Jones, G.	Rosson
Angly	Dramberger	Jungmichel	Salter
Atwood	Finck	Kaster	Schulle
Baker	Floyd	Kubiak	Semos
Blythe	Garcia	Lee	Sherman
Boyle	Hanna, Joe	Lemmon	Slider
Burgess	Hawkins	Lombardino	Traeger
Calhoun	Hawn	Lovell	Ward
Cavness	Heatly	McKissack	Wieting
Christian	Holmes, T.	Moore, A.	Wyatt
Clayton	Howard	Patterson	
Cole	Hubenak	Pickens	
Craddick	Ingram	Poerner	

**Absent-Excused**

Harding	Ligarde	Wayne	Williamson
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Mr. Pickens offered the following amendment to the Jim Nugent substitute for Committee Amendment No. 1:

Amend Nugent substitute to HB 556 in Sec. 2 by deleting "September 1, 1971" and substituting "January 1, 1972."

The amendment by Mr. Pickens was adopted.

The Jim Nugent substitute, as amended, for Committee Amendment No. 1 was adopted.

#### VOTE RECORDED

Mr. Jungmichel requested to be recorded as voting Nay on the adoption of the Jim Nugent substitute for Committee Amendment No. 1.

Mr. Boyle moved that Committee Amendment No. 1, as substituted, be voted on Section by Section.

The motion prevailed without objection.

Section 1 to Committee Amendment No. 1 was adopted by the following vote:

Yeas—111

Adams	Doyle	Lemmon	Salter
Allen, Joe	Earthman	Lewis	Sanchez
Allred	Farenthold	Lombardino	Santiesteban
Atwell	Finnell	Longoria	Schulle
Baker	Finney	McAlister	Semos
Bass, B.	Floyd	Mengden	Shannon
Bass, T.	Foreman	Moncrief	Short
Beckham	Gammage	Moore, A.	Silber
Bigham	Garcia	Moore, G.	Simmons
Blanton	Golman	Moore, T.	Slack
Bowers	Grant	Moreno	Slider
Boyle	Graves	Murray	Smith
Braecklein	Hale	Nabers	Solomon
Braun	Hannah, John	Nelms	Spurlock
Bynum	Harris	Neugent, D.	Stewart
Caldwell	Hawn	Newton	Stroud
Calhoun	Haynes	Nichols	Swanson
Carrillo	Head	Niland	Tarbox
Cates	Hendricks	Nugent, J.	Truan
Clark	Hilliard	Ogg	Tupper
Coats	Holmes, Z.	Parker, C.	Uher
Cobb	Hubenak	Parker, W.	Vale
Cole	Hull	Poff	Von Dohlen
Cruz	Ingram	Presnal	Ward
Daniel	Johnson	Price	Williams
Davis, D.	Jones, D.	Reed	Wolff
Denton	Jones, E.	Rodriguez	Wyatt
Doran	Kost	Salem	

## Nays—34

Agnich	Craddick	Jones, G.	Patterson
Allen, John	Davis, H.	Jungmichel	Pickens
Angly	Dramberger	Kaster	Poerner
Atwood	Finck	Kilpatrick	Rosson
Blythe	Hanna, Joe	Kubiak	Sherman
Burgess	Hawkins	Lee	Traeger
Cavness	Heatly	Lovell	Wieting
Christian	Holmes, T.	McKissack	
Clayton	Howard	Orr	

## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Section 2 of Committee Amendment No. 1 was adopted by the following vote:

## Yeas—109

Adams	Doyle	Kost	Salem
Allen, Joe	Earthman	Lee	Salter
Allred	Farenthold	Lemmon	Sanchez
Angly	Finnell	Lewis	Santiesteban
Atwell	Finney	Lombardino	Schulle
Baker	Foreman	Longoria	Shannon
Bass, B.	Gammage	Lovell	Short
Bass, T.	Garcia	Mengden	Silber
Beckham	Golman	Moncrief	Simmons
Bigham	Grant	Moore, A.	Slack
Bowers	Graves	Moore, T.	Slider
Braun	Hale	Moreno	Smith
Bynum	Hannah, John	Murray	Solomon
Caldwell	Harris	Nabers	Spurlock
Calhoun	Hawkins	Nelms	Stewart
Carrillo	Hawn	Neugent, D.	Stroud
Cates	Haynes	Newton	Swanson
Cavness	Head	Nichols	Tarbox
Clark	Hendricks	Niland	Truan
Coats	Hilliard	Nugent, J.	Tupper
Cobb	Holmes, Z.	Ogg	Uher
Cole	Hubenak	Parker, C.	Vale
Cruz	Hull	Parker, W.	Von Dohlen
Daniel	Ingram	Poff	Ward
Davis, D.	Johnson	Presnal	Williams
Davis, H.	Jones, D.	Price	
Denton	Jones, E.	Reed	
Doran	Kilpatrick	Rodriguez	

## Nays—36

Agnich	Braecklein	Finck	Jones, G.
Allen, John	Burgess	Floyd	Jungmichel
Atwood	Christian	Hanna, Joe	Kaster
Blanton	Clayton	Heatly	Kubiak
Blythe	Craddick	Holmes, T.	McAlister
Boyle	Dramberger	Howard	McKissack

Moore, G.	Pickens	Semos	Wieting
Orr	Poerner	Sherman	Wolff
Patterson	Rosson	Traeger	Wyatt

## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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Section 3 of Committee Amendment No. 1 was adopted by the following vote:

## Yeas—91

Adams	Doyle	Lombardino	Salem
Allen, Joe	Earthman	Longoria	Salter
Allred	Farenthold	Mengden	Sanchez
Atwell	Finnell	Moncrief	Santiesteban
Bass, B.	Finney	Moore, A.	Shannon
Bass, T.	Gammage	Moore, T.	Short
Beckham	Golman	Moreno	Silber
Bigham	Grant	Murray	Simmons
Bowers	Graves	Nabers	Slack
Boyle	Hale	Nelms	Smith
Braun	Hannah, John	Neugent, D.	Solomon
Bynum	Harris	Newton	Spurlock
Caldwell	Haynes	Nichols	Stewart
Carrillo	Hendricks	Niland	Stroud
Cates	Hilliard	Nugent, J.	Swanson
Clark	Holmes, Z.	Ogg	Truan
Coats	Hubenak	Parker, C.	Tupper
Cobb	Hull	Parker, W.	Uher
Cole	Ingram	Poff	Vale
Cruz	Johnson	Presnal	Von Dohlen
Daniel	Kost	Price	Williams
Davis, D.	Lemmon	Reed	Wolff
Denton	Lewis	Rodriguez	

## Nays—53

Agnich	Davis, H.	Jones, D.	Poerner
Allen, John	Doran	Jones, E.	Rosson
Angly	Dramberger	Jones, G.	Schulle
Atwood	Finck	Jungmichel	Semos
Baker	Floyd	Kaster	Sherman
Blanton	Foreman	Kilpatrick	Slider
Blythe	Garcia	Kubiak	Tarbox
Braecklein	Hanna, Joe	Lee	Traeger
Burgess	Hawkins	Lovell	Ward
Calhoun	Hawn	McAlister	Wieting
Cavness	Head	McKissack	Wyatt
Christian	Heatly	Moore, G.	
Clayton	Holmes, T.	Patterson	
Craddick	Howard	Pickens	

## Absent

Orr



Sections 5, 6, and 7 of Committee Amendment No. 1 were severally adopted.

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

HB 556, as amended, was passed to engrossment by the following vote:

**Yeas—98**

Adams	Denton	Lewis	Salem
Allen, Joe	Doran	Lombardino	Salter
Allred	Doyle	Longoria	Santiesteban
Atwell	Earthman	Mengden	Shannon
Baker	Farenthold	Moncrief	Short
Bass, B.	Finney	Moore, A.	Silber
Bass, T.	Gammage	Moore, G.	Simmons
Beckham	Garcia	Moore, T.	Slack
Bigham	Golman	Moreno	Slider
Blanton	Grant	Murray	Smith
Bowers	Hale	Nabers	Solomon
Braecklein	Hannah, John	Nelms	Spurlock
Braun	Harris	Neugent, D.	Stewart
Bynum	Hawn	Newton	Stroud
Caldwell	Haynes	Nichols	Swanson
Calhoun	Head	Niland	Tarbox
Carrillo	Hendricks	Nugent, J.	Truan
Cates	Hilliard	Ogg	Tupper
Clark	Holmes, Z.	Parker, C.	Uher
Coats	Hubenak	Parker, W.	Vale
Cobb	Hull	Poff	Von Dohlen
Cole	Johnson	Presnal	Williams
Cruz	Jones, D.	Price	Wolff
Daniel	Kost	Reed	
Davis, D.	Lemmon	Rodriguez	

**Nays—44**

Agnich	Davis, H.	Jones, G.	Pickens
Allen, John	Dramberger	Jungmichel	Poerner
Angly	Finck	Kaster	Rosson
Atwood	Finnell	Kilpatrick	Sanchez
Blythe	Floyd	Kubiak	Schulle
Boyle	Foreman	Lee	Semos
Burgess	Hanna, Joe	Lovell	Sherman
Cavness	Hawkins	McAlister	Traeger
Christian	Howard	McKissack	Ward
Clayton	Ingram	Orr	Wieting
Craddick	Jones, E.	Patterson	Wyatt

**Present—Not Voting**

**Heatly**

**Absent**

**Graves**

**Holmes, T.**

**Absent-Excused**

**Harding                      Ligarde                      Wayne                      Williamson**

Mr. Hale moved to reconsider the vote by which HB 556 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

**SCR 79—ADOPTED**  
(Mr. Von Dohlen—House Sponsor)

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

SCR 79, Creating a special committee to cooperate with the Governor and Commissioner of Agriculture concerning drought disaster relief.

The resolution was adopted without objection.

Mr. Von Dohlen moved to reconsider the vote by which SCR 79 was adopted and to table the motion to reconsider.

The motion to table prevailed.

**COMMITTEE MEETING**

Mr. Burgess asked unanimous consent of the House that the Committee on Highways and Roads be permitted to meet at this time.

There was no objection offered.

**SCR 79—COMMITTEE APPOINTED**

The Speaker announced the appointment of the following committee pursuant to SCR 79: Carrillo, Chairman; Longoria, Tom Holmes, Poerner, Von Dohlen, Heatly, and Clayton.

**COMMITTEE MEETINGS**

Mr. Calhoun asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

Mr. Johnson asked unanimous consent of the House that the Committee on Military Affairs be permitted to meet at this time.

There was no objection offered.

**HB 581 ON SECOND READING**

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

HB 581, A bill to be entitled An Act making a supplemental appropriation to the Board of Architectural Examiners; increasing the salary of the Executive Secretary; and declaring an emergency.

The bill was read second time.

Mr. Harold Davis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 581 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. In addition to the appropriations to the Board of Architectural Examiners provided by House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969, there is hereby appropriated the sum of \$8,446.00 out of the Architects Registration Fund for the fiscal year ending August 31, 1971.

Section 2. The appropriations made in Section 1 of this Act shall be used by the Board of Architectural Examiners in the following manner: \$7,446.00 for consumable supplies and materials, current and recurring operating expense (excluding travel expense), rental of office space, capital outlay, and \$1,000.00 for increasing the salary of the Executive Secretary to an amount not to exceed \$250 per month more than the monthly rate provided by House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969.

Section 3. The need for this supplemental appropriation and the crowded condition of the calendar in each House 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 said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted without objection.

HB 581, as amended, was passed to engrossment.

#### HB 581 ON THIRD READING

Mr. Cavness moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 581 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adams	Burgess	Craddick	Gammage
Allen, Joe	Bynum	Cruz	Garcia
Allred	Caldwell	Davis, D.	Golman
Angly	Calhoun	Davis, H.	Grant
Atwell	Carrillo	Denton	Hale
Baker	Cates	Doyle	Hanna, Joe
Bigham	Cavness	Dramberger	Harris
Blanton	Clark	Earthman	Hawkins
Blythe	Clayton	Finck	Hawn
Boyle	Coats	Finnell	Haynes
Braecklein	Cobb	Finney	Head
Braun	Cole	Foreman	Heatly

Hendricks	Moncrief	Poff	Smith
Hilliard	Moore, A.	Presnal	Solomon
Holmes, T.	Moore, G.	Price	Spurlock
Howard	Moore, T.	Rosson	Stewart
Hubenak	Murray	Salem	Stroud
Hull	Nabers	Salter	Swanson
Johnson	Nelms	Sanchez	Tarbox
Jones, E.	Neugent, D.	Santiesteban	Traeger
Jungmichel	Newton	Schulle	Truan
Kilpatrick	Nichols	Semos	Tupper
Kost	Niland	Shannon	Von Dohlen
Lemmon	Ogg	Sherman	Ward
Lombardino	Orr	Short	Wieting
Longoria	Parker, C.	Silber	Williams
Lovell	Parker, W.	Simmons	Wyatt
McAlister	Pickens	Slack	
McKissack	Poerner	Slider	

## Nays—23

Agnich	Christian	Kaster	Nugent, J.
Allen, John	Daniel	Kubiak	Reed
Atwood	Doran	Lee	Rodriguez
Bass, T.	Farenthold	Lewis	Vale
Beckham	Floyd	Mengden	Wolff
Bowers	Hannah, John	Moreno	

## Absent

Bass, B.	Holmes, Z.	Jones, D.	Patterson
Graves	Ingram	Jones, G.	Uher

## Absent-Excused

Harding	Ligarde	Wayne	Williamson
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The Speaker then laid HB 581 before the House on third reading and final passage.

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

## Yeas—139

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

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

**Nays—3**

Kubiak	Lewis	Rodriguez
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**Absent**

Hull	Jones, D.	Jones, G.
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**Absent-Excused**

Harding	Ligarde	Wayne	Williamson
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Mr. Cavness moved to reconsider the vote by which HB 581 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker announced that HB 581 was passed subject to the provisions of Section 49A, Article III of the Constitution.

**CONGRATULATORY RESOLUTIONS ADOPTED**

The following Congratulatory Resolutions were adopted unanimously:

HSR 349, by Ward: Commending the Johnson County Camp Fire Girls.

HSR 352, by Jungmichel: Commending La Grange Elementary 5th Grade Class.

**LEAVE OF ABSENCE GRANTED**

On motion of Mr. Christian, Mr. John Allen was granted leave of absence for the remainder of today on account of important business.

MOTION TO PLACE  
SB 346 ON SECOND READING

Mr. Hale moved that all necessary rules be suspended to take up and consider at this time, SB 346.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—84

Allen, Joe	Finck	Lee	Santiesteban
Angly	Finney	Lemmon	Schulle
Atwell	Floyd	Lewis	Semos
Atwood	Foreman	Lombardino	Shannon
Blanton	Garcia	Longoria	Sherman
Blythe	Golman	McKissack	Short
Bowers	Hale	Mengden	Silber
Boyle	Harris	Moncrief	Simmons
Braecklein	Hawkins	Moore, G.	Slack
Braun	Hawn	Moreno	Slider
Bynum	Haynes	Nelms	Spurlock
Carrillo	Hilliard	Neugent, D.	Stroud
Cavness	Hubenak	Newton	Swanson
Clark	Hull	Niland	Traeger
Coats	Ingram	Ogg	Truan
Cobb	Johnson	Parker, C.	Tupper
Craddock	Jones, E.	Parker, W.	Vale
Cruz	Jungmichel	Pickens	Von Dohlen
Doyle	Kaster	Rodriguez	Williams
Dramberger	Kilpatrick	Salem	Wolff
Earthman	Kost	Sanchez	Wyatt

## Nays—56

Adams	Cole	Holmes, T.	Patterson
Agnich	Daniel	Holmes, Z.	Poerner
Allred	Davis, D.	Howard	Poff
Baker	Davis, H.	Jones, D.	Presnal
Bass, B.	Denton	Jones, G.	Price
Bass, T.	Doran	Kubiak	Reed
Beckham	Farenthold	Lovell	Rosson
Bigham	Finnell	McAlister	Salter
Burgess	Gammage	Moore, A.	Smith
Caldwell	Grant	Moore, T.	Solomon
Calhoun	Hannah, John	Nabers	Stewart
Cates	Head	Nichols	Tarbox
Christian	Heatly	Nugent, J.	Ward
Clayton	Hendricks	Orr	Wieting

## Absent

Graves	Hanna, Joe	Murray	Uher
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## Absent-Excused

Allen, John	Ligarde	Wayne	Williamson
Harding			

## LEAVE OF ABSENCE GRANTED

On motion of Mr. Clark, Mr. Nelms was granted leave of absence for the remainder of today on account of important business.

## HB 322 ON THIRD READING

The Speaker laid before the House on its third reading and final passage, HB 322, Relating to permits issued by the Texas Air Control Board.

Mr. Clark moved that consideration of HB 322 be postponed until 11:00 a.m., April 19, 1971.

The motion prevailed without objection.

## HB 754 ON THIRD READING

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

HB 754, Permitting commissioners courts to promulgate certain regulations in subdivision construction.

The bill was read third time and was passed.

## HB 166 ON THIRD READING

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

HB 166, Relating to State Board of Pharmacy establishing a schedule of abused drugs.

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

Yeas—186

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

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

## Nays—2

Boyle Orr

## Absent

Caldwell Ingram Lovell Slack  
Doyle

## Absent-Excused

Allen, John Ligarde Wayne Williamson  
Harding Nelms

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

The motion to table prevailed.

## HB 516 ON THIRD READING

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

HB 516, Relating to toll bridges over the Rio Grande River.

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

## Yeas—129

Adams	Blythe	Christian	Denton
Agnich	Bowers	Clark	Doran
Angly	Boyle	Clayton	Doyle
Atwell	Braecklein	Coats	Dramberger
Atwood	Burgess	Cobb	Earthman
Baker	Bynum	Cole	Finck
Bass, B.	Caldwell	Craddick	Finnell
Bass, T.	Calhoun	Cruz	Finney
Beckham	Carrillo	Daniel	Floyd
Bigham	Cates	Davis, D.	Foreman
Blanton	Cavness	Davis, H.	Garcia

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

**Nays—9**

Braun	Graves	Kubiak	Nichols
Farenthold	Harris	Moreno	Rodriguez
Gammage			

**Present—Not Voting****Vale****Absent**

Allen, Joe	Allred	Ingram	Lovell
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**Absent-Excused**

Allen, John	Ligarde	Wayne	Williamson
Harding	Nelms		

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

The motion to table prevailed.

**HB 514 ON THIRD READING**

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

HB 514, Relating to regulations governing the absence of faculty members of state-supported colleges and universities.

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

## Yeas—104

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

## Nays—35

Allen, Joe	Daniel	Kubiak	Silber
Atwood	Denton	Moore, T.	Smith
Bass, B.	Farenthold	Moreno	Stroud
Bass, T.	Gammage	Nichols	Truan
Bigham	Grant	Parker, C.	Vale
Braun	Graves	Patterson	Williams
Caldwell	Hannah, John	Presnal	Wolff
Clark	Harris	Reed	Wyatt
Coats	Holmes, Z.	Rodriguez	

## Absent

Calhoun	Cruz	Longoria	Ogg
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## Absent-Excused

Allen, John	Ligarde	Wayne	Williamson
Harding	Nelms		

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

The motion to table prevailed.

## HB 519 ON THIRD READING

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

HB 519, Amending the Texas Education Code to authorize abolishment of certain common school districts, etc.

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

## Yeas—137

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

## Nays—1

Salter

Absent

Atwood  
Cruz

Heatly

Ingram

Moore, G.

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**Absent-Excused**Allen, John  
HardingLigarde  
Nelms

Wayne

Williamson

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

The motion to table prevailed.

**HB 97 ON SECOND READING**

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

HB 97, A bill to be entitled An Act relating to the planting and raising of pecan trees on highway rights-of-way; and declaring an emergency.

The bill was read second time.

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

**Committee Amendment No. 1**

Amend HB 97 by striking everything below the enacting clause and substituting in lieu thereof the following:

Section 1. The State Highway Department shall plant and care for a substantial number of pecan trees on United States and state highway rights-of-way throughout the state. In areas where the climate is unsuitable for the growth of pecan trees, or where pecan trees present a safety hazard, the State Highway Department shall plant other trees which are indigenous or adaptable to the (particular) area, and present no safety hazards.

Section 2. The cost of acquiring, planting, and caring for the pecan trees shall be borne by the state highway fund.

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.

The committee amendment was adopted without objection.

HB 97, as amended, was passed to engrossment.

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Representative Williamson entered the House and was announced present.

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## MESSAGE FROM THE SENATE

Austin, Texas, April 15, 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 881, By Hightower: Relating to the municipal court of record of Wichita Falls and its penalties, complaints, microfilm records, orders or judgments showing disposition of parking tickets, selection of jurors, custodians of jury wheels, custody of defendants in case of conviction, and procedure for appeals therefrom; and declaring an emergency.

SB 87, By Creighton: Amending Article 1994 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

SB 66, By Herring: Relating to law students assisting attorneys.

SB 629, By Hightower: Permitting extensions of the term of oil and gas leases issued by the Commissioner of the General Land Office for no more than 390 days; amending Section 2, Chapter 255, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5382e, Vernon's Texas Civil Statutes); and declaring an emergency.

SB 880, By Creighton: Relating to the election of trustees in certain independent school districts; and declaring an emergency.

SB 775, By Hall: Repealing Article 3926, Revised Civil Statutes of Texas, 1925, as amended, relating to certain fees of county judge; and declaring an emergency.

SB 677, By Creighton: Relating to consolidation and dissolution of all or parts of certain independent school districts; and declaring an emergency.

SB 476, By Hightower: Providing that certain persons transporting agricultural commodities are not required to hold a commercial driver's license; and declaring an emergency.

SB 834, By Herring: Relating to delegation of functions and powers by the Water Quality Board to local governments.

SB 835, By Herring: Relating to development of water quality management plans for the state.

SB 642, By Bridges, Christie; Amending Chapter 42, Acts of the 61st Legislature, Regular Session, 1969 (Article 4492 r-2, Vernon's Texas Civil Statutes), relating to the issuance of revenue bonds to provide hospital facilities for hospital districts which are in counties containing a population of 200,000 or more according to the last preceding federal census; providing a severance clause; and declaring an emergency.

SB 831, By Herring: Relating to creation of a Personal Bond Program.

SB 99, By Creighton: Prescribing certain duties of clerks of courts of civil appeals with reference to the filing, recording, and preservation of the records and proceedings of the court; and declaring an emergency.

SCR 50, By Jordan: Requesting the State Building Commission to create a parking area primarily for the handicapped.

SB 887, By Herring: Relating to creating the office of district attorney for the 26th Judicial District; repealing Art. 322a, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

SB 541, By Schwartz: Amending Chapter 75, Acts of the 50th Legislature, Regular Session, 1947 (establishing and regulating the Texas Municipal Retirement System).

SB 543, By Schwartz: Relating to the fees charged by the Board of Vocational Nurse Examiners; amending Sections 7, 8, and 9, Chapter 118, Acts of the 52nd Legislature.

SB 468, By Herring: Enlarging the membership of the Hospital Advisory Council.

SB 292, By Hightower, et al: Relating to the travel and clothing expenses of economically deprived children attending the Texas School for the Deaf; and declaring an emergency.

SB 298, By Hightower, et al: Relating to the exemption of certain teachers of the deaf and severely hard of hearing from the requirement of having secured credit in a course emphasizing the Texas Constitution in order to receive a Texas teaching certificate; amending Subsection (b), Section 13.12, Texas Education Code; and declaring an emergency.

SB 299, By Hightower, et al: Prohibiting state colleges and universities from placing limitations on the size of special education classes; and declaring an emergency.

SB 667, By Hightower: Providing that the county clerk or district clerk may destroy certain records, ballots, stubs, lists, or papers by shredding; and declaring an emergency.

SB 379, By Jordan: Relating to the compensation of certain county officials in counties having a population of one million (1,000,000) or more; amending Subsection (b), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended; and declaring an emergency.

SB 121, By McKool: Relating to the treatment of certain students at state-supported institutions of higher education as Texas residents; and declaring an emergency.

SB 587, By Schwartz: Relating to the requirements for holding public hearings under the Uniform Wildlife Regulatory Act; amending Section 7, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967 (Article 978j-1, Vernon's Texas Penal Code), as amended; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

## HB 300 ON SECOND READING

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

HB 300, A bill to be entitled An Act authorizing incorporated cities, towns, and villages to adopt, by popular vote, a local sales and use tax for the benefit of policemen's and firemen's pension funds of the city, town, or village; providing a method of abolishing the tax by popular vote; providing for the administration, collection, and enforcement of the tax by the state; authorizing the Comptroller of Public Accounts to prescribe rules, regulations, and forms for the administration of this Act; requiring the Comptroller to promulgate a schedule for the joint collection of the taxes authorized by this Act, the taxes authorized by the Local Sales and Use Tax Act, if applicable, and the taxes imposed by the Limited Sales, Excise and Use Tax Act, and prescribing a formula to be used in promulgating the schedule; providing for surety bonds for the Comptroller and his staff and for the payment of premiums on the bonds; prescribing procedure in contests of elections held under this Act; providing penalties for violation of this Act; and declaring an emergency.

The bill was read second time.

Mr. Silber offered the following amendment to the bill:

Amend HB 300, First Printing as follows:

(1) On page 7, line 27, strike the sentence which reads "They may not be used for any other purpose," and substitute the following: "The funds may be used only for the purposes specified in Section 9 of this Act."

(2) Strike Section 9 of the bill and substitute the following:

"Sec. 9. (a) Except as provided in Subsection (b) of this section, all revenue collected under this Act is for the use and benefit of the policemen's and firemen's pension funds of the cities of this state, and may be used for no other purpose.

"(b) A city may allocate not more than one-third of the revenue it receives under this Act each year for the education of policemen and firemen in an educational program, approved by the governing board of the city, which meets the following requirements.

"(1) the education must be at an institution of higher education, public or private, and must be recognized as credit toward a bachelor's, master's, or doctoral degree;

"(2) the recipient of the education may receive no more than 75 percent of the base pay he was receiving at the time he entered the program while he is enrolled in an institution under the provisions of this subsection;

"(3) the person receiving the education must enter a contract with the police or fire department prior to receiving the education in which he agrees to serve in the same department upon the completion of his schooling for a period of time to be determined by a formula promulgated by the governing board of the city, but not more than one and one-half times the period of time spent in school.

“(4) the person must be registered as a full time student while participating in the program;

“(5) a participant in the program may be allowed to work part time with the department while he is enrolled, but his compensation for part time work plus his compensation under this Section may not exceed the amount he would receive if he were employed on a full time basis with the department;

“(6) a participant must be a full-fledged civil service employee, as defined in Section 12, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon’s Texas Civil Statutes), or as it may be amended; and

“(7) a participant in the program shall be given one month of credit for promotional purposes for every two months of participation in the program, up to a maximum of one year of credit in any salary classification.”

Mr. Lombardino moved to table the above amendment.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

On motion of Mr. Ward, Mr. Tom Holmes was granted leave of absence for the remainder of today and the week on account of important business.

HB 300—(Consideration continued)

HB 300 failed to pass to engrossment by the following vote:

Yeas—32

Atwell	Hannah, John	Mengden	Shannon
Carrillo	Harris	Murray	Silber
Christian	Hawn	Parker, W.	Simmons
Dramberger	Johnson	Pickens	Smith
Earthman	Jones, D.	Poff	Stewart
Finck	Kost	Rosson	Traeger
Finnell	Lombardino	Salem	Vale
Foreman	McKissack	Schulle	Wolff

Nays—94

Adams	Bowers	Coats	Garcia
Agnich	Boyle	Cole	Golman
Allen, Joe	Braecklein	Craddick	Grant
Angly	Braun	Daniel	Hale
Atwood	Bynum	Davis, D.	Hanna, Joe
Bass, B.	Caldwell	Davis, H.	Hawkins
Bass, T.	Calhoun	Denton	Haynes
Beckham	Cates	Doran	Head
Bigham	Cavness	Doyle	Heatly
Blanton	Clark	Farenthold	Hendricks
Blythe	Clayton	Gammage	Hilliard

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Holmes, Z.	Moore, A.	Presnal	Stroud
Howard	Moore, T.	Price	Swanson
Ingram	Moreno	Reed	Tarbox
Jones, E.	Nabers	Rodriguez	Truan
Jones, G.	Newton	Salter	Tupper
Kaster	Nichols	Sanchez	Uher
Kilpatrick	Niland	Santiesteban	Von Dohlen
Kubiak	Nugent, J.	Semos	Ward
Lee	Ogg	Sherman	Wieting
Lemmon	Orr	Short	Williams
Lewis	Parker, C.	Slider	Wyatt
Longoria	Patterson	Solomon	
Moncrief	Poerner	Spurlock	

## Present—Not Voting

Williamson

## Absent

Allred	Cruz	Hubenak	McAlister
Baker	Finney	Hull	Moore, G.
Burgess	Floyd	Jungmichel	Neugent, D.
Cobb	Graves	Lovell	Slack

## Absent-Excused

Allen, John	Holmes, T.	Nelms	Wayne
Harding	Ligarde		

Mr. Spurlock moved to reconsider the vote by which HB 300 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

## HB 369 ON SECOND READING

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

HB 369, A bill to be entitled An Act authorizing the Board of Regents of East Texas State University to sell and convey certain lands to be used for the site of a motel in consideration of a sum agreeable to the board; specifying that the conveyance shall contain certain conditions, restrictions, and right of reverter; providing that the proceeds from the sale shall be part of the funds of East Texas State University for the purchase of additional land and appropriating the proceeds for that purpose; and declaring an emergency.

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

MOTION TO PLACE  
HB 369 ON THIRD READING

Mr. Cole moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 369 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—101

Agnich	Doyle	Kost	Sanchez
Angly	Dramberger	Lemmon	Santiesteban
Baker	Earthman	Lewis	Schulle
Bass, T.	Finck	Lombardino	Semos
Beckham	Finnell	Longoria	Shannon
Bigham	Finney	Mengden	Short
Blanton	Foreman	Moncrief	Silber
Blythe	Garcia	Moore, A.	Simmons
Boyle	Golman	Moore, G.	Slack
Braecklein	Grant	Moore, T.	Slider
Braun	Hale	Murray	Smith
Burgess	Hanna, Joe	Nabers	Solomon
Bynum	Hannah, John	Nichols	Spurlock
Calhoun	Harris	Ogg	Stewart
Carrillo	Hawkins	Parker, C.	Stroud
Cates	Haynes	Parker, W.	Tarbox
Cavness	Heatly	Patterson	Traeger
Christian	Hendricks	Pickens	Vale
Clark	Holmes, Z.	Poerner	Von Dohlen
Clayton	Howard	Poff	Wieting
Coats	Hubenak	Presnal	Williams
Cole	Hull	Price	Williamson
Cruz	Ingram	Reed	Wyatt
Daniel	Jungmichel	Rodriguez	
Davis, H.	Kaster	Salem	
Denton	Kilpatrick	Salter	

## Nays—31

Adams	Farenthold	Jones, G.	Rosson
Allen, Joe	Floyd	Kubiak	Sherman
Atwell	Gammage	Lee	Swanson
Atwood	Hawn	McKissack	Truan
Bowers	Head	Newton	Tupper
Craddick	Hilliard	Niland	Ward
Davis, D.	Jones, D.	Nugent, J.	Wolff
Doran	Jones, E.	Orr	

## Absent

Allred	Cobb	Lovell	Neugent, D.
Bass, B.	Graves	McAlister	Uher
Caldwell	Johnson	Moreno	

## Absent-Excused

Allen, John	Holmes, T.	Nelms	Wayne
Harding	Ligarde		

## HB 186 ON SECOND READING

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

HB 186, A bill to be entitled An Act prohibiting any person or persons on school property or on public property within five hundred feet of school property from willfully disrupting school classes or other school activities, prescribing a penalty for violation, defining certain terms, making this Act cumulative of existing laws; and declaring an emergency.

The bill was read second time.

Mr. Stewart offered the following amendment to the bill:

Amend HB 186 by inserting the following as Section 4 of the bill and renumbering the succeeding section appropriately:

"Section 4. Severability. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

The amendment was adopted.

HB 186, as amended, was passed to engrossment.

#### HB 242 ON SECOND READING

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

HB 242, A bill to be entitled An Act relating to additional compensation for the district judge of the 75th Judicial District; providing for pro rata distribution of the additional compensation between the counties comprising the district; repealing Chapter 75, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6819a-13, Vernon's Texas Civil Statutes); and declaring an emergency.

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

#### RECESS

Mr. Doran moved that the House recess until 9:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 6:05 p.m., recessed until 9:00 a.m. tomorrow.

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#### APPENDIX

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#### STANDING COMMITTEE REPORTS

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

Agriculture: HB 1380.

Conservation and Reclamation: HB 647, HB 842, HB 987, HB 1035, HB 1229, HB 1440, HB 1492, HB 1598, SB 288, SB 652.

Constitutional Amendments: HJR 62.

Criminal Jurisprudence: SB 97.

Engrossed and Enrolled Bills: Correctly engrossed—HB 166, HB 322, HB 514, HB 516, HB 519, HB 754, HCR 112, HCR 113. Correctly enrolled—HB 63, HB 146, HB 494, HB 496, HB 555, HB 722.

Higher Education: HB 130, HB 275, HB 474, HB 787.

Insurance: HB 707, HB 1136, HB 1289.

Judiciary: HB 263, HB 273, HB 296, HB 389, HB 470, HB 595, HB 714, HB 1159, SB 396.

Liquor Regulation: SB 346.

Livestock: SCR 79.

State Affairs: HB 925, HB 964, HB 985, HB 1203, HB 1255, HCR 61, HCR 67, SB 909.

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FIFTY-FOURTH DAY (Continued)—FRIDAY, APRIL 16, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

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

Mr. Speaker	Doran	Jones, G.	Schulle
Agnich	Doyle	Jungmichel	Shannon
Allen, John	Dramberger	Kaster	Sherman
Angly	Earthman	Kilpatrick	Short
Atwood	Farenthold	Kost	Silber
Bass, T.	Finnell	Kubiak	Simmons
Beckham	Finney	Lemmon	Slider
Bigham	Floyd	Lewis	Smith
Blanton	Foreman	Lombardino	Solomon
Blythe	Gammage	Longoria	Spurlock
Boyle	Garcia	Lovell	Stewart
Braecklein	Golman	McAlister	Stroud
Braun	Grant	McKissack	Swanson
Burgess	Hale	Mengden	Tarbox
Bynum	Harris	Moncrief	Tupper
Calhoun	Hawn	Moore, A.	Uher
Carrillo	Haynes	Nabers	Vale
Cates	Head	Newton	Von Dohlen
Cavness	Heatly	Nugent, J.	Ward
Christian	Hendricks	Orr	Wieting
Clark	Hilliard	Parker, C.	Williams
Coats	Howard	Parker, W.	Williamson
Cole	Hubenak	Patterson	Wolff
Craddick	Hull	Poerner	Wyatt
Daniel	Ingram	Poff	
Davis, D.	Johnson	Rosson	
Davis, H.	Jones, D.	Salem	