

## SIXTY-THIRD DAY (Continued)—THURSDAY, APRIL 29, 1971

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

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

Mr. Speaker	Daniel	Jungmichel	Price
Adams	Davis, D.	Kaster	Reed
Agnich	Davis, H.	Kilpatrick	Salem
Allen, John	Doyle	Kubiak	Salter
Allred	Dramberger	Lee	Santiesteban
Atwell	Farenthold	Lemmon	Schulle
Baker	Finnell	Lewis	Semos
Bass, B.	Floyd	Ligarde	Shannon
Bass, T.	Garcia	Lombardino	Short
Beckham	Golman	Longoria	Simmons
Bigham	Grant	Lovell	Slack
Blanton	Graves	McAlister	Slider
Blythe	Hale	McKissack	Smith
Boyle	Hanna, Joe	Moncrief	Solomon
Braecklein	Harding	Moore, A.	Stewart
Braun	Harris	Moreno	Stroud
Burgess	Hawkins	Murray	Swanson
Bynum	Hawn	Nabers	Tarbox
Caldwell	Haynes	Nelms	Truan
Calhoun	Head	Neugent, D.	Tupper
Carrillo	Heatly	Newton	Uher
Cavness	Hendricks	Nichols	Vale
Christian	Hilliard	Niland	Von Dohlen
Clark	Holmes, T.	Parker, C.	Ward
Clayton	Holmes, Z.	Parker, W.	Williams
Coats	Howard	Pickens	Wolff
Cobb	Hubenak	Poerner	Wyatt
Cole	Jones, E.	Poff	
Craddick	Jones, G.	Presnal	

## Absent

Angly	Finney	Moore, G.	Sherman
Atwood	Foreman	Moore, T.	Silber
Bowers	Gammage	Nugent, J.	Spurlock
Cates	Hannah, John	Ogg	Traeger
Cruz	Hull	Orr	Wayne
Denton	Ingram	Patterson	Wieting
Doran	Johnson	Rodriguez	Williamson
Earthman	Jones, D.	Rosson	
Finck	Mengden	Sanchez	

## Absent-Excused

Allen, Joe            Kost

(Mr. John Allen in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

---

**LEAVES OF ABSENCE GRANTED**

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

Mr. Kost, temporarily for today, on motion of Mr. Silber.

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

Mr. Joe Allen, temporarily for today, on motion of Mr. Daniel.

---

Representatives Spurlock, Rosson, Orr, and John Hannah entered the House and were announced present.

---

**SB 225—ORDERED NOT PRINTED**

On motion of Mr. Adams, and by unanimous consent, SB 225 was ordered not printed on Second Printing.

---

Representatives Silber and Wieting entered the House and were announced present.

---

**MESSAGE FROM THE SENATE**

Austin, Texas, April 29, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

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

HCR 123, By Baker: Honoring Claude W. Brown.

HCR 124, By H. Davis, Speaker Mutscher, Foreman, Cavness: In memory of Claude C. Wild.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

---

Representatives Sherman, Golman, Wayne, and Jim Nugent entered the House and were announced present.

---

---

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 407, by Smith: Commending Terry Brown of Beaumont, Texas.

On motion of Mr. Smith, the names of all the Members of the House were added to HSR 407 as signers thereof.

HSR 408, by Shannon: Congratulating Mr. and Mrs. Patrick Martinets on the birth of their daughter.

HSR 409, by H. Davis: Commending the third grade class of Mrs. Cecil Banks of Mollie Barrington Elementary School, Austin, Texas.

---

Representatives Bowers, Earthman, Hull, Mengden, and Patterson entered the House and were announced present.

---

(Speaker in the Chair)

---

Representatives Atwood, Traeger, Griffith Moore, Angly, Foreman, Finck, Cates, Finney, and Denton entered the House and were announced present.

---

LEAVE OF ABSENCE GRANTED

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

Mr. Ingram, temporarily for today, on motion of Mr. Boyle.

---

Representatives Doran and Tom Moore entered the House and were announced present.

---

SB 75 ON THIRD READING  
(Mr. Wayne—House Sponsor)

Mr. Doran moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—115

Adams	Doran	Lee	Salem
Agnich	Doyle	Lemmon	Santiesteban
Allen, John	Dramberger	Lewis	Schulle
Angly	Farenthold	Ligarde	Semos
Atwood	Finnell	Lombardino	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Beckham	Garcia	McAlister	Silber
Bigham	Golman	Mengden	Slack
Blanton	Grant	Moncrief	Slider
Bowers	Hale	Moore, A.	Smith
Boyle	Hanna, Joe	Moore, G.	Solomon
Braecklein	Harding	Moore, T.	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Stroud
Caldwell	Hawn	Nelms	Swanson
Calhoun	Haynes	Neugent, D.	Tarbox
Carrillo	Heatly	Newton	Traeger
Cates	Hendricks	Nichols	Truan
Cavness	Holmes, T.	Ogg	Tupper
Christian	Holmes, Z.	Orr	Uher
Clark	Howard	Parker, C.	Von Dohlen
Clayton	Hubenak	Parker, W.	Ward
Coats	Johnson	Patterson	Wayne
Cobb	Jones, G.	Poerner	Wieting
Craddick	Jungmichel	Poff	Williams
Cruz	Kaster	Presnal	Williamson
Daniel	Kilpatrick	Price	Wyatt
Davis, H.	Kost	Rosson	

## Nays—26

Allred	Earthman	Jones, E.	Rodriguez
Bass, T.	Finck	Kubiak	Salter
Blythe	Finney	Moreno	Simmons
Bynum	Floyd	Niland	Vale
Cole	Graves	Nugent, J.	Wolff
Davis, D.	Head	Pickens	
Denton	Hilliard	Reed	

## Absent

Atwell	Hull	McKissack	Sanchez
Hannah, John	Jones, D.		

## Absent-Excused

Allen, Joe	Ingram
------------	--------

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

SB 75, Establishing qualifications for members of the Banking Section of the Finance Commission of Texas.

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

**Yeas—134**

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

**Nays—6**

Allred	Head	Salter	Traeger
Bigham	Kubiak		

**Absent**

Jones, D.	Ogg	Stewart	Uher
Nugent, J.	Parker, W.		

**Absent-Excused**

Allen, Joe	Ingram	Kost	
------------	--------	------	--

Mr. Wayne moved to reconsider the vote by which SB 75 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 254 ON THIRD READING  
(Mr. Harding—House Sponsor)

Mr. Doran moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 254 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—115**

Adams	Doran	Lee	Salem
Agnich	Doyle	Lemmon	Santiesteban
Allen, John	Dramberger	Lewis	Schulle
Angly	Farenthold	Ligarde	Semos
Atwood	Finnell	Lombardino	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Beckham	Garcia	McAlister	Silber
Bigham	Golman	Mengden	Slack
Blanton	Grant	Moncrief	Slider
Bowers	Hale	Moore, A.	Smith
Boyle	Hanna, Joe	Moore, G.	Solomon
Braecklein	Harding	Moore, T.	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Stroud
Caldwell	Hawn	Nelms	Swanson
Calhoun	Haynes	Neugent, D.	Tarbox
Carrillo	Heatly	Newton	Traeger
Cates	Hendricks	Nichols	Truan
Cavness	Holmes, T.	Ogg	Tupper
Christian	Holmes, Z.	Orr	Uher
Clark	Howard	Parker, C.	Von Dohlen
Clayton	Hubenak	Parker, W.	Ward
Coats	Johnson	Patterson	Wayne
Cobb	Jones, G.	Poerner	Wieting
Craddick	Jungmichel	Poff	Williams
Cruz	Kaster	Presnal	Williamson
Daniel	Kilpatrick	Price	Wyatt
Davis, H.	Kost	Rosson	

**Nays—26**

Allred	Earthman	Jones, E.	Rodriguez
Bass, T.	Finck	Kubiak	Salter
Blythe	Finney	Moreno	Simmons
Bynum	Floyd	Niland	Vale
Cole	Graves	Nugent, J.	Wolff
Davis, D.	Head	Pickens	
Denton	Hilliard	Reed	

**Absent**

Atwell	Hull	McKissack	Sanchez
Hannah, John	Jones, D.		

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

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

SB 254, Providing a \$2.00 fee for vital records issued by State Registrar.

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

**Yeas—132**

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

**Nays—10**

Allred	Head	Patterson	Von Dohlen
Beckham	Hendricks	Rosson	
Daniel	Kubiak	Slider	

**Absent**

Moore, G.	Ogg	Rodriguez	Wyatt
-----------	-----	-----------	-------

**Absent-Excused**

Allen, Joe	Ingram	Kost	
------------	--------	------	--

Mr. Harding moved to reconsider the vote by which SB 254 was passed and to table the motion to reconsider.

The motion to table prevailed.

**SB 695 ON THIRD READING**  
(Mr. Kaster—House Sponsor)

Mr. Doran moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 695 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—115**

Adams	Doran	Lee	Satem
Agnich	Doyle	Lemmon	Santiesteban
Allen, John	Dramberger	Lewis	Schulle
Angly	Farenthold	Ligarde	Semos
Atwood	Finnell	Lombardino	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Beckham	Garcia	McAlister	Silber
Bigham	Golman	Mengden	Slack
Blanton	Grant	Moncrief	Slider
Bowers	Hale	Moore, A.	Smith
Boyle	Hanna, Joe	Moore, G.	Solomon
Braecklein	Harding	Moore, T.	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Stroud
Caldwell	Hawn	Neims	Swanson
Calhoun	Haynes	Neugent, D.	Tarbox
Carrillo	Heatly	Newton	Traeger
Cates	Hendricks	Nichols	Truan
Cavness	Holmes, T.	Ogg	Tupper
Christian	Holmes, Z.	Orr	Uher
Clark	Howard	Parker, C.	Von Dohlen
Clayton	Hubenak	Parker, W.	Ward
Coats	Johnson	Patterson	Wayne
Cobb	Jones, G.	Poerner	Wieting
Craddick	Jungmichel	Poff	Williams
Cruz	Kaster	Presnal	Williamson
Daniel	Kilpatrick	Price	Wyatt
Davis, H.	Kost	Rosson	

**Nays—26**

Allred	Earthman	Jones, E.	Rodriguez
Bass, T.	Finck	Kubiak	Salter
Blythe	Finney	Moreno	Simmons
Bynum	Floyd	Niland	Vale
Cole	Graves	Nugent, J.	Wolff
Davis, D.	Head	Pickens	
Denton	Hilliard	Reed	

## Absent

Atwell	Hull	McKissack	Sanchez
Hannah, John	Jones, D.		

## Absent-Excused

Allen, Joe	Ingram
------------	--------

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

SB 695, Authorizing University of Texas System Board to contract with any political subdivision of the state in El Paso County for construction of special events center on the campus of the University of Texas at El Paso.

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

## Yeas—138

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

## Absent

Bass, B.	Hanna, Joe	Murray	Price
Cole	Johnson	Ogg	Rodriguez

## Absent-Excused

Allen, Joe            Ingram            Kost

Mr. Kaster moved to reconsider the vote by which SB 695 was passed and to table the motion to reconsider.

The motion to table prevailed.

Representative Rodriguez entered the House and was announced present.

SB 174 ON THIRD READING  
(Mr. Ogg—House Sponsor)

Mr. Doran moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 174 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—115

Adams	Doran	Lee	Salem
Agnich	Doyle	Lemmon	Santiesteban
Allen, John	Dramberger	Lewis	Schulle
Angly	Farenthold	Ligarde	Semos
Atwood	Finnell	Lombardino	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Beckham	Garcia	McAlister	Silber
Bigham	Golman	Mengden	Slack
Blanton	Grant	Moncrief	Slider
Bowers	Hale	Moore, A.	Smith
Boyle	Hanna, Joe	Moore, G.	Solomon
Braecklein	Harding	Moore, T.	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Stroud
Caldwell	Hawn	Nelms	Swanson
Calhoun	Haynes	Neugent, D.	Tarbox
Carrillo	Heatly	Newton	Traeger
Cates	Hendricks	Nichols	Truan
Cavness	Holmes, T.	Ogg	Tupper
Christian	Holmes, Z.	Orr	Uher
Clark	Howard	Parker, C.	Von Dohlen
Clayton	Hubenak	Parker, W.	Ward
Coats	Johnson	Patterson	Wayne
Cobb	Jones, G.	Poerner	Wieting
Craddick	Jungmichel	Poff	Williams
Cruz	Kaster	Presnal	Williamson
Daniel	Kilpatrick	Price	Wyatt
Davis, H.	Kost	Rosson	

**Nays—26**

Allred	Earthman	Jones, E.	Rodriguez
Bass, T.	Finck	Kubiak	Salter
Blythe	Finney	Moreno	Simmons
Bynum	Floyd	Niland	Vale
Cole	Graves	Nugent, J.	Wolff
Davis, D.	Head	Pickens	
Denton	Hilliard	Reed	

**Absent**

Atwell	Hull	McKissack	Sanchez
Hannah, John	Jones, D.		

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

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

SB 174, Making certain provisions for the governing instruments of charitable foundations so that specific tax provisions of Internal Revenue Code are met.

Representative Kost entered the House and was announced present.

**SB 174—(Consideration continued)**

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

**Yeas—139**

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

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

**Absent**

Bass, B.	Hannah, John	Moreno	Presnal
Cruz	Jones, D.	Ogg	Sanchez

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

Mr. Carl Parker moved to reconsider the vote by which SB 174 was passed and to table the motion to reconsider.

The motion to table prevailed.

**SB 176 ON THIRD READING**  
(Mr. Ogg—House Sponsor)

Mr. Doran moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—115**

Adams	Calhoun	Farenthold	Holmes, T.
Agnich	Carrillo	Finnell	Holmes, Z.
Allen, John	Cates	Foreman	Howard
Angly	Cavness	Gammage	Hubenak
Atwood	Christian	Garcia	Johnson
Baker	Clark	Golman	Jones, G.
Bass, B.	Clayton	Grant	Jungmichel
Beckham	Coats	Hale	Kaster
Bigham	Cobb	Hanna, Joe	Kilpatrick
Blanton	Craddick	Harding	Kost
Bowers	Cruz	Harris	Lee
Boyle	Daniel	Hawkins	Lemmon
Braecklein	Davis, H.	Hawn	Lewis
Braun	Doran	Haynes	Ligarde
Burgess	Doyle	Heatly	Lombardino
Caldwell	Dramberger	Hendricks	Longoria

Lovell	Ogg	Semos	Tarbox
McAlister	Orr	Shannon	Traeger
Mengden	Parker, C.	Sherman	Truan
Moncrief	Parker, W.	Short	Tupper
Moore, A.	Patterson	Silber	Uher
Moore, G.	Poerner	Slack	Von Dohlen
Moore, T.	Poff	Slider	Ward
Murray	Presnal	Smith	Wayne
Nabers	Price	Solomon	Wieting
Nelms	Rosson	Spurlock	Williams
Neugent, D.	Salem	Stewart	Williamson
Newton	Santiesteban	Stroud	Wyatt
Nichols	Schulle	Swanson	

**Nays—26**

Allred	Earthman	Jones, E.	Rodriguez
Bass, T.	Finck	Kubiak	Salter
Blythe	Finney	Moreno	Simmons
Bynum	Floyd	Niland	Vale
Cole	Graves	Nugent, J.	Wolff
Davis, D.	Head	Pickens	
Denton	Hilliard	Reed	

**Absent**

Atwell	Hull	McKissack	Sanchez
Hannah, John	Jones, D.		

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

The Speaker laid before the House on its third reading and final passage,  
SB 176, Amending the Texas Non-Profit Corporation Act.

Representative Williamson entered the House and was announced present.

**SB 176—(Consideration continued)**

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

**Yeas—140**

Adams	Baker	Bowers	Calhoun
Agnich	Bass, B.	Boyle	Carrillo
Allen, John	Bass, T.	Braecklein	Cates
Allred	Beckham	Braun	Cavness
Angly	Bigham	Burgess	Christian
Atwell	Blanton	Bynum	Clark
Atwood	Blythe	Caldwell	Clayton

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

## Absent

Farenthold	Harris	Jones, D.	Sanchez
Hannah, John	Johnson	Ogg	

## Absent-Excused

Allen, Joe	Ingram
------------	--------

Mr. Carl Parker moved to reconsider the vote by which SB 176 was passed and to table the motion to reconsider.

The motion to table prevailed.

**SB 226 ON SECOND READING**  
(Mr. Traeger—House Sponsor)

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

SB 226, A bill to be entitled An Act creating the Texas State Board of Landscape Irrigation; defining the terms landscape irrigation system, component parts, landscape irrigator, any location, installation of underground sprinkler systems and/or landscape irrigation systems; Board; providing for exemption for certain persons in professions or other types of endeavor; creating a Board consisting of six members who shall be citizens of the United States and residents of Texas; prescribing qualifications for membership on the Board; providing method of appointment

and prescribing term of office; defining a quorum of said Board; providing for and prescribing oath of office; prescribing powers and duties of the Board; authorizing the Board to adopt rules and regulations; providing that no expense of administration of the Act shall ever be charged against the general fund of the State of Texas; prescribing qualifications for registration; providing for examination and prescribing fees; prescribing for certificates of registration, fee, and method of revocation and re-issuance; providing for disposition of surplus funds if acquired; providing for a grandfather clause; providing for notification to local boards of health; providing for a criminal penalty for one in violation of this Act to be fined the sum of \$100.00 and further providing that each day said violation continues shall be deemed a separate offense in violation of this Act; providing for an injunction in addition to the criminal penalty, enjoining anyone in violation of the Act; prescribing for appeal from Board order; providing a saving and severability clause; repealing laws in conflict with a proviso; and declaring an emergency.

The bill was read second time.

Representative Gammage entered the House and was announced present.

SB 226—(Consideration continued)

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

Committee Amendment No. 1

Amend SB 226, "Section 6", page 7, line 8, first word by changing \$20.00 to read \$25.00.

The committee amendment was adopted.

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

Committee Amendment No. 2

Amend SB 226 "Section 3" entitled, "Exemptions", by adding thereto two new paragraphs, after paragraph E, to be numbered "F" and "G" and to read respectively as follows:

"F. Any person holding a valid Master Plumber License under, Acts 1947, 50th Legislature, page 192, Chapter 115."

"G. Anyone holding a valid license as a landscape architect under, Acts 1969, 61st Legislature, page 1516, Chapter 547."

The committee amendment was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SB 251, Increasing fee of the tax assessor and collector for collecting the tax imposed by Chapter 6 of Title 122A to five percent.

SB 466, Amending the Texas Banking Code.

SB 895, Authorizing the Department of Public Welfare to transfer and spend funds for the Aid to Families with Dependent Children Program.

SJR 16, Providing that equality under the law shall not be denied because of sex, race, color, creed, or national origin.

SCR 65, Ratifying the proposed Amendment to the Constitution of the United States extending the right to vote to persons 18 years of age or older.

SCR 88, Expressing appreciation to Mr. J. L. Huffines, Jr.

SB 226—(Consideration continued)

Mr. Caldwell moved that consideration of SB 226 be postponed until 11:00 a.m., May 6.

Mr. Traeger moved to table the motion to postpone.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—71

Agnich	Hannah, John	Moore, A.	Slack
Allen, John	Harris	Moore, G.	Slider
Atwell	Hendricks	Murray	Smith
Atwood	Holmes, T.	Neugent, D.	Solomon
Baker	Hubenak	Newton	Spurlock
Blanton	Hull	Niland	Stroud
Boyle	Johnson	Ogg	Swanson
Braecklein	Jones, G.	Orr	Tarbox
Braun	Jungmichel	Parker, W.	Traeger
Clayton	Kost	Poerner	Vale
Cobb	Lemmon	Presnal	Von Dohlen
Cruz	Lewis	Rodriguez	Ward
Doran	Ligarde	Salter	Wayne
Finney	Lombardino	Santiesteban	Wieting
Floyd	Longoria	Schulle	Williams
Foreman	Lovell	Shannon	Wolff
Garcia	McAlister	Silber	Wyatt
Golman	Moncrief	Simmons	

Nays—74

Adams	Bigham	Calhoun	Coats
Allred	Blythe	Carrillo	Cole
Angly	Bowers	Cates	Craddick
Bass, B.	Burgess	Cavness	Daniel
Bass, T.	Bynum	Christian	Davis, D.
Beckham	Caldwell	Clark	Davis, H.

Denton	Hawkins	Mengden	Rosson
Doyle	Hawn	Moore, T.	Salem
Dramberger	Haynes	Moreno	Sanchez
Earthman	Head	Nabers	Semos
Farenthold	Hilliard	Nelms	Sherman
Finck	Holmes, Z.	Nichols	Short
Finnell	Howard	Nugent, J.	Stewart
Gammage	Jones, E.	Parker, C.	Truan
Grant	Kaster	Patterson	Tupper
Graves	Kilpatrick	Pickens	Uher
Hale	Kubiak	Poff	Williamson
Hanna, Joe	Lee	Price	
Harding	McKissack	Reed	

**Absent**

Heatly                      Jones, D.

**Absent-Excused**

Allen, Joe                      Ingram

The motion to postpone was then lost.

Mr. Uher offered the following amendment to the bill:

Amend SB 226 by striking the enacting clause.

Mr. Traeger moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—80**

Agnich	Hannah, John	McAlister	Semos
Atwell	Harris	McKissack	Shannon
Atwood	Hawkins	Moncrief	Silber
Baker	Hawn	Moore, A.	Simmons
Beckham	Heatly	Moore, G.	Slack
Bowers	Hendricks	Murray	Slider
Boyle	Hilliard	Neugent, D.	Smith
Braecklein	Holmes, T.	Newton	Solomon
Braun	Hubenak	Niland	Spurlock
Calhoun	Hull	Ogg	Stroud
Clayton	Johnson	Orr	Swanson
Cobb	Jones, G.	Parker, C.	Tarbox
Cruz	Jungmichel	Parker, W.	Traeger
Davis, H.	Kost	Poerner	Vale
Doran	Lee	Poff	Von Dohlen
Dramberger	Lemmon	Presnal	Ward
Finney	Lewis	Rodriguez	Wieting
Foreman	Ligarde	Sanchez	Williams
Garcia	Lombardino	Santiestevan	Wolff
Golman	Longoria	Schulle	Wyatt

**Nays—63**

Adams	Coats	Harding	Nugent, J.
Allred	Cole	Haynes	Patterson
Angly	Craddick	Head	Pickens
Bass, B.	Daniel	Holmes, Z.	Price
Bass, T.	Davis, D.	Jones, D.	Reed
Bigham	Denton	Jones, E.	Rosson
Blanton	Doyle	Kaster	Salem
Blythe	Earthman	Kilpatrick	Salter
Burgess	Farenthold	Kubiak	Sherman
Bynum	Finck	Lovell	Short
Caldwell	Finnell	Mengden	Stewart
Carrillo	Gammage	Moore, T.	Truan
Cates	Grant	Moreno	Tupper
Cavness	Graves	Nabers	Uher
Christian	Hale	Nelms	Wayne
Clark	Hanna, Joe	Nichols	

**Absent**

Allen, John	Floyd	Howard	Williamson
-------------	-------	--------	------------

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

SB 226 failed to pass to third reading by the following vote:

**Yeas—56**

Atwell	Golman	McAlister	Semos
Atwood	Hannah, John	Moncrief	Shannon
Boyle	Harris	Moore, A.	Silber
Braecklein	Hawkins	Moore, G.	Simmons
Braun	Holmes, T.	Murray	Slack
Clayton	Hubenak	Neugent, D.	Slider
Cobb	Hull	Newton	Solomon
Cruz	Jungmichel	Niland	Stroud
Doran	Kost	Ogg	Tarbox
Dramberger	Lemmon	Orr	Traeger
Finney	Lewis	Parker, W.	Vale
Floyd	Ligarde	Pickens	Wieting
Foreman	Lombardino	Rodriguez	Williams
Garcia	Longoria	Schulle	Wolff

**Nays—87**

Adams	Blythe	Clark	Farenthold
Agnich	Bowers	Coats	Finck
Allred	Burgess	Cole	Finnell
Angly	Bynum	Craddick	Gammage
Baker	Caldwell	Daniel	Grant
Bass, B.	Calhoun	Davis, D.	Graves
Bass, T.	Carrillo	Davis, H.	Hale
Beckham	Cates	Denton	Hanna, Joe
Bigham	Cavness	Doyle	Harding
Blanton	Christian	Earthman	Hawn

Haynes	Lee	Poff	Spurlock
Head	Lovell	Presnal	Stewart
Heatly	Mengden	Price	Swanson
Hendricks	Moore, T.	Reed	Truan
Hilliard	Moreno	Rosson	Tupper
Holmes, Z.	Nabers	Salem	Uher
Howard	Nelms	Salter	Von Dohlen
Jones, E.	Nichols	Sanchez	Ward
Jones, G.	Nugent, J.	Santiesteban	Wayne
Kaster	Parker, C.	Sherman	Williamson
Kilpatrick	Patterson	Short	Wyatt
Kubiak	Poerner	Smith	

**Absent**

Allen, John	Johnson	Jones, D.	McKissack
-------------	---------	-----------	-----------

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

Mr. Allred moved to reconsider the vote by which SB 226 failed to pass to third reading and to table the motion to reconsider.

The motion to table prevailed.

**MESSAGE FROM THE SENATE**

Austin, Texas, April 29, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 363 by 31 Yeas, 0 Nays.

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

HB 590, By Smith: Renaming Lamar State College of Technology as Lamar University and authorizing the Board of Regents to adopt an official seal; and declaring an emergency.

HB 620, By Lovell: Relating to the deer season in Trinity County; prohibiting the taking of spike buck deer in Trinity County; and declaring an emergency.

HB 652, By H. Davis: Amending Chapter 22, Acts 57th Legislature, 3rd Called Session, 1962, as amended (Article 6228a-5, Vernon's Texas Civil Statutes); authorizing the Texas Department of Mental Health and Mental Retardation and the state schools, state hospitals, and other facilities and institutions under its jurisdiction, etc., to purchase annuities for their employees; and declaring an emergency.

HB 691, By John Allen: Relating to compensation of certain county and district officials in certain counties; and declaring an emergency.

HB 692, By John Allen: Prescribing the maximum salary to be paid to the official shorthand reporters for the 124th and 188th Judicial Districts; and declaring an emergency.

HB 741, By Beckham: Relating to the salary of the juvenile officer and assistant juvenile officer of Grayson County and to the appointment of a clerk or secretary for the office of the juvenile officer; and declaring an emergency.

HB 1162, By Schulle: Abolishing the offices of county superintendent and ex officio county superintendent and the county school board in certain counties; and declaring an emergency.

HB 190, By Cole: Relating to the employment of a juvenile officer by the juvenile board of Fannin County; and declaring an emergency.

HB 480, By Williams: Creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Glen Hollow Public Utility District," declaring district a governmental agency, body politic and corporate; and declaring an emergency.

HB 481, By Williams: Creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Pine Forest Public Utility District," declaring district a governmental agency, body politic and corporate; and declaring an emergency.

HB 553, By Daniel: Validating the incorporation of cities and towns having a population of not less than 215 nor more than 217 heretofore incorporated under a special Act of the Legislature and thereafter adopting the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, as provided in Article 961, thereof; validating the boundary lines of all such towns or villages, including both boundary lines covered by the original incorporation and by any subsequent extension thereof; . . . etc; and declaring an emergency.

HB 564, By Boyle: Creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Irving Flood Control District of Dallas County, Texas"; and declaring an emergency.

HB 586, By Daniel: Repealing Section 1, Chapter 574, Acts of the 59th Legislature, Regular Session, 1965 and thereby causing the general law prohibiting hunting deer with dogs to be applicable to Liberty County; and declaring an emergency.

HB 126, By Kubiak: Relating to election procedure for the office of trustee of an independent school district having certain scholastic populations; and declaring an emergency.

HB 186, By Stewart: 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; and declaring an emergency. (as amended)

HB 214, By W. Parker: Relating to the student union fee at North Texas State University; and declaring an emergency.

HB 306, By W. Parker: Validating special elections held, prior to January 1, 1971, under authority of Article 1154, Revised Civil Statutes of Texas, 1925, as amended, to change the form of government in cities and towns operating under the general laws, and which special elections were held on the same day as a primary election day as designated in the Election Code of the State of Texas, as amended; validating the election of city officials under the new form of government so adopted at such special elections; . . . etc; and declaring an emergency.

HB 396, By Harding: Relating to including armed services personnel as eligible for resident hunting licenses under certain conditions; and declaring an emergency.

HB 479, By Williams: Creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Pine Bough Public Utility District," declaring district a governmental agency, body politic and corporate; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SB 43 ON SECOND READING  
(Mr. Harris—House Sponsor)

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

SB 43, A bill to be entitled An Act relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables, providing a severability clause; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 43 by striking out all of Section 3 and Section 4 in their entirety and substituting in lieu thereof the following; and renumbering the following sections to conform:

Section 3. Because of the voluntary, nonpaid and temporary nature of their duties, the provisions of Article 4413 (29aa), Vernon's Texas Civil Statutes (SB 10, Chapter 323, Acts, 61st Texas Legislature), shall not be mandatory as to the reserve deputy sheriffs and reserve deputy constables covered by this Act; provided, however, that persons appointed as reserve deputy sheriffs or reserve deputy constables shall be of good moral character and shall be adequately trained for the duties which they are assigned to perform, and that such training shall be attested to by the sheriff or constable by whom they are appointed. Any such reserve deputy sheriffs and reserve deputy constables, however, may qualify under such acts and will be eligible to be certified, and the sheriff or constable having any reserve deputies may require such certification.

(Mr. Shannon in the Chair)

Mr. Doyle moved to table the above amendment.

(Speaker in the Chair)

The motion to table was lost.

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

Amend SB 43 by adding a new section appropriately numbered:

Any reserve deputy sheriff or reserve deputy constable shall have complied with all standards as to education requirements under state law as qualified peace officers.

Mr. Harris moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—68

Agnich	Earthman	Kubiak	Pickens
Bass, B.	Garcia	Lee	Rosson
Bigham	Graves.	Lemmon	Salem
Bowers	Hale	Ligarde	Salter
Braun	Hannah, John	Lombardino	Schulle
Burgess	Harding	Lovell	Short
Caldwell	Harris	McAlister	Smith
Carrillo	Hawkins	Moncrief	Solomon
Cavness	Haynes	Moore, G.	Spurlock
Christian	Head	Moore, T.	Swanson
Clark	Holmes, T.	Murray	Traeger
Clayton	Hubenak	Nelms	Vale
Craddick	Johnson	Neugent, D.	Von Dohlen
Cruz	Jones, G.	Newton	Ward
Daniel	Jungmichel	Nichols	Wieting
Davis, H.	Kaster	Ogg	Williams
Dramberger	Kilpatrick	Patterson	Williamson

Nays—77

Adams	Calhoun	Foreman	Lewis
Allen, John	Cates	Gammage	Longoria
Allred	Coats	Golman	McKissack
Angly	Cobb	Grant	Mengden
Atwell	Cole	Hanna, Joe	Moore, A.
Atwood	Davis, D.	Hawn	Moreno
Baker	Denton	Heatly	Nabers
Bass, T.	Doran	Hendricks	Niland
Beckham	Doyle	Hilliard	Nugent, J.
Blanton	Farenthold	Holmes, Z.	Orr
Blythe	Finck	Howard	Parker, C.
Boyle	Finnell	Hull	Poerner
Braecklein	Finney	Jones, E.	Poff
Bynum	Floyd	Kost	Presnal

Price	Shannon	Stewart	Wayne
Reed	Sherman	Stroud	Wolff
Rodriguez	Silber	Tarbox	Wyatt
Sanchez	Simmons	Truan	
Santiesteban	Slack	Tupper	
Semos	Slider	Uher	

Absent

Jones, D.                      Parker, W.

Absent-Excused

Allen, Joe                      Ingram

The Jim Nugent substitute for Committee Amendment No. 1 was adopted by the following vote:

Yeas—79

Adams	Doran	Jones, E.	Rodriguez
Allen, John	Doyle	Kost	Rosson
Allred	Farenthold	Lewis	Sanchez
Angly	Finck	Longoria	Santiesteban
Atwell	Finnell	Lovell	Semos
Atwood	Floyd	McKissack	Shannon
Baker	Foreman	Moore, A.	Sherman
Bass, T.	Gammage	Moore, T.	Silber
Beckham	Golman	Moreno	Simmons
Blanton	Grant	Murray	Slack
Boyle	Hanna, Joe	Nabers	Slider
Braecklein	Hawn	Newton	Stewart
Bynum	Head	Niland	Truan
Calhoun	Heatly	Nugent, J.	Tupper
Coats	Hendricks	Parker, C.	Uher
Cobb	Hilliard	Poerner	Von Dohlen
Cole	Holmes, Z.	Poff	Wayne
Davis, D.	Howard	Presnal	Wolff
Davis, H.	Hull	Price	Wyatt
Denton	Jones, D.	Reed	

Nays—67

Agnich	Craddick	Holmes, T.	Moncrief
Bass, B.	Cruz	Hubenak	Moore, G.
Bigham	Daniel	Johnson	Nelms
Blythe	Dramberger	Jones, G.	Neugent, D.
Bowers	Earthman	Jungmichel	Nichols
Braun	Finney	Kaster	Ogg
Burgess	Garcia	Kilpatrick	Orr
Caldwell	Graves	Kubiak	Patterson
Carrillo	Hale	Lee	Pickens
Cates	Hannah, John	Lemmon	Salem
Cavness	Harding	Ligarde	Salter
Christian	Harris	Lombardino	Schulle
Clark	Hawkins	McAlister	Short
Clayton	Haynes	Mengden	Smith

Solomon	Swanson	Vale	Williams
Spurlock	Tarbox	Ward	Williamson
Stroud	Traeger	Wieting	

Absent

Parker, W.

Absent-Excused

Allen, Joe            Ingram

Mr. Jim Nugent moved to reconsider the vote by which the substitute amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

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

Mr. Jim Nugent moved to reconsider the vote by which Committee Amendment No. 1, as substituted, was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 29, 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 19, By Hubenak: Relating to the term of office of supervisors of the Mayfair Park Municipal Utility District; and declaring an emergency.

HB 222, By Harris: Relating to the qualifications for jury commissioners, by eliminating the requirement that a jury commissioner be a freeholder; and declaring an emergency.

HB 387, By Atwood, et al: Relating to the salary of the judge of the County Court at law of Hidalgo County; and declaring an emergency.

HB 581, By Cavness: Making a supplemental appropriation to the Board of Architectural Examiners; increasing the salary of the Executive Secretary; and declaring an emergency.

HB 797, By Lemmon: Increasing the maximum annual permit fee to \$20.00; increasing the permit reinstatement fee to \$10.00; increasing the maximum fee to be charged for the issuance of a reciprocal certificate of "Certified Public Accountant" to \$75.00, etc.; and declaring an emergency.

HB 798, By Lemmon: Providing that all members of the State Board of Public Accountancy may be certified public accountants; and declaring an emergency.

HB 948, By Von Dohlen: Authorizing the Parks and Wildlife Commission to quitclaim the state's interest in certain lands situated in Goliad State Park to the County of Goliad and the City of Goliad; and declaring an emergency.

HB 989, By J. Nugent: Relating to the powers and authority of the Upper Guadalupe River Authority; and declaring an emergency.

HCR 72, By Foreman: Requesting the Parks and Wildlife Commission to issue an additional series of bonds in order to continue acquisition and development of new parks; and providing Legislative recognition of need to invoke general obligation provision of the Constitution if necessary to pay premiums at maturity.

HB 210, By Bigham: Relating to eligibility for beginning positions with police departments; and declaring an emergency.

HB 738, By Garcia: Relating to prohibiting a person from hunting or killing white-winged dove unless he has in his possession a white-winged dove stamp issued to him; and declaring an emergency.

HB 468, By Cavness, Golman: Authorizing the governing boards of the state institutions of higher education to commission as peace officers campus security personnel, if such persons to be commissioned have been certified as qualified peace officers by the Commission on Law Enforcement Officers Standards and Education; and declaring an emergency. (with amendment)

HB 785, By Carrillo: Relating to an increased maintenance tax in certain school districts; and declaring an emergency.

HB 1159, By John Allen: Relating to the jurisdiction of the Court of Domestic Relations for Gregg County; and declaring an emergency.

CSHB 730, By Atwell: Relating to revenue for the support of state government; and declaring an emergency. (with amendments)

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 213 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Kennard, Bernal, Mauzy, Brooks, and McKool.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SB 43—(Consideration continued)

Mrs. Farenthold and Mr. Patterson offered the following amendment to the bill:

Amend SB 43 by adding a new subsection "e" to Section 1 to read as follows:

Sec. 1 (e) Such reserve deputy sheriffs and deputy constables shall not carry weapons.

Mr. Harris moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—129**

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

**Nays—14**

Atwood	Coats	Farenthold	Reed
Braecklein	Cobb	Ligarde	Semos
Calhoun	Denton	Moreno	
Carrillo	Doyle	Patterson	

**Absent**

Bass, T.	Blanton	Holmes, Z.	Lovell
----------	---------	------------	--------

**Absent-Excused**

Allen, Joe	Ingram
------------	--------

## RECESS

Mr. Slider moved that the House recess until 2:00 p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:47 p.m., recessed until 2:00 p.m. today.

## AFTERNOON SESSION

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

## CONFERENCE COMMITTEE MEETING

Mr. Harold Davis asked unanimous consent of the House that the Conference Committee on HB 43 be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF BILLS ON THE LOCAL  
AND CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

SB 396 ON SECOND READING  
(Mr. Salter—House Sponsor)

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

SB 396, Granting County Court at Law of McLennan County concurrent jurisdiction with the County Court of McLennan County.

The bill was read second time.

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

Amend SB 396 by renumbering Section 3 appropriately and inserting a new Section 3 to read as follows:

Sec. 3. Chapter 363, Acts of the 59th Legislature, Regular Session, 1965 (Article 6819a-40, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) The Commissioners Court of McLennan County shall supplement the salary of the Judges of the 19th, 54th, and 74th Judicial Districts and the salary of the County Judge of McLennan County in an amount not less than \$1,500 nor more than \$5,000 a year for services rendered to the Juvenile Board of McLennan County.

"(b) The Commissioners Court may also supplement District Judges' salaries by not more than \$5,000 a year for administrative services rendered to the County.

"Section 2. The supplemental salary described in Section 1 of this Act is in addition to all other salary now paid or authorized to be paid by the

State to Judges of the 19th, 54th, and 74th Judicial Districts and the County Judge of McLennan County.”

The amendment was adopted without objection.

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

Amend SB 396 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of McLennan County and County Court of McLennan County and the transfer of causes and exchange of benches between the two courts; relating to compensation for service on the Juvenile Board of McLennan County; amending Sections 2 and 3, Chapter 248, and adding Section 3a to Chapter 248, Acts of the 52nd Legislature, Regular Session, 1951, (Article 1970-298b, Vernon's Texas Civil Statutes); amending Chapter 363, Acts of the 59th Legislature, Regular Session, 1965 (Article 6819a-40, Vernon's Texas Civil Statutes); and declaring an emergency.

The amendment was adopted without objection.

SB 396, as amended, was passed to third reading.

**SB 217 ON SECOND READING**  
(Mr. Clayton—House Sponsor)

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

SB 217, Creating a Juvenile Board for Deaf Smith County.

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

**SB 60 ON SECOND READING**  
(Mr. Ward—House Sponsor)

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

SB 60, Creating a Juvenile Board for Johnson County.

The bill was read second time.

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

Committee Amendment No. 1

Amend Sec. 2 of SB 60 to read as follows:

“Sec. 2. As compensation for the additional duties imposed upon them, the county and district judges who are members of the board shall each be allowed additional compensation of not more than \$3,600.00 per year, payable in twelve equal monthly installments out of the general fund or any other available fund of Johnson County. The compensation shall be set by the commissioners court of Johnson County.”

The committee amendment was adopted without objection.

SB 60, as amended, was passed to third reading.

#### HB 1108 ON SECOND READING

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

HB 1108, Expanding the methods by which Harris County Utility District No. 2 may annex land.

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

#### HB 789 ON SECOND READING

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

HB 789, Relating to payment of certain fees by parties and the performance of certain duties by Juvenile Board and Juvenile Probation Department in Orange County.

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

#### HB 1628 ON SECOND READING

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

HB 1628, Extending full definition of "wildlife resources" to Live Oak County.

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

#### HB 1705 ON SECOND READING

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

HB 1705, Authorizing appointment of an assistant district attorney for the 35th Judicial District.

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

#### HB 1140 ON SECOND READING

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

HB 1140, Creating Flying "L" Public Utility District in Bandera County.

The bill was read second time.

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

Committee Amendment No. 1.

Amend HB 1140 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Bandera County, Texas, to be known as Flying "L" Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Bandera County, Texas, and being 535.663 acres, more or less, out of the William Kelly Survey No. 35 and the M. G. de los Santos Survey No. 34, and more particularly described by metes and bounds as follows:

Beginning at a point on the west right-of-way line of Bottle Springs Road, which point lies on the common line of said de los Santos Survey No. 34 and Kelly Survey No. 35, said point being S 45° 00' 00" W 3033.33 feet from the northeast corner of said Survey No. 34 and the southeast corner of said Survey No. 35.

Thence, with a fence and the west right-of-way line of said road, as follows:

N 43° 50' 00" W 694.44 feet

N 47° 56' 00" W 546.94 feet

N 49° 22' 00" W 235.00 feet

N 58° 24' 00" W 305.56 feet

N 79° 39' 00" W 244.44 feet

N 80° 51' 00" W 138.89 feet

N 47° 40' 00" W 93.89 feet

N 72° 47' 00" W 687.50 feet to a fence corner for

the most northerly corner of the herein described tract.

Thence, S 40° 11' 00" W 2583.33 feet to a fence corner on the east right-of-way line of Medina Lake Road, for the westernmost corner of this tract.

Thence, with a fence and the east right-of-way line of Medina Lake Road, as follows:

S 19° 25' 00" E 40.28 feet  
 S 29° 06' 00" E 978.89 feet  
 S 09° 25' 00" E 86.39 feet  
 S 08° 38' 00" E 254.44 feet  
 S 10° 20' 00" E 1433.33 feet  
 S 20° 28' 00" E 337.78 feet  
 S 29° 05' 00" E 1046.11 feet to a fence corner of

the Flying "L" Ranch, same being the westernmost south corner of this tract.

Thence, with said Flying "L" fence, as follows:

N 40° 23' 00" E 1882.50 feet  
 N 45° 21' 00" E 629.44 feet to an interior corner.  
 S 28° 37' 00" E 3005.28 feet  
 S 42° 59' 00" E 105.83 feet to a point in the center

line of Julian Creek for the southernmost southwest corner of this tract.

Thence, with the meanders of the center line of Julian Creek, as follows:

N 79° 37' 05" E 556.52 feet  
 N 30° 45' 51" E 332.71 feet  
 N 50° 06' 21" E 121.05 feet  
 N 14° 04' 53" E 233.83 feet  
 N 50° 30' 36" E 181.58 feet  
 N 48° 21' 22" E 376.88 feet  
 N 12° 10' 48" W 243.74 feet  
 N 30° 56' 40" W 215.63 feet  
 N 27° 00' 34" E 195.78 feet  
 N 56° 57' 13" E 157.17 feet  
 N 74° 50' 04" E 810.69 feet  
 N 67° 44' 48" E 350.19 feet  
 N 82° 48' 19" E 369.06 feet  
 N 74° 02' 44" E 268.55 feet to a point in the west

right-of-way line of Bottle Springs Road, for the easternmost southeast corner of this tract.

Thence, with the said west right-of-way line of Bottle Springs Road, as follows:

N 25° 58' 00" W 266.11 feet  
 N 53° 26' 00" W 172.50 feet  
 N 71° 03' 00" W 108.33 feet  
 N 69° 58' 00" W 383.89 feet  
 N 72° 01' 00" W 452.78 feet  
 N 77° 02' 00" W 311.11 feet  
 N 76° 12' 00" W 380.56 feet  
 N 64° 54' 00" W 178.06 feet  
 N 62° 08' 00" W 519.72 feet  
 N 29° 01' 00" W 913.89 feet  
 N 28° 07' 00" W 607.50 feet

N 30° 02' 00" W 150.00 feet  
N 37° 19' 00" W 119.44 feet  
N 43° 50' 00" W 386.11 feet to the place of begin-

ning.

Containing 535.663 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Gilligan Kelly  
Frank Pearson  
Robert McInnerney  
Howard Banister  
Richard Olivere

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity re-

quiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1140 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Flying "L" Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1140, as amended, was passed to engrossment.

HB 999 ON SECOND READING

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

HB 999, Increasing salary of district attorney and stenographer in 24th Judicial District and permitting hiring of an assistant district attorney.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 999 by changing the word "shall" on line 5, page 2, to the word "may".

The committee amendment was adopted without objection.

HB 999, as amended, was passed to engrossment.

HB 1201 ON SECOND READING

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

HB 1201, Permitting Bowie County to issue certificates of indebtedness for the maintenance of public roads and highways.

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

#### LEAVE OF ABSENCE GRANTED

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

#### HB 705 ON SECOND READING

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

HB 705, Restoring jurisdiction of Franklin County Court.

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

#### HB 976 ON SECOND READING

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

HB 976, Creating Booker Public Utility District in Bexar County.

The bill was read second time.

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

#### Committee Amendment No. 1

Amend HB 976 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Bexar County, Texas, to be known as "Booker Public Utility District," hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Bexar County, Texas, and being 206.062 acres, more or less, out of the Juan Vasquez Survey No. 310, Section 3, A-777, and more particularly described by metes and bounds as follows:

Beginning at the point of intersection of the northeasterly right-of-way line of State Highway 218 with the east right-of-way line of F.M. 1604, said point of beginning lying in the west boundary line of a 79.885-acre tract of land known as the Foster tract.

Thence, N 40° 56' 48" W 212.90 feet along the east right-of-way line of F.M. 1604 and the west boundary line of the said Foster tract.

Thence, N 32° 50' 08" W 632.35 feet along said east right-of-way line of F.M. 1604 and the west boundary line of said Foster tract to the northwest corner of said tract, same being the southwest corner of a 119.999-acre tract known as the Webb-Walker tract.

Thence, N 39° 01' 46" W 694.69 feet along the east right-of-way line of F.M. 1604 and the west boundary line of said Webb-Walker tract.

Thence, N 34° 51' 23" W 921.15 feet along said east right-of-way line of F.M. 1604 and the west boundary line of said Webb-Walker tract to the northwest corner of said tract.

Thence, along the north line of said Webb-Walker tract as follows:

N 59° 29' 33" E 662.92 feet  
N 59° 25' 09" E 427.21 feet  
N 59° 35' 25" E 243.37 feet  
N 59° 38' 13" E 183.76 feet  
N 59° 36' 25" E 187.40 feet  
N 59° 34' 47" E 305.87 feet  
N 59° 45' 19" E 198.15 feet  
N 60° 28' 51" E 300.33 feet  
N 60° 35' 23" E 781.55 feet to the most northerly corner of the said Webb-Walker tract.

Thence, S 29° 36' 25" E 401.14 feet to a point.

Thence, N 60° 41' 07" E, at 221.10 feet past a common corner between said Webb-Walker tract and the DeWinne 6.178-acre tract, a total distance of 433.10 feet to the northeast corner of the said DeWinne tract.

Thence, S 29° 17' 32" E 1298.00 feet to the southeast corner of said DeWinne 6.178-acre tract.

Thence, S 60° 41' 07" W 212.00 feet to the southwest corner of the said DeWinne 6.178-acre tract.

Thence, N 29° 17' 32" W 481.40 feet to a point for corner of the Webb-Walker tract, said point lying on the west line of the said DeWinne 6.178-acre tract.

Thence, S 50° 13' 21" W 280.07 feet along the Webb-Walker tract.

Thence, S 32° 46' 22" E 309.29 feet along the Webb-Walker tract to its most southeasterly corner.

Thence, S 57° 10' 05" W 891.86 feet along the south line of the said Webb-Walker tract to a point which is the northeast corner of the said 79.885-acre Foster tract.

Thence, along the east line of said Foster tract, as follows:

S 30° 00' E 1555.00 feet  
 S 60° 00' W 30.00 feet  
 S 30° 00' E 40.00 feet  
 N 60° 00' E 30.00 feet  
 S 30° 00' E 117.00 feet to the southeast corner of the said Foster tract.

Thence, S 60° 26' 02" W 1517.20 feet along the south line of said Foster tract, to a point in the northeasterly right-of-way line of State Highway 218 (Pat Booker Road).

Thence, N 64° 26' W 718.70 feet along the northerly right-of-way line of said State Highway 218 (Pat Booker Road).

Thence, N 60° 57' 29" W 319.71 feet along said northerly right-of-way line of State Highway 218 (Pat Booker Road) to the point of beginning.

Containing 206.062 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

John E. Swope  
 Stan Studer  
 Herman H. Cooper, Jr.  
 Jo Ann Rocco  
 James R. Moses, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 976 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Booker Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 976, as amended, was passed to engrossment.

## HB 923 ON SECOND READING

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

HB 923, Creating Pine Forest Municipal Utility District in Harris County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 923 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Pine Forest Municipal Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

A tract of land containing 223.3274 acres out of the Benjamin Barrow Survey, Abstract 126, the Manuel Tarin Survey, Abstract 778 and the Daniel Harmon Survey, Abstract 315, in Harris County, Texas, and further being a part of Share No. 2 of the W. H. Tautenhahn 909.83 acre tract of land, as was partitioned by deed recorded in Volume 1174, Page 541, of the Deed Records of Harris County, Texas, reference to which instrument and its record is hereby made for all purposes, said 223.3274 acres being more particularly described by metes and bounds as follows:

Beginning at an iron rod in the North Right-of-Way Line of Farm-to-Market Road 1960, at the Southwest Corner of Inverness Forest Sub-

division in Harris County, Texas, on the dividing line between Partition Tract No. 1 and Partition Tract No. 2 in the Benjamin Barrow Survey, Abstract 126, Harris County, Texas, as set forth in the before referenced partition deed (Volume 1174, Page 541, Deed Records, Harris County, Texas);

Thence, South 79 degrees, 10 minutes West, along the Northerly Right-of-Way Line of Farm-to-Market Road 1960, a distance of 995.48 feet to an iron rod for a corner, said iron rod being at a fence corner on the dividing line between Partition Tract No. 2 and Partition Tract No. 3 of the before referenced partition deed;

Thence, North 02 degrees, 02 minutes East, along the fence line on the dividing line between Partition Tract No. 2 and Partition Tract No. 3, a distance of 2,878.01 feet to an iron rod for a corner, said iron rod being at a fence corner marking the most Northerly corner of Partition Tract No. 3;

Thence, South 58 degrees, 00 minutes, 01 seconds West, along the fence line on the dividing line between Partition Tract No. 2 and Partition Tract No. 3, a distance of 1,403.08 feet to an iron rod for a corner, said iron rod being at a fence corner;

Thence, South 89 degrees, 30 minutes West, along the fence line on the dividing line between Partition Tract No. 2 and Partition Tract No. 3, a distance of 1,883.35 feet to a concrete highway Right-of-Way marker in the East Right-of-Way Line of Interstate Highway 45;

Thence, North 02 degrees, 46 minutes, 57 seconds East, along the East Right-of-Way Line of Interstate Highway 45; a distance of 582.36 feet to a point for a corner;

Thence, North 02 degrees, 50 minutes, 57 seconds East continuing along the East Right-of-Way Line of Interstate Highway 45, a distance of 512.85 feet to a concrete highway Right-of-Way marker;

Thence, North 05 degrees, 01 minutes, 56 seconds East, continuing along the East Right-of-Way Line of Interstate Highway 45, a distance of 331.15 feet to a concrete highway Right-of-Way marker;

Thence, North 00 degrees, 39 minutes, 53 seconds East, continuing along the East Right-of-Way Line of Interstate Highway 45, a distance of 273.21 feet to a point for a corner;

Thence, North 00 degrees, 54 minutes, 55 seconds East, continuing along the East Right-of-Way of Interstate Highway 45, a distance of 342.01 feet to a point for a corner, said point being a fence corner post in the highway Right-of-Way Line;

Thence, North 01 degrees, 14 minutes, 49 seconds East, continuing along the East Right-of-Way Line of Interstate Highway 45, a distance of 160.08 feet to a point for a corner, said point being on the intersection of the centerline of Cypress Creek with the East Right-of-Way Line of Interstate Highway 45;

Thence, downstream with the centerline of Cypress Creek, along the meander courses as follows:

South 81 degrees, 09 minutes, 02 seconds East, a distance of 210.87 feet;  
 North 84 degrees, 06 minutes, 12 seconds East, a distance of 171.94 feet;  
 North 49 degrees, 41 minutes, 41 seconds East, a distance of 97.47 feet;  
 South 63 degrees, 48 minutes, 10 seconds East, a distance of 314.22 feet;  
 South 48 degrees, 27 minutes, 24 seconds East, a distance of 186.13 feet;  
 South 67 degrees, 25 minutes, 14 seconds East, a distance of 168.08 feet;  
 South 74 degrees, 20 minutes, 05 seconds East, a distance of 340.63 feet;  
 South 51 degrees, 00 minutes, 21 seconds East, a distance of 243.16 feet;  
 South 52 degrees, 36 minutes, 23 seconds East, a distance of 200.00 feet;  
 North 11 degrees, 53 minutes, 02 seconds East, a distance of 230.00 feet;  
 North 89 degrees, 25 minutes, 02 seconds East, a distance of 530.00 feet;  
 North 52 degrees, 23 minutes, 11 seconds East, a distance of 405.00 feet;  
 South 64 degrees, 36 minutes, 14 seconds East, a distance of 244.00 feet;  
 North 44 degrees, 05 minutes, 15 seconds East, a distance of 300.00 feet;  
 North 75 degrees, 46 minutes, 16 seconds East, a distance of 200.00 feet;  
 North 58 degrees, 50 minutes, 32 seconds East, a distance of 496.90 feet;  
 North 16 degrees, 01 minutes, 02 seconds East, a distance of 260.00 feet;  
 South 80 degrees, 48 minutes, 02 seconds East, a distance of 293.00 feet  
 to an intersection point in the centerline of Cypress Creek with the dividing  
 line between Partition Tract No. 1 and Partition Tract No. 2 for the  
 Northeast Corner of this tract;

Thence, South 02 degrees, 01 minutes, 33 seconds West, along the fence  
 line and the West Line of said Partition Tract No. 2, which line is now the  
 West Boundary Line of Inverness Forest Subdivision, a distance of 4,-  
 858.49 feet to the Place of Beginning, and containing 223.3274 acres  
 more or less.

Section 5. The District is hereby vested with, and shall have and exer-  
 cise, all of the rights, powers, privileges, authority and functions conferred  
 by the general laws of this State applicable to municipal utility districts,  
 including without limitation those conferred by Chapter 54, Title 4, Water  
 Code, but if any provision of such general laws shall be in conflict or in-  
 consistent with the provisions of this Act, the provisions of this Act  
 shall prevail. All such general laws applicable to municipal utility dis-  
 tricts not in conflict or inconsistent with the provisions of this Act are  
 hereby adopted and incorporated by reference with the same effect as if  
 copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following  
 named persons shall be the directors of the District and shall constitute  
 the board of directors of the District:

Carey Hargrave,  
 C. H. Hendricks,  
 Arthur Kirkland,  
 Nils Sefeldt,  
 Nick Shannon.

Said persons shall qualify to serve as directors prior to the first meet-  
 ing of the board of directors. Should any of the above named directors fail to  
 qualify for any reason, the remaining named directors shall appoint  
 someone to fill such vacancy or vacancies; provided, however, that if at  
 any time the number of qualified directors shall be less than three be-  
 cause of the failure or refusal of one or more directors to qualify or  
 serve or because of his or their death or incapacitation, or for any such

other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 923 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Pine Forest Municipal Utility District, declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas and applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District, providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 923, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 923.

## HB 889 ON SECOND READING

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

HB 889, Creating Village Public Utility District in Bexar County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 889 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Bexar County Texas, to be known as "Village Public Utility District," hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Bexar County, Texas, and being 120.86 acres, more or less, out of the Francisco Villarreal Survey No. 309, and more particularly described by metes and bounds as follows:

Commencing for reference at the south end of a 148.10-foot right-of-way cutback at the southeasterly intersection of U. S. Highway 81 (Austin Highway) with the easterly right-of-way line of Topperwein Road.

Thence, along the easterly right-of-way line of Topperwein Road, as follows:

S 29° 28' 34" E 2,840.00 feet  
S 29° 56' 01" E 2,288.18 feet to a point for the most  
westerly corner of the tract herein described, which point also marks the  
southerly corner of the Allen E. Boecker 15-acre tract.

Thence, along the dividing line between the said Allen E. Boecker 15-acre  
tract and the tract herein described, as follows:

N 60° 11' 32" E 769.00 feet  
N 29° 54' 55" W 850.00 feet to a point for the  
northwest corner of the tract herein described, which point also marks the  
northerly corner of said Boecker tract.

Thence, N 60° 12' 38" E 2,954.50 feet along the north line of the tract  
herein described (at 536.30 feet past the southwest corner of Bexar County  
Water Control and Improvement District No. 13) to a point marking the  
northeast corner of the tract herein described.

Thence, S 20° 04' 50" E 1,680.70 feet along the easterly line of the tract  
herein described (same being the westerly lines of the Edward M. Echols  
and the Wallace R. Reimann tracts) to the southeasterly corner of the tract  
herein described, which is also the northwesterly corner of the Thomas D.  
Kotawski tract and the northeasterly corner of the Wallace R. Reimann  
113.9-acre tract.

Thence, S 60° 18' 42" W 3,431.90 feet along the south line of the tract  
herein described and the north line of said Reimann 113.9-acre tract to the  
southwesterly corner of this tract and the northwesterly corner of said  
Reimann tract, which point also lies in the easterly right-of-way line of  
Topperwein Road.

Thence, N 30° 14' 26" W 800.35 feet along the easterly right-of-way line  
of Topperwein Road to the point of beginning.

Containing 120.86 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exer-  
cise, all of the rights, powers, privileges, authority and functions conferred  
by the general laws of this State applicable to municipal utility districts,  
including without limitation those conferred by Chapter 54, Title 4, Water  
Code, but if any provision of such general laws shall be in conflict or in-  
consistent with the provisions of this Act, the provisions of this Act shall  
prevail. All such general laws applicable to municipal utility districts not  
in conflict or inconsistent with the provisions of this Act are hereby  
adopted and incorporated by reference with the same effect as if copied in  
full in this Act.

Section 6. Immediately after this Act becomes effective, the following  
named persons shall be the directors of the District and shall constitute the  
board of directors of the District:

Ralph G. Langley  
Emerson Banack, Jr.  
Ron Beneke  
Robert W. Wachsmuth  
Ben F. Foster

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 889 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Village Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 889, as amended, was passed to engrossment.

---

**HB 826 ON SECOND READING**

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

**HB 826, Creating Memorial Point Utility District in Polk County.**

The bill was read second time.

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

**Committee Amendment No. 1**

Amend HB 826 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Polk County, Texas, to be known as Memorial Point Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Description of 149.0487 acres, more or less, of land out of the J. B. Winn Survey, Abstract No. 81, and the A. Viesca Survey, Abstract No. 78, Polk County, Texas, more particularly described as follows:

Beginning at the most northern corner of the W. L. Crawford 206.6 acre tract of land in the J. B. Winn Survey, A-81, Polk County, Texas, said 206.6 acre tract described in deed from W. L. Crawford to J. E. Bishop, dated August 24, 1964, and recorded in Volume 205, Page 51 of the Polk County Deed Records, said point also being the northeast corner

of the Florence Brent 72.0 acre tract and said corner being situated in the southwest line of the O. H. Brent 25.0 acre tract;

Thence, S 52° 06' 03" E 1158.23 feet along the northeast line of the said W. L. Crawford 206.6 acre tract to a point for corner in the southeast line of the J. B. Winn Survey, A-81, and the northwest line of the A. Viesca Survey, A-78, said point being the most eastern corner of the said W. L. Crawford 206.6 acre tract and the most southern corner of the O. H. Brent 25.0 acre tract;

Thence S 38° 00' 17" W 405.15 feet along the southeast line of the said J. B. Winn Survey and the northwest line of the said A. Viesca Survey, A-78, and the southeast line of the said W. L. Crawford 206.6 acre tract to a point for corner, said point being the most northerly corner of the Lorene Stevens, et al, 88.5 acre tract;

Thence S 51° 56' 05" E 1380.47 feet to a point for corner;

Thence S 02° 52' 57" E 1585.49 feet to a point for corner;

Thence S 34° 10' 45" W 522.20 feet to a point for corner on the fee taking line of Lake Livingston;

Thence in a northwesterly direction along the said fee taking line of Lake Livingston the following bearings and distances;

N 55° 29' 00" W 149.28 feet;  
 N 57° 08' 00" W 277.89 feet;  
 N 39° 50' 00" W 279.11 feet;  
 N 55° 10' 00" W 184.80 feet;  
 N 71° 16' 00" W 280.22 feet;  
 N 60° 48' 00" W 401.16 feet;  
 N 11° 21' 00" E 375.24 feet;  
 S 76° 10' 00" W 523.01 feet;  
 N 51° 12' 00" W 231.62 feet;  
 N 08° 19' 00" W 181.79 feet;  
 N 53° 15' 00" W 62.14 feet;  
 S 51° 57' 00" W 134.36 feet;  
 N 66° 35' 00" W 13.30 feet;  
 N 66° 29' 00" W 402.71 feet;  
 N 53° 14' 00" W 252.92 feet;  
 N 44° 03' 00" W 180.15 feet;  
 N 10° 00' 00" E 262.54 feet;  
 N 47° 35' 00" E 165.27 feet;  
 S 70° 40' 00" W 127.06 feet;  
 S 62° 00' 00" W 306.64 feet; and S 80° 29' 19" W 72.60 feet to a point for corner in the northwest line of the aforementioned W. L. Crawford 206.6 acre tract;

Thence N 39° 15' 16" E 2473.42 feet along the northwest line of the said W. L. Crawford 206.6 acre tract to the point of beginning.

The above described tract of land contains 149.0487 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by

the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

W. J. Reese  
Tom S. King  
Grenville W. Elder  
John E. Riggs  
W. A. Hancock

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 826 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as Memorial Point Utility District of Polk County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 826, as amended, was passed to engrossment.

#### HB 1379 ON SECOND READING

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

HB 1379, Creating McAllen Foreign-Trade Zone Utility District in Hidalgo County.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1379 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Hidalgo County, Texas, to be known as McAllen Foreign-Trade Zone Utility District of Hidalgo County, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect

taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area: Lots 4 and 9, Block 5, East 50 feet of lots 4 and 9 in Blocks 6, 7, and 8, Rio Bravo Plantation Company Subdivision within Hidalgo County, Texas.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

1. W. T. Bradshaw
2. Morgan K. Talbot
3. John R. Freeland
4. G. E. Roney
5. J. A. Morrison

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circum-

stances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's work, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

**Committee Amendment No. 2**

Amend HB 1379 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as McAllen Foreign-Trade Zone Utility District of Hidalgo County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1379, as amended, was passed to engrossment.

**HB 1641 ON SECOND READING**

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

HB 1641, Creating Bellfort Public Utility District in Fort Bend County.

The bill was read second time.

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

**Committee Amendment No. 1**

Amend HB 1641 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and

pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Fort Bend County, Texas, to be known as "Bellfort Public Utility District," hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Fort Bend County, Texas and being 181.345 acres, more or less; being 58.562 acres, more or less, in the D. A. Conner Survey, A-158, 111.914 acres, more or less, in the M. M. Battle League, A-9 and 10.869 acres, more or less in the John Leverton Survey, A-402; and more particularly described as follows:

Commencing at a point which is the southeast corner of the D. A. Conner Survey, and the southwest corner of the Leverton Survey, which point also lies on the north line of the Battle Survey.

Thence, S 89° 42' 40" E 38.0 feet to a fence post for corner and the place of beginning.

Thence, S 6° 42' 20" W 860.12 feet to an angle point.

Thence, S 1° 09' 20" W 560.94 feet to an angle point.

Thence, S 0° 42' 20" W 485.18 feet to an iron pipe for corner.

Thence, N 89° 23' 40" W 255.0 feet to a point for corner.

Thence, S 1° 47' 20" W 470.0 feet to a point for corner.

Thence, N 87° 53' 40" W 315.00 feet to an iron pipe set in concrete for corner.

Thence, N 88° 10' 40" W 1185.8 feet to an iron pipe set in concrete for corner.

Thence, N 1° 49' 20" E 20.0 feet to an iron pipe set in concrete for corner.

Thence, N 88° 10' 40" W 1051.08 feet to a corner post in the fence line.

Thence, N 1° 05' 30" E 749.7 feet to a 30" pecan tree in a fence line for corner.

Thence, S 89° 43' 30" E 616.0 feet along a fence line to an iron pipe set in concrete for corner.

Thence, N 1° 24' 30" W 123.0 feet along a fence line to an iron pipe set in concrete for corner.

Thence, S 88° 28' 50" E 448.0 feet along a fence line to a corner post.

Thence, N 1° 06' E 1390.94 feet along a fence line to an iron pipe set in concrete for corner, which corner lies on the south line of the said D. A. Conner Survey.

Thence, S 89° 47' 10" E 310.8 feet along the south line of the D. A. Conner Survey to an iron pipe set in concrete for corner.

Thence, N 0° 59' 50" E 1586.5 feet along a fence line to an angle point.

Thence, N 0° 59' 30" W 43.2 feet to a 2" iron pipe in fence line for angle point.

Thence, N 0° 59' 50" E 169.4 feet to an iron pipe set in concrete for corner.

Thence, S 88° 34' 10" E 1329.0 feet along the south right-of-way line of the Boss Gaston Road to an iron pipe set in concrete for corner.

Thence, South 351.29 feet to a point which is an iron rod set in concrete for corner.

Thence, S 88° 40' E 124 feet to a point in the west line of the John Leverton Survey, and the east line of the D. A. Conner Survey.

Thence, South 503.0 feet along the survey lines to a point for corner.

Thence, N 87° 55' 40" E 42.0 feet to an iron pipe set in concrete for an angle point.

Thence, S 89° 35' E 490.53 feet along an existing fence line to an iron pipe set in concrete for corner.

Thence, S 0° 21' 20" E 882.8 feet to an iron pipe set in concrete for corner.

Thence, S 89° 11' W 490.5 feet to an iron pipe set in concrete.

Thence, N 89° 42' 40" W 5.0 feet to a fence post and which is the place of beginning.

Containing 181.345 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions con-

ferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Roy L. Elledge, Jr.  
P. Michael Wells  
Joseph Jaworski  
Carlton Wilde  
William Key Wilde

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1641 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Bellfort Public Utility District"; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1641, as amended, was passed to engrossment.

#### HB 640 ON SECOND READING

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

HB 640, Creating Cypress Forest Public Utility District in Harris County.

The bill was read second time.

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

#### Committee Amendment No. 1

Amend HB 640 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as "Cypress Forest Public Utility District," hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect

taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 215.560 acres, more or less, out of the Ben Page Survey, A-618, and described by metes and bounds as follows:

Beginning at a point marking the northwest corner of the original J. C. Dougle 157.5-acre tract, as described in instrument recorded in Volume 12, Page 363, Harris County Deed Records, being the same tract described in deed dated January 22, 1912, to Frank Hieden, recorded in Volume 384, Page 306 of said Deed Records; said point of beginning also being the northeast corner of a survey of 224 acres out of a 1510-acre tract conveyed to Jacob Strack by the Boyce heirs, and located on the southeast right-of-way line of Louetta Road.

Thence, S 32° 21' E 3542.93 feet along a fence and with the northeast line of said 224-acre tract to a ½-inch iron rod in the fence corner for an angle point.

Thence, S 32° 18' E 2447.33 feet with the northeast line of said 224-acre tract to a point in the center line of Cypress Creek for the south corner of this tract and the east corner of said 224-acre tract.

Thence, along the center line of said Cypress Creek, with the following meanders:

N 26° 59' 30" E 159.24 feet  
N 35° 55' E 111.54 feet  
N 69° 10' 30" E 245.15 feet  
N 88° 23' E 215.64 feet  
S 71° 48' E 93.26 feet  
N 74° 14' E 105.91 feet  
N 15° 36' E 97.84 feet  
N 11° 48' W 198.97 feet  
N 31° 22' W 75.28 feet  
N 49° 03' W 186.14 feet  
N 39° 46' W 191.23 feet  
N 2° 30' W 118.57 feet  
S 27° 39' E 37.34 feet  
S 81° 42' E 101.52 feet  
N 85° 16' E 174.51 feet  
N 39° 27' 30" E 224.86 feet  
N 79° 39' E 71.21 feet  
S 70° 30' 30" E 161.77 feet  
S 89° 12' 30" E 96.14 feet  
S 75° 11' 30" E 75.16 feet

S 89° 56' E 91.76 feet

N 43° 03' E 82.07 feet to a point for the south corner of the A. A. Hughes tract and the southeast corner of this tract.

Thence, N 32° 16' W 3360.49 feet with the southwest line of said A.A. Hughes tract to a 1- $\frac{1}{4}$ -inch by  $\frac{3}{4}$ -inch iron bar marking the west corner of said Hughes tract in the southeast line of the Lawrence Lenze tract.

Thence, S 58° 26' 30" W 31.72 feet along a fence and with the southeast line of said Lawrence Lenze tract to a 1-inch iron pipe, marking the south corner of said Lawrence Lenze tract.

Thence, N 32° 06' W 538.28 feet along a fence and with the southwest line of said Lenze tract to a 1-inch iron pipe marking the west corner of said Lenze tract.

Thence, S 53° 52' W 649.46 feet with the southeast line of the Murphy Carrier Tract 3-B to a 1- $\frac{1}{4}$ -inch iron pipe.

Thence, N 32° 06' 30" W 1882.36 feet along a fence and with the southwest line of said Murphy Carrier Tract 3-B, the A. A. Klien Tracts 3-a and 48.1-acre tract, and the P. O. Langston tract, to the north corner of this tract and the west corner of said Langston tract.

Thence, S 57° 32' W 1181.27 feet following a fence along the southeast right-of-way line of Louetta Road, to the place of beginning.

Containing 215.560 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Monte J. Lawrence  
Lewis C. Holder  
T. W. Mattingly  
G. F. Muchmore  
Jacqueline Muchmore

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or

serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 640 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Cypress Forest Public Utility District, declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 640, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 640.

## HB 305 ON SECOND READING

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

HB 305, Transferring appellate jurisdiction in eminent domain cases from the County Court of Cass County to the 5th District Court.

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

SB 635 ON SECOND READING  
(Mr. Schulle—House Sponsor)

The Speaker laid before the House, in lieu of HB 1217, on its second reading and passage to third reading,

SB 635, Authorizing the District Attorney of the 22nd Judicial District of Texas to employ certain necessary employees.

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

---

Representative Joe Allen entered the House and was announced present.

---

## HB 1217 LAID ON THE TABLE SUBJECT TO CALL

Mr. Schulle moved that HB 1217 be laid on the table subject to call.

There was no objection offered and it was so ordered.

## HB 1658 ON SECOND READING

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

HB 1658, Relating to deer season in a portion of Cherokee County.

The bill was read second time.

Mr. Price offered the following amendment to the bill:

Amend HB 1658 by striking all of quoted Section 1 and placing in lieu thereof the following:

"Section 1. No person may take or kill or attempt to take or kill any wild deer north of U. S. Highway 84 in Cherokee County before November 16, 1973."

The amendment was adopted without objection.

HB 1658, as amended, was passed to engrossment.

## HB 786 ON SECOND READING

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

HB 786, Creating a hospital district in Randall County.

The bill was read second time.

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

## Committee Amendment No. 1

Amend HB 786 by striking out Line 60, page 1, and Lines 1 through 8 of page 2 inserting in lieu thereof:

"At the time of the election to create the district the commissioners court may order an election to determine whether the district may levy annually taxes within the district. This tax may not exceed seventy-five (75¢) cents on the one hundred (\$100.00) dollars valuation upon all taxable property situated within the hospital district, subject to hospital district taxation. If the commissioners court does not include this election in the order for the election to create the district, the board of directors may order this election at any time."

## Committee Amendment No. 2

Amend Section 7, HB 786, by striking the portions of Lines 14, 15, and 16 which say, "together with any other taxes levied for said district shall not exceed seventy-five cents (75¢) on each one hundred dollars (\$100) valuation of taxable property in any one year" and inserting in lieu thereof the following:

"After a majority of those persons voting at the election vote for the levy of a tax, the board of directors shall levy an annual tax not to exceed seventy-five (75¢) cents on the one hundred (\$100.00) dollars valuation, upon all taxable property situated within the hospital district, subject to hospital district taxation."

## Committee Amendment No. 3

Amend HB 786 by striking the word "property" as it appears in Line 44 (page 1), Line 48 (page 1), Line 60 (page 1), and Line 6 (page 2).

The committee amendments were severally adopted without objection.

Mr. Christian offered the following amendments to the bill:

Amend Section 7, HB 786, by placing a period after the word "mature" in Line 13 and by striking the portions of Lines 14, 15, and 16 which read "providing such tax together with any other taxes levied for said district shall not exceed seventy-five cents (75¢) on each one hundred dollars (\$100.00) valuation of taxable property in any one year" and inserting in lieu thereof the following:

"After a majority of those persons voting at the election vote for the levy of a tax, the board of directors shall levy an annual tax not to exceed

seventy-five (75¢) cents on the one hundred (\$100.00) dollars valuation, upon all taxable property situated within the hospital district, subject to hospital district taxation."

Amend HB 786 by striking the word "property" as it appears in Section 4(c), Line 47 and in Section 6, Line 45.

The amendments were severally adopted without objection.

HB 786, as amended, was passed to engrossment.

#### HB 1205 ON SECOND READING

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

HB 1205, Providing for the legal sale of catfish in Edwards County.

The bill was read second time.

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

#### Committee Amendment No. 1

Amend HB 1205, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Chapter 56, Special Laws, page 806, Acts of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

"Section 1. It shall be unlawful for any person, firm, or corporation to take for the purpose of sale, or to offer for the purpose of sale, or to have in possession for the purpose of sale any catfish, perch, crappie, bream, or bass in the Counties of Real, Blanco, Sutton, Mason, Kendall, or Gillespie, or any bass, crappie, perch, or bream in Edwards County.

"Section 2. Any person violating any provision of this Act is guilty of a misdemeanor and on conviction shall be punishable by a fine of not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100).

"Section 3. Provided that no portion of this Act shall include any part or portion of Medina Lake, Buchanan Lake, and Inks Lake."

Sec. 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.

#### Committee Amendment No. 2

Amend HB 1205, First Printing, by striking all above the enacting clause and inserting the following:

A bill to be entitled An Act relating to the sale of certain fish in Edwards County; amending Chapter 56, Special Laws, page 806, Acts of the 46th Legislature, Regular Session, 1939; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1205, as amended, was passed to engrossment.

SB 272 ON SECOND READING  
(Mr. Joe Hanna—House Sponsor)

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

SB 272, Excluding certain territory from the South Eastland County Hospital District.

The bill was read second time.

Mr. Joe Hanna offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 272, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Chapter 569, Acts of the 61st Legislature, Regular Session, 1969, is amended to add a Section 1A and 1B to read as follows:

“Section 1A. Removal of Areas from District. (a) The board of directors shall within sixty (60) days from the effective date of this Act order an election to approve the exclusion of the territory described in Section 1B hereof, from the district. The election order shall include the time and place or places for holding the election, the proposition to be printed on the ballot, the presiding judge for each voting place, and a description of the boundaries of the territory to be excluded from the district.

“(b) Notice of the election including a copy of the election order shall be published once a week for two consecutive weeks in a newspaper or newspapers with general circulation in the district, with the first publication to be made not later than 21 days before the day of the election.

“(c) The ballots for the election shall be printed to provide for voting for or against the proposition: ‘The exclusion of land from the district.’

“(d) The election shall be held in the manner provided in the Texas Election Code, as amended, for other elections.

“(e) The returns of the election shall be canvassed by the board of directors and if a majority of the persons voting in the election vote to exclude the territory from the district, the board of directors shall declare the results and order the territory excluded from the district.

“(f) Before the board of directors orders the territory to be excluded from the district, it shall adopt a plan to provide for disposition of the excluded territory’s pro rata share of any debts and obligations incurred by the district before the date on which the territory is excluded and shall levy a sufficient tax in the territory to be excluded to dispose of the territory’s pro rata share of the district’s debts and obligations.

"(g) The offices of directors who reside in the territory to be excluded from the district shall become vacant immediately after the order is issued excluding the territory from the district. The remaining directors shall appoint persons to fill the unexpired terms of the directors whose offices are vacated.

"Section 1B. Description of territory to be excluded from the District. All land and territory lying outside the Gorman Independent School District; and the following described tract or parcel of land, to wit:

Beginning at the NW corner of the David S. Richardson Survey and the NE corner of the McLennan County School Land Survey League No. 1 in Eastland County, Texas.

Thence, E. to the NE corner of the David S. Richardson Survey and the NW corner of the G. W. McGrew Survey;

Thence, South 1-½ miles to a point in the EBL of the David S. Richardson Survey and the WBL of the G. W. McGrew Survey, the same being the NE corner of the W. A. Logan 160 acre tract in said David S. Richardson Survey;

Thence, West ¼ mile to the NW corner of said W. A. Logan 160 acre tract in David S. Richardson Survey;

Thence, South to the North R.O.W. line of FM Road No. 2214 in the David S. Richardson Survey;

Thence, Northwesterly with the North R.O.W. line of FM Road No. 2214 in the David S. Richardson Survey to a point on the north R.O.W. line of FM Road No. 2214 and the East R.O.W. line of FM Road No. 571, said point being on the WBL of the David S. Richardson Survey and the EBL of the McLennan County School Land Survey League No. 1;

Thence, North with the East R.O.W. line of FM Road No. 571 to the NW corner of David S. Richardson Survey and the NE corner of the McLennan County School Land Survey League No. 1, which is the place of beginning."

Section 2. The importance of this legislation and the crowded condition of the calendars of both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read 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.

SB 272, as amended, was passed to third reading.

#### HB 1436 ON SECOND READING

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

HB 1436, Establishing San Antonio State Center for Human Development under Department of Mental Health and Mental Retardation.

The bill was read second time.

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

Committee Amendment No. 1

Strike all below the enacting clause and substitute the following:

Section 1. Section 2.01, as amended, of Article 2 of the Texas Mental Health and Mental Retardation Act (codified as Section 2.01, as amended, of Article 5547-202, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2.01. The Texas Department of Mental Health and Mental Retardation shall consist of a Texas Board of Mental Health and Mental Retardation, a Commissioner of Mental Health and Mental Retardation, a Deputy Commissioner for Mental Health Services, a Deputy Commissioner for Mental Retardation Services, a staff under the direction of the Commissioner and the Deputy Commissioners, and the following facilities and institutions together with such additional facilities and institutions as may hereafter by law be made a part of the Department:

- (1) the Central Office of the Department;
- (2) the Austin State Hospital;
- (3) the San Antonio State Hospital;
- (4) the Terrell State Hospital;
- (5) the Wichita Falls State Hospital;
- (6) the Rusk State Hospital;
- (7) the Big Spring State Hospital;
- (8) the Confederate Women's Home;
- (9) the Kerrville State Hospital and its Legion Annex;
- (10) the Vernon Center and Annex;
- (11) the Austin State School and its Austin State School Annex;
- (12) the Travis State School;
- (13) the Mexia State School;
- (14) the Abilene State School;
- (15) the Lufkin State School;
- (16) the Richmond State School;
- (17) the Denton State School;
- (18) the Corpus Christi State School;
- (19) the Lubbock State School;
- (20) the Texas Research Institute of Mental Sciences;
- (21) the Dallas Neuropsychiatric Institute for Treatment, Research and Teaching;
- (22) the Beaumont State Center for Human Development;
- (23) the Amarillo State Center for Human Development;
- (24) the San Antonio State Center for Human Development;
- (25) the Fort Worth State Mental Health Out-Patient Clinic;
- (26) the Dallas State Mental Health Out-Patient Clinic;
- (27) the Rio Grande State Center for Mental Health and Mental Retardation;
- (28) the San Angelo Center;
- (29) the Leander Rehabilitation Center."

Sec. 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. Kaster offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1436, Second Printing, Page 2, Line 9, by adding a new item (25) (to Sec. 2.01) and renumbering the succeeding items accordingly:

“(25) the El Paso State Center for Human Development;”

The amendment was adopted without objection.

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

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

Committee Amendment No. 2

Strike all above the enacting clause and substitute the following:

An Act providing for the establishment of the San Antonio State Center for Human Development; amending Section 2.01, as amended, of Article 2 of the Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency.

Mr. Kaster offered the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 2 to HB 1436, Second Printing, Page 2, Line 26, by changing the semicolon after the word “Development” to a comma and adding between the words “Development” and “amending” the following:

“and the El Paso State Center for Human Development;”

The amendment was adopted without objection.

Committee Amendment No. 2, as amended, was adopted without objection.

HB 1436, as amended, was passed to engrossment.

#### HB 704 ON SECOND READING

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

HB 704, Relating to counties included within the 8th and 76th Judicial Districts.

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

#### HB 1190 ON SECOND READING

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

HB 1190, Permitting Board of Control to specify the invoice forms used by those contracting or selling to the state.

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

(Mr. Atwell in the Chair)

#### HB 447 ON SECOND READING

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

HB 447, To make possession of a short barrel shotgun in working condition unlawful.

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

(Speaker in the Chair)

#### HB 854 ON SECOND READING

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

HB 854, Allowing certain consolidated school districts with less than 750 students to receive incentive aid payments.

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

#### HB 398 ON SECOND READING

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

HB 398, Exempting persons employed as firemen from tuition and fees for fire science courses.

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

#### HB 172 ON SECOND READING

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

HB 172, Permitting two or more counties to create medical examiners district and maintain office of medical examiner.

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

#### SB 175 ON SECOND READING

(Mr. Murray—House Sponsor)

The Speaker laid before the House, in lieu of HB 273, on its second reading and passage to third reading,

SB 175, Amending the Texas Professional Association Act.

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

## HB 273 LAID ON THE TABLE SUBJECT TO CALL

Mr. Murray moved that HB 273 be laid on the table subject to call.

There was no objection offered and it was so ordered.

## HB 823 ON SECOND READING

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

HB 823, Providing that a domestic life insurance company may invest in first mortgage bonds or first lien notes of corporation not in existence five years or in other corporations.

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

## VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 823.

## HB 144 ON SECOND READING

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

HB 144, Changing the composition of the State National Guard Armory Board and removing the Board of Control from the area of dispensing and improving Guard property.

The bill was read second time.

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

## Committee Amendment No. 1

Amend HB 144, first printing, by striking the sentence beginning on line 24, page 1, "The Board shall be composed of three members and the term of office for members of the Texas National Guard Armory Board shall be of six years' duration without regard to organization structure of the National Guard or the members' change of status to inactive military duty," and substituting in lieu thereof the following two sentences: "The Board shall be composed of three members actively serving in the Texas Army National Guard and the Texas Air National Guard and the term of office for members of the Texas National Guard Armory Board shall be of six years' duration without regard to organization structure of the National Guard. Any member's retirement being of any nature from active service with the Texas Army National Guard or Texas Air National Guard shall constitute a vacancy to be filled in accordance with this Act."

The committee amendment was adopted without objection.

HB 144, as amended, was passed to engrossment.

(Mr. Shannon in the Chair)

SB 225 ON SECOND READING  
(Mr. Adams—House Sponsor)

The Chair laid before the House, in lieu of HB 370, on its second reading and passage to third reading,

SB 225, Amending and revising certain provisions of the Texas Probate Code.

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

HB 370 LAID ON THE TABLE SUBJECT TO CALL

Mr. Adams moved that HB 370 be laid on the table subject to call.

There was no objection offered and it was so ordered.

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 no objection offered and it was so ordered.

HB 53 ON SECOND READING

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

HB 53, Relating to salary of the shorthand reporter of the 112th Judicial District.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 53, First Printing, by striking the phrase "less than \$8,500 per annum, nor" in lines 18 and 19 of the bill.

Committee Amendment No. 2

Amend HB 53, First Printing, by striking the words "minimum and" in line 9 of the bill.

The committee amendments were severally adopted without objection.

HB 53, as amended, was passed to engrossment.

HB 238 ON SECOND READING

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

HB 238, Providing for compensation for Official Court Reporter of the 111th Judicial District Court.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 238, First Printing, by:

(1) striking the word "of" on line 12 and substituting the phrase "not to exceed" and

(2) adding between the word "annum," and "in" on line 12, the phrase "the amount to be determined by the judge of the 111th Judicial District Court,".

The committee amendment was adopted without objection.

HB 238, as amended, was passed to engrossment.

#### HB 380 ON SECOND READING

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

HB 380, Authorizing City of Amarillo Hospital District to contract with West Texas State University to coordinate their BS Degree in Nursing.

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

#### HB 833 ON SECOND READING

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

HB 833, Increasing salaries of stenographers and assistants to the District Attorney in the 121st District.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 833, First Printing, by striking on lines 26-27 the phrase "of not less than Five Thousand, Four Hundred Dollars (\$5,400) and".

The committee amendment was adopted without objection.

HB 833, as amended, was passed to engrossment.

#### HB 130 ON SECOND READING

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

HB 130, Establishing an educational center of Lamar University in Jefferson and Orange Counties.

The bill was read second time.

Mr. Walt Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 130 by striking all below the enacting clause and substituting therefor the following:

Section 1. The Board of Regents of Lamar University may establish an educational center of Lamar University in the Counties of Jefferson and Orange, to be known as Lamar University at Jefferson and Orange Counties, to accept freshman and sophomore level students only. This educational center may be discontinued by the Coordinating Board, Texas College and University System at its discretion.

Section 2. The Board of Regents may make provision for adequate physical facilities to be provided at no cost to the State of Texas for use by the Lamar University at Jefferson and Orange Counties and may accept and administer, on terms and conditions satisfactory to the Board, grants or gifts of money or property which are tendered by any reason for the use and benefit of the school; provided, however, that any expenditure of funds, other than local funds or any such grants or gifts, for teaching classes not held on the Beaumont Campus, shall be only as specifically authorized in the General Appropriations Act.

Section 3. The Board of Regents, with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control and management of the Lamar University at Jefferson and Orange Counties as necessary for the school to be a first class institution for freshman and sophomore students.

Section 4. Nothing in this Act shall be construed to limit the powers of the Board of Regents of Lamar University as conferred by law.

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.

The committee amendment was adopted without objection.

HB 130, as amended, was passed to engrossment.

SB 335 ON SECOND READING  
(Mr. Calhoun—House Sponsor)

The Chair laid before the House, in lieu of HB 629, on its second reading and passage to third reading,

SB 335, Relating to conforming certain definitions and administrative provisions of the Certificate of Title Act to the Business and Commerce Code.

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

## HB 629 LAID ON THE TABLE SUBJECT TO CALL

Mr. Calhoun moved that HB 629 be laid on the table subject to call.

There was no objection offered and it was so ordered.

(Speaker in the Chair)

## HB 1086 ON SECOND READING

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

HB 1086, Repealing Act prohibiting guides in Harrison and Marion Counties from fishing.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1086 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act repealing Sections 2 and 3, Chapter 78, Acts of the 47th Legislature, Regular Session, 1941; and declaring an emergency.

The committee amendment was adopted without objection.

Mr. Grant offered the following amendment to the bill:

Amend HB 1086, Second Printing, by striking Section 1 and inserting the following:

"Section 1. Sections 2 and 3, Chapter 78, Acts of the 47th Legislature, Regular Session, 1941, are repealed."

The amendment was adopted without objection.

HB 1086, as amended, was passed to engrossment.

## HB 796 ON SECOND READING

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

HB 796, Relating to standard provisions required in policies of group life insurance.

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

## HB 1297 ON SECOND READING

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

HB 1297, Extending deer season in Wood and Upshur Counties, and raising bag limit but prohibiting hunting of quail in Wood County on Sunday.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1297 by striking out on line 23, Section 1, the phrase "preceding Thanksgiving Day" and substituting the phrase "following November 16".

The committee amendment was adopted without objection.

Mr. Ingram offered the following amendments to the bill:

Amend HB 1297, Second Printing, by renumbering Section 4 as Section 5 and inserting a new Section 4 to read as follows:

Sec. 4. Section 1, Chapter 160, Acts of the 52nd Legislature, 1951, as amended by Chapter 437, Acts of the 53rd Legislature, Regular Session, 1953, is amended to read as follows:

"Section 1. It shall be lawful to hunt, take or kill any species of wild quail in Upshur County on any day of the week except Sunday during the period from December first of any year to January thirty-first of the following year, both dates inclusive. It shall be unlawful to hunt, take or kill any species of wild quail at any other season or time than that herein provided. It shall be unlawful for any person to hunt or kill quail upon the premises of another without the written consent of the owner or person in charge of such premises, or in lieu of such written consent the oral consent of the owner or person in charge, given in the presence of two (2) witnesses to such consent."

Amend HB 1297, Second Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act amending Section 1, Chapter 589, Acts of the 61st Legislature, Regular Session, 1969, and Sections 1 and 2, Chapter 589, Acts of the 59th Legislature, Regular Session, 1965, to extend the deer seasons in Wood and Upshur Counties by 15 days; amending Section 1, Chapter 304, Acts of the 45th Legislature, Regular Session, 1937, as amended, to raise the bag limit on quail in Wood County and to prohibit hunting quail in Wood County on Sunday; amending Section 1, Chapter 160, Acts of the 52nd Legislature, 1951, as amended, relating to the quail season in Upshur County; and declaring an emergency.

The amendments were severally adopted without objection.

HB 1297, as amended, was passed to engrossment.

HB 891 ON SECOND READING

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

HB 891, Relating to use of jury wheels in selecting jurors in counties of 22,000-22,500 population.

The bill was read second time and passed to engrossment.

(Mr. Jim Nugent in the Chair)

#### HB 753 ON SECOND READING

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

HB 753, Permitting State Department of Health to issue certificates of need to be used by convalescent homes in securing financing for expansion or construction of such facilities.

The bill was read second time.

Mr. Floyd offered the following amendment to the bill:

Amend HB 753, Second Printing, by striking the words "or private" on line 20.

The amendment was adopted without objection.

HB 753, as amended, was passed to engrossment.

#### HB 1198 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment.

HB 1198, Requiring Board of Regents of University of Texas System to submit a report on the Permanent University Fund.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1198 by striking Section 2 and substituting in lieu thereof the following:

"Sec. 2. The report shall contain a summary of all investments held for the fund on August 31, a summary of investment changes during the preceding year and a summary of all income realized from the various components of the fund. The report shall also contain any other information needed to clearly indicate the nature and extent of investments made of the fund and all income realized from the components of the fund."

Mrs. Farenthold offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1198 by adding after the word "investments" on line 39 and before the word "held" on line 39

"and an itemized list of all securities"

The amendment was adopted without objection.

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

HB 1198, as amended, was passed to engrossment.

#### HB 1286 ON SECOND READING

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

HB 1286, Authorizing transfer of certain land from the Department of Mental Health and Mental Retardation to the Texas National Guard Armory Board.

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

#### HB 595 ON SECOND READING

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

HB 595, Permitting censure procedures used by the Judicial Qualification Commission to be set by that Commission.

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

#### HB 1380 ON SECOND READING

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

HB 1380, Changing name of the Cotton Research Committee to the Natural Fibers and Food Protein Committee.

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

#### HB 1418 ON SECOND READING

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

HB 1418, Granting Texas Water Rights Commission the authority to issue emergency permits for the diversion and use of water.

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

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1418.

#### HB 89 ON SECOND READING

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

HB 89, Relating to civil liability of person legally qualified to practice medicine administering emergency care in hospital emergency room.

The bill was read second time.

Mr. Presnal moved that consideration of HB 89 be postponed until 11:00 a.m., Tuesday, May 4.

The motion prevailed without objection.

#### HB 931 ON SECOND READING

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

HB 931, Requiring external audits and disclosures of records of local units of governments.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 931, First Printing, as follows:

(1) Amend Section 2 to read as follows:

"Sec. 2. Each unit of local government and each quasi-public agency shall have its financial statements audited and reported upon annually at its expense by a Texas certified public accountant or public accountant holding a permit to practice from the Texas State Board of Public Accountancy. The annual financial report, together with the auditor's opinion thereon shall be filed in the office of the unit or agency within 120 days of the close of the unit's or agency's fiscal year. The audit shall be performed in full conformity with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants and shall include the auditor's representation that the financial statements have been prepared in accordance with generally accepted accounting principles."

(2) Renumber Sections 3 and 4 as Sections 4 and 5 and add a new Section 3 to read as follows:

"Sec. 3. A supplemental statement for the unit or agency shall also be filed not later than 120 days after the end of its fiscal year, and shall specifically contain a list of all job classifications as classified according to the most recent edition of the Dictionary of Occupational Titles published by the United States Department of Labor, the number of persons in each classification, and the salary paid to each person in each classification. Such statement is to be attested to by the city Secretary (or equivalent official) under penalties of perjury."

(3) Amend Section 4, originally Section 3, to read as follows:

"Sec. 4. The audits and supplemental statements required by this Act are public records and shall be kept on file and be available to the public for inspection during regular business hours of the unit or agency."

The committee amendment was adopted without objection.

HB 931, as amended, was passed to engrossment.

#### HB 440 ON SECOND READING

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

HB 440, Relating to transfer and sale of surplus and salvage equipment and material by the Board of Control.

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

#### HB 1003 ON SECOND READING

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

HB 1003, Relating to salary of District Attorney of 105th Judicial District and providing for a method of supplemental compensation.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 2 of HB 1003 to read as follows:

Sec. 2. The supplemental salary to be paid the District Attorney of the 105th Judicial District shall be a sum not to exceed \$6,000, to be approved and paid by the commissioners courts of the counties comprising the 105th Judicial District, which sum shall be paid to the District Attorney in addition to all compensation which he is authorized to receive by law from the State of Texas.

The committee amendment was adopted without objection.

HB 1003, as amended, was passed to engrossment.

#### HB 645 ON SECOND READING

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

HB 645, Abolishing the office of county superintendent of schools in counties of 34,103-35,310 population.

The bill was read second time.

Mr. Wayne offered the following amendment to the bill:

Amend HB 645 by striking Section 3 and substituting in lieu thereof a new Section 3 to read as follows:

"Section 3. The effective date of this Act shall be December 31, 1971."

The amendment was adopted without objection

Mr. Cobb offered the following amendment to the bill:

Amend HB 645, Second Printing, by adding the following on line 14, following the figure 35,310;

“and all counties having a population of not less than 24,400 nor more than 24,600.”

The amendment was adopted without objection.

HB 645, as amended, was passed to engrossment.

#### COMMITTEE MEETING

Mr. Traeger asked unanimous consent of the House that the Committee on Constitutional Amendments be permitted to meet at this time.

There was no objection offered.

#### CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR—(Continued)

##### HB 1704 ON SECOND READING

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

HB 1704, Permitting issuance of interest-bearing time warrants by certain independent school districts.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 1, HB 1704, first printing, as follows:

Strike the word “for” in line 17 and substitute in lieu thereof the word “in”.

Committee Amendment No. 2

Amend Section 4, HB 1704, 1st printing, as follows:

Strike the words “the expiration of two years from the effective date of this Act” from lines 51 and 52 and substitute in lieu thereof “September 1, 1971”.

The committee amendments were severally adopted without objection.

HB 1704, as amended, was passed to engrossment.

(Conclusion of consideration of bills on second reading on Local and Consent Calendar)

#### MESSAGE FROM THE SENATE

Austin, Texas, April 29, 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 129, By Snelson: Providing for the issuance of a search warrant authorizing the seizure of items of evidentiary value; and declaring an emergency.

SB 219, By McKool: Relating to the service of process on nonresidents; and declaring an emergency.

SB 258, By McKool: Relating to the use of electronic recording devices by certain court reporters; and declaring an emergency.

SB 557, By Brooks: Requiring notices of a meeting by certain governmental bodies to be posted in its administrative office, the State Capitol, and the county courthouse of the county in which administrative office is located, etc.; and declaring an emergency.

SB 574, By Christie: Relating to the creation of the Governor's Commission on Physical Fitness and its powers and duties; and declaring an emergency.

SB 656, By Watson: Designating the Texas State Technical Institute as a state institution of higher education solely for the purpose of administering and enforcing provisions of Art. 2919J, V.A.C.S.; and declaring an emergency.

SB 702, By Sherman: Authorizing the Parks and Wildlife Department to execute deeds to exchange portions of certain sections at Palo Duro State Park for adjoining real property; and declaring an emergency.

SB 736, By Christie: Providing for payment of a fee upon authorization of the local County Commissioners Court to any Justice of the Peace conducting hearing on revocation of driver's license; and declaring an emergency.

SB 832, By Herring: Authorizing the Texas State Department of Health to receive by gift certain land in Nueces County for public health purposes; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SB 43 ON PASSAGE TO THIRD READING  
(Mr. Harris—House Sponsor)

The Chair laid before the House as pending business on its passage to third reading, SB 43.

The bill was read second time on this morning.

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.

SB 43—(Consideration continued)

Mr. Jim Nugent and Mr. Grant Jones offered the following amendment to the bill:

Amend SB 43, second printing, by striking all of lines 15 and 16 on page 2 and putting a period after the word officers at the end of line 14.

The amendment was adopted without objection.

Mr. Blythe offered the following amendment to the bill:

Amend SB 43 by striking lines 37 and 38, Page 1. of the Second Printing and renumbering the following subsections in proper order.

Mr. Harris moved to table the above amendment.

The motion to table prevailed.

Mr. Simmons offered the following amendment to the bill:

Amend SB 43 Section 1 by adding a new section "G"

Such reserve deputy sheriffs, and reserve deputy constables may be called to active duty by the appropriate sheriff or constable only after prior notice to the commissioners court which granted such reserve appointment. The sheriff or constable shall submit to the commissioners court written notice to place on active duty such reserve deputies; this written notice shall set forth the following:

- (1) Name of reserve deputy.
- (2) Address of reserve deputy.
- (3) Date of appointment as reserve deputy.
- (4) Purpose and length of active duty.
- (5) Duties of reserve deputy.
- (6) Whether or not reserve deputy shall receive any compensation for such active duty service.
- (7)

Mr. Harris moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—78

Adams	Caldwell	Finnell	Hawkins
Allen, Joe	Cavness	Foreman	Head
Allen, John	Christian	Gammage	Heatly
Allred	Clark	Garcia	Hilliard
Atwood	Clayton	Golman	Holmes, T.
Baker	Craddick	Grant	Howard
Beckham	Cruz	Hale	Hubenak
Blanton	Daniel	Hanna, Joe	Johnson
Braun	Davis, H.	Harding	Jones, G.
Burgess	Dramberger	Harris	Jungmichel

Kaster	Moore, G.	Sanchez	Tarbox
Kilpatrick	Nelms	Schulle	Traeger
Lee	Neugent, D.	Short	Tupper
Lewis	Nichols	Silber	Vale
Ligarde	Niland	Slider	Ward
Lombardino	Parker, W.	Smith	Wayne
Longoria	Pickens	Solomon	Wieting
Lovell	Rodriguez	Spurlock	Williams
McAlister	Salem	Stroud	
Moore, A.	Salter	Swanson	

## Nays--65

Agnich	Denton	Kubiak	Reed
Angly	Doyle	Lemmon	Rosson
Atwell	Earthman	McKissack	Santiesteban
Bass, B.	Farenthold	Mengden	Semos
Bigham	Finck	Moncrief	Sherman
Blythe	Floyd	Moore, T.	Simmons
Bowers	Graves	Moreno	Slack
Boyle	Hannah, John	Nabers	Stewart
Braecklein	Hawn	Newton	Truan
Bynum	Haynes	Ogg	Uher
Calhoun	Hendricks	Orr	Von Dohlen
Carrillo	Holmes, Z.	Parker, C.	Williamson
Cates	Hull	Patterson	Wolff
Coats	Ingram	Poerner	Wyatt
Cobb	Jones, D.	Poff	
Cole	Jones, E.	Presnal	
Davis, D.	Kost	Price	

## In The Chair

Nugent, J.

## Absent

Bass, T.	Finney	Murray	Shannon
----------	--------	--------	---------

## Absent-Excused

Doran

## MESSAGE FROM THE SENATE

Austin, Texas, April 29, 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 792, By Hall: Providing for the receiving, safekeeping and disbursing of all moneys belonging to the county by the County Treasurer; and declaring an emergency.

SCR 43, By Mauzy: Relating to the continuation of the Parks and Wildlife Department program of acquisition and development of recreational facilities.

SCR 90, By Creighton and Kennard: Commending Mayor Tom Vandergriff of Arlington.

SB 888, By Beckworth: Relating to the salary of the Criminal District Attorney of Upshur County, his assistant, and his secretary; and declaring an emergency.

SB 874, By Bernal, et al: Relating to the exemption of the area comprising municipal cooling lakes in certain counties from the calculation of local fund assignments for the Foundation School Program; and declaring an emergency.

SB 900, By Harrington: Authorizing the Commissioners Court of Jefferson County to fix compensation for commissioners of the Jefferson County Drainage District No. 3; and declaring an emergency.

SB 902, By Herring: Amending Texas Uniform Narcotic Act and the Texas Dangerous Drug Act; and declaring an emergency.

SB 910, By Word: Relating to the creation of the Structural Pest Control Board and providing for the licensing and regulation of persons engaged in the business; and declaring an emergency.

SB 917, By Herring: Changing the court day in the 21st Judicial District from Monday to Tuesday; and declaring an emergency.

SB 929, By Hall: Relating to the creation, etc., of the Grayson County Airport Authority; and declaring an emergency.

SB 948, By Watson: Relating to compensation of the official shorthand reporter for the 27th Judicial District; and declaring an emergency.

SB 949, By Watson: Relating to the use of certain devices to call or attract animals to aid in hunting in certain areas in Falls and Limestone Counties; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SB 43—(Consideration continued)

Mr. McAlister offered the following amendment to the bill:

Amend SB 43 by adding a new section \_\_\_\_\_, to read as follows:

\_\_\_\_\_. Such reserve deputy sheriffs and deputy constables will wear an emblem or badge at all times while on active duty, said badge bearing the words "Reserve Deputy Sheriff" or "Reserve Deputy Constable" as the case may be.

The amendment was adopted without objection.

Mr. Patterson offered the following amendment to the bill:

Amend SB 43 subsection (f) of Section 1 by inserting the words "only" between the words "and while" to read "and only while" on line 56 and inserting the words "and only" before the word "while" on line 58 to read "and only while".

Mr. Harris moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—97**

Adams	Finney	Kilpatrick	Poerner
Allen, Joe	Foreman	Kost	Presnal
Allen, John	Garcia	Lee	Rodriguez
Atwood	Golman	Lemmon	Rosson
Baker	Graves	Lewis	Salem
Bass, B.	Hale	Ligarde	Salter
Bigham	Hannah, John	Lombardino	Sanchez
Blythe	Harding	Longoria	Santiesteban
Braun	Harris	Lovell	Schulle
Burgess	Hawkins	McAlister	Short
Bynum	Haynes	McKissack	Silber
Caldwell	Head	Mengden	Slack
Carrillo	Heatly	Moncrief	Slider
Cavness	Hilliard	Moore, A.	Smith
Christian	Holmes, T.	Moore, G.	Solomon
Clark	Howard	Nabers	Spurlock
Clayton	Hubenak	Nelms	Swanson
Craddick	Hull	Neugent, D.	Tarbox
Cruz	Ingram	Newton	Traeger
Daniel	Johnson	Nichols	Vale
Davis, D.	Jones, E.	Niland	Von Dohlen
Davis, H.	Jones, G.	Ogg	Ward
Dramberger	Jungmichel	Parker, W.	Wieting
Earthman	Kaster	Pickens	Williams
Finck			

**Nays—42**

Agnich	Cole	Kubiak	Simmons
Allred	Denton	Moore, T.	Stewart
Beckham	Doyle	Moreno	Stroud
Blanton	Farenthold	Orr	Truan
Bowers	Finnell	Parker, C.	Tupper
Boyle	Floyd	Patterson	Uher
Braecklein	Gammage	Poff	Wayne
Calhoun	Grant	Price	Williamson
Cates	Hanna, Joe	Reed	Wolff
Coats	Hendricks	Semos	Wyatt
Cobb	Holmes, Z.		

In The Chair

Nugent, J.

## Absent

Angly	Bass, T.	Jones, D.	Shannon
Atwell	Hawn	Murray	Sherman

## Absent-Excused

## Doran

Mr. Edmund Jones and Mr. Blythe offered the following amendment to the bill:

Amend Second Printing of SB 43, Sec. 1 Article (b), line 37, by adding the following words after the word "limit": "with the consent of the sheriff and constable respectively"

Mr. Harris moved to table the above amendment.

A record vote was requested

The motion to table prevailed by the following vote:

## Yeas—130

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

**Nays—8**

Blythe	Braecklein	Heatly	Lee
Bowers	Earthman	Jones, E.	Stroud

**In The Chair**

Nugent, J.

**Absent**

Allen, Joe	Johnson	Mengden	Patterson
Angly	McAlister	Murray	Shannon
Cavness			

**Absent-Excused****Doran**

Mr. McAlister moved to reconsider the vote by which the amendment previously offered by himself was adopted.

The motion prevailed without objection.

Mr. McAlister then withdrew the pending amendment.

Mr. McAlister offered the following amendment to the bill:

Amend SB 43 by adding a new section \_\_\_\_\_, to read as follows:

\_\_\_\_\_, Such reserve deputy sheriffs and deputy constables will wear an emblem or badge at all times while on active duty, said badge bearing the words "Deputy Sheriff R" or "Deputy Constable R" as the case may be.

The amendment was adopted without objection.

SB 43, as amended, was passed to third reading.

Mr. Harris moved to reconsider the vote by which SB 43 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**SB 622 ON SECOND READING**  
(Mr. Hilliard—House Sponsor)

Mr. Hilliard moved that all necessary rules be suspended to take up and consider at this time, SB 622.

The motion prevailed.

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

SB 622, A bill to be entitled An Act relating to the retirement age of firemen in cities of not less than 350,000 nor more than 650,000 inhabitants; and declaring an emergency.

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

SB 622 ON THIRD READING

Mr. Hilliard moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 622 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—142

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

Nays—3

Floyd	Graves	Nugent, J.
-------	--------	------------

Absent

Allen, John	Rosson	Shannon
-------------	--------	---------

Absent-Excused

Doran

The Chair then laid SB 622 before the House on third reading and final passage.

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

## Yeas—145

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

## Absent

Johnson	Ligarde	Shannon
---------	---------	---------

## Absent-Excused

## Doran

Mr. Hilliard moved to reconsider the vote by which SB 622 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 652 ON SECOND READING  
(Mr. Clayton—House Sponsor)

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

SB 652, A bill to be entitled An Act amending Chapter 228, Acts of the 56th Legislature, Regular Session, by adding a new section to be identified as Section 2A, providing a method by which certain conservation and reclamation districts lying in more than one city shall be abolished; providing for the distribution of the physical assets, properties and facilities of said districts to said cities; providing for the assumption of the bonded indebtedness, liabilities, obligations, other debts and intangible assets of the districts by said cities; providing a procedure for the continuation of service by and the maintenance and operation of the physical assets, properties and facilities serving more than one city; authorizing certain cities to enter into mutual agreements with other cities by which said district may be abolished, their assets, properties and facilities distributed to said cities, and their bonded indebtedness, liabilities, obligations and other debts assumed by said cities; providing that said agreements need not be approved by said districts; providing that said agreements may define and provide for the maintenance and operation of those physical assets, properties and facilities which serve territory within more than one city; providing that the agreements may have a term of fifty (50) years and may contain all provisions necessary or proper to the abolition of such districts, the distribution of their properties, assets and facilities and the assumption of their bonded indebtedness, liabilities, obligations and other debts; modifying the procedure by which such districts may be annexed by cities which have previously annexed territory within said districts; containing other provisions; providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Cruz offered the following amendment to the bill:

Amend Section 2A(1), as set out in Section 1 of SB 652, by striking out the phrase "which was created to provide a" on lines 3 and 4 of Page 2 of said bill and inserting in place thereof the following clause:

"which, on April 1, 1971, was not a party to a contract providing for a Federal grant for research and development pursuant to Title 33, Sections 1155 (a) (2) and 1155 (d) of the United States Code as amended, and which has provided or is providing and which did not, at its creation, be wholly within more than one city"

and by deleting all of subsection (a) of said Section 2A(1) and substituting in lieu thereof the following:

"(a) All physical assets, properties and facilities of said district located within the boundaries of each respective city shall, at the date of distribution, belong to said city. The intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district shall be assumed by the cities. That part of the intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district assumed by each city shall be determined by multiplying the total intangible assets, bonded indebtedness, liabilities, obligations or other debts of the district by a ratio the

numerator of which is the original cost of all physical assets, properties and facilities of said district distributed to the city and the denominator of which is the total original cost of all physical assets, properties and facilities of the district. The term 'original cost' as used in this section shall mean the actual cost of construction or acquisition. Operating expenses during construction, interest during construction, organizational expenses, engineering fees, legal fees, fiscal fees and other fees and expenses shall not be considered when determining the original cost of any physical assets, properties or facilities. Each city shall faithfully perform all duties, functions and obligations imposed by law or by contract upon the abolished district and its governing body in regard to any outstanding district bonds, warrants or other obligations payable in whole or in part from the revenues from the operation of the district's properties, assets, and facilities; provided, however, that maintenance and operation expenses may be allocated by a city between two or more similar properties, assets and facilities owned and operated by the city in direct proportion to the gross income of each."

The amendment was adopted without objection.

SB 652, as amended, was passed to third reading.

#### SB 652 ON THIRD READING

Mr. Clayton moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 652 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—126

Adams	Cole	Head	Moore, G.
Allen, Joe	Craddock	Heatly	Moore, T.
Allen, John	Cruz	Hendricks	Murray
Allred	Daniel	Hilliard	Nabers
Atwell	Davis, D.	Holmes, T.	Nelms
Atwood	Davis, H.	Holmes, Z.	Neugent, D.
Baker	Denton	Howard	Newton
Beckham	Doyle	Hubenak	Nichols
Blanton	Dramberger	Hull	Niland
Blythe	Farenthold	Ingram	Ogg
Boyle	Finck	Johnson	Orr
Braecklein	Finnell	Jones, E.	Parker, C.
Braun	Finney	Jungmichel	Parker, W.
Burgess	Foreman	Kilpatrick	Patterson
Bynum	Gammage	Kost	Pickens
Caldwell	Garcia	Kubiak	Poerner
Calhoun	Golman	Lemmon	Poff
Carrillo	Grant	Lewis	Presnal
Cates	Hale	Lombardino	Price
Cavness	Hanna, Joe	Longoria	Rodriguez
Christian	Harding	Lovell	Salem
Clark	Harris	McAlister	Salter
Clayton	Hawkins	McKissack	Sanchez
Coats	Hawn	Moncrief	Santiesteban
Cobb	Haynes	Moore, A.	Schulle

Semos	Smith	Traeger	Wayne
Sherman	Solomon	Truan	Wieting
Short	Spurlock	Tupper	Williams
Silber	Stewart	Uher	Williamson
Simmons	Stroud	Vale	Wyatt
Slack	Swanson	Von Dohlen	
Slider	Tarbox	Ward	

## Nays—15

Agnich	Earthman	Kaster	Nugent, J.
Bass, T.	Floyd	Lee	Reed
Bigham	Jones, D.	Mengden	Wolff
Bowers	Jones, G.	Moreno	

## Absent

Angly	Graves	Ligarde	Shannon
Bass, B.	Hannah, John	Rosson	

## Absent-Excused

## Doran

The Chair then laid SB 652 before the House on third reading and final passage.

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

## Yeas—143

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

Poerner	Santiesteban	Solomon	Vale
Poff	Schulle	Spurlock	Von Dohlen
Presnal	Semos	Stewart	Ward
Price	Sherman	Stroud	Wayne
Reed	Short	Swanson	Wieting
Rodriguez	Silber	Tarbox	Williams
Rosson	Simmons	Traeger	Williamson
Salem	Slack	Truan	Wolff
Salter	Slider	Tupper	Wyatt
Sanchez	Smith	Uher	

Absent

Angly	Ligarde	Orr	Shannon
Floyd			

Absent-Excused

Doran

**SB 160 ON SECOND READING**  
(Mr. Hull—House Sponsor)

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

SB 160, A bill to be entitled An Act relating to the right, power, and authority of the Coordinating Board, Texas College and University System to contract with the Texas College of Osteopathic Medicine to provide for the education of certain medical students; and declaring an emergency.

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

Mr. Hull moved to reconsider the vote by which SB 160 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**VOTE RECORDED**

Mr. Dee Jon Davis requested to be recorded as voting Nay on the passage to third reading of SB 160.

**MOTION TO PLACE SB 160 ON THIRD READING**

Mr. Hull moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 160 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—112

Adams	Allred	Bass, B.	Boyle
Allen, Joe	Atwell	Beckham	Braecklein
Allen, John	Baker	Blanton	Braun

Burgess	Hale	Lovell	Santiesteban
Caldwell	Hanna, Joe	McAlister	Schulle
Calhoun	Hannah, John	McKissack	Semos
Carrillo	Harding	Moncrief	Shannon
Cates	Harris	Moore, A.	Short
Cavness	Hawkins	Moore, G.	Silber
Christian	Hawn	Murray	Slack
Clark	Haynes	Nabers	Slider
Clayton	Head	Nelms	Smith
Coats	Heatly	Neugent, D.	Solomon
Cobb	Hendricks	Newton	Spurlock
Cole	Hilliard	Nichols	Stewart
Craddick	Holmes, T.	Niland	Stroud
Cruz	Holmes, Z.	Ogg	Swanson
Daniel	Howard	Orr	Tarbox
Davis, H.	Hubenak	Parker, C.	Traeger
Doyle	Hull	Parker, W.	Truan
Dramberger	Johnson	Patterson	Tupper
Farenthold	Jungmichel	Poerner	Von Dohlen
Finnell	Kilpatrick	Poff	Ward
Finney	Kost	Presnal	Wayne
Foreman	Lemmon	Price	Wieting
Gammage	Lewis	Rodriguez	Williams
Garcia	Lombardino	Salem	Williamson
Golman	Longoria	Sanchez	Wyatt

## Nays—34

Agnich	Denton	Kaster	Rosson
Angly	Earthman	Kubiak	Salter
Atwood	Finck	Lee	Sherman
Bass, T.	Floyd	Mengden	Simmons
Bigham	Grant	Moore, T.	Uher
Blythe	Graves	Moreno	Vale
Bowers	Ingram	Nugent, J.	Wolff
Bynum	Jones, D.	Pickens	
Davis, D.	Jones, E.	Reed	

## Absent

Jones, G.           Ligarde

## Absent-Excused

## Doran

SB 457 ON SECOND READING  
(Mr. Salter—House Sponsor)

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

SB 457, A bill to be entitled An Act relating to the rules and regulations that the commissioner of agriculture may make concerning certain types of seeds; adding a definition; amending Chapter 551, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 93b, Vernon's Texas

Civil Statutes) by adding a Section 3a and a Subsection (i) to Section 2; and declaring an emergency.

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

Mr. Salter moved to reconsider the vote by which SB 457 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mr. Finck requested to be recorded as voting Nay on the adoption of HSR 394, the vote being on April 27, 1971.

#### ADJOURNMENT

Mr. Pickens moved that the House adjourn until 5:35 p.m. today.

The motion prevailed.

The House accordingly, at 5:21 p.m. adjourned until 5:35 p.m. today.

---

#### SIXTY-FOURTH DAY—THURSDAY, APRIL 29, 1971

The House met at 5:35 p.m. and was called to order by the Honorable Jim Nugent.

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

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