

Highways and Roads: HB 898, HB 1263, SB 349, SB 476.

Motor Transportation: HB 6, HB 1707.

Public Education: HB 780, HB 1019.

Urban Affairs: HB 158, HB 318, HB 1250, HB 1251, HB 1266, HB 1397, HB 1635, SB 208, SB 554, SB 621, SB 634, SB 838.

SENT TO GOVERNOR

May 6, 1971

HCR 135

SEVENTY-FIRST DAY—MONDAY, MAY 10, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

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

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

Absent-Excused

Allen, Joe	Finck	Holmes, Z.	Pickens
Braun	Hannah, John	Moore, G.	Semos
Clayton			

A quorum of the House was announced present.

The Invocation was offered by the Honorable John Allen, as follows:

"Our Gracious Heavenly Father, we thank Thee for the refreshing sleep Thou hast given us. Thou has brought to us this glorious day with its bountiful blessings and its beauties of nature.

Help us by love to serve one another. May we have the proper regard for each other. Bless in a special way those who are ill and restore them to their much wanted health, if it be Thy will. Bless the leaders of our government, and help us all to be stronger in our desires to care for those who cannot help themselves.

These things we ask in Christ's Name—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. John Hannah on motion of Mr. Daniel.

Mr. Finck, temporarily for today, on motion of Mr. Harris.

Mr. Zan Holmes on motion of Mr. Stroud.

Mr. Braun on motion of Mr. Nichols.

Mr. Pickens, temporarily for today, on motion of Mr. Spurlock.

Mr. Griffith Moore, temporarily for today, on motion of Mr. Braecklein.

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

Mr. Joe Allen on motion of Mr. Gammage.

Mr. Semos on motion of Mr. Braecklein.

Representatives Wyatt, Craddick, and Rodriguez entered the House and were announced present.

PROVIDING FOR CONSIDERATION OF A LOCAL AND
CONSENT CALENDAR OF BILLS

Mr. Jim Nugent moved to set a Local and Consent Calendar of Bills for Tuesday, May 11, at 2:00 p.m.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 438, Relating to salary of county school superintendents' assistants in counties of 46,000-47,000 population.

HB 505, Allowing presiding judges of the 51st and 119th Judicial Districts to pay the shorthand reporters up to \$12,500 annually.

HB 532, Relating to methods and conditions under which licensed buyers and dealers may transport unregistered vehicles.

HB 630, Relating to making inheritance tax applicable to certain property held in joint tenancy with right of survivorship.

HB 635, Adding counties of 22,200-22,650 population to those allowed to use jury wheels in selecting jurors.

HB 640, Creating Cypress Forest Public Utility District.

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

HB 705, Relating to the jurisdiction of the County Court of Franklin County and the district courts having jurisdiction in Franklin County.

HB 787, Levying a student union fee at Lamar State College of Technology.

HB 891, Adding classes of counties that are to use jury wheels in selecting jurors.

HB 900, Relating to requiring reinspection of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home after certain damage.

HB 987, Restricting power to enter into certain contracts by the Blue Ridge Municipal Utility District.

HB 1610, Validating certain school districts.

HB 1641, Creating Belfort Public Utility District.

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

HCR 7, Urging the Texas Industrial Commission to include an import division within the agency.

HCR 58, Concerning the intrastate reciprocal retirement plan.

HCR 126, Memorializing Congress to request the Department of Transportation to modify regulations on farm truck driver qualifications.

(Mr. Carl Parker in the Chair)

Representatives Garcia, Traeger, Clayton, Carrillo, Von Dohlen, Wayne, Kilpatrick, Price, Doyle, Graves, and Hale entered the House and were announced present.

PROVIDING FOR THE CONSIDERATION OF
A LOCAL AND CONSENT CALENDAR OF BILLS

Mr. Jim Nugent moved to reset the consideration of the Local and Consent Calendar of Bills for 9:00 a.m. tomorrow.

The motion prevailed without objection and it was so ordered.

INTRODUCTION OF HOUSE BILLS

Mr. Grant asked unanimous consent to introduce and have placed on first reading HB 1841.

There was no objection offered.

Representatives Golman and Doran entered the House and were announced present.

INTRODUCTION OF HOUSE BILLS—(Continued)

Mr. Gammage asked unanimous consent to introduce and have placed on first reading HB 1843.

There was no objection offered.

Representatives Williamson, Haynes, and Pickens entered the House and were announced present.

(Speaker in the Chair)

HSR 446—REFERRED TO COMMITTEE

(To study the feasibility of integrating the administrative functions of occupational regulatory agencies in this state)

Mr. Golman offered the following resolution:

HSR 446

Whereas, There are over 30 occupational regulatory agencies in the State of Texas and this number grows with legislation passed in every session; and

Whereas, The major functions of such agencies are to establish standards for the occupation and to issue license to engage in that occupation; and

Whereas, The administrative procedures of processing applications, issuing licenses and license renewals, and conducting examinations are essentially the same in any occupational regulatory agency; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby creates a special interim committee to study the feasibility of integrating the administrative functions of occupational regulatory agencies in this state; and, be it further

Resolved, That the special interim committee study the procedures adopted by other states to obtain efficiency and economy in the administration of occupational regulation; and, be it further

Resolved, That the Speaker of the House appoint five Members of the House of Representatives and five members of the general public, and designate one member as the chairman, to serve on the interim study committee; and, be it further

Resolved, That the operating expenses of the committee be paid from the expense fund of the House of Representatives and that committee members be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget is approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee may request staff assistance from the Texas Legislative Council and the assistance of any other state agency or department in conducting its study; and, be it further

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

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

HSR 445—REFERRED TO COMMITTEE

(Creating a special interim committee on criminal procedure)

Mr. Golman offered the following resolution:

HSR 445

Whereas, The problems of a rising crime rate have put an increasing burden on the judicial system; and

Whereas, Each alleged offender has a right to due process under the laws of this state and the United States; and

Whereas, The average time lapse between an indictment and receipt of the case by the Court of Criminal Appeals is approximately 18 months; and

Whereas, Neither the interests of society nor the interests of the alleged offender are being met by allowing the period of litigation to extend over such period of time; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim committee on criminal procedure; the committee shall study all aspects of the criminal process including facilities and personnel, from indictment through final appeal to determine the areas in which it may be desirable to enact legislation or rules which will expedite and improve the facilities involved in the criminal process; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, three of whom are attorneys, and five members of the general public, and designate one member as the chairman, to serve on the interim study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the expense fund of the House of Representatives and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget shall be approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee may request staff assistance from the Texas Legislative Council and the assistance of any other state agency or department in conducting their study; and, be it further

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

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

HSR 447—REFERRED TO COMMITTEE

(Creating a special interim committee on Law Enforcement Education in Texas)

Mr. Golman offered the following resolution:

HSR 447

Whereas, The need for general occupational or professional education has long been accepted, but until recently the need for such training in the law enforcement profession was not fully recognized; and

Whereas, While national statistics indicate that a majority of cities over 250,000 population provide eight weeks or more of training, the average police department in the remaining communities provides not more, and typically less, than three weeks of training; and

Whereas, Numerous professional associations and commissions, most notably the President's Commission on Law Enforcement and Administration of Justice, have directed considerable attention and study to the educational needs of law enforcement officers; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on Law Enforcement Education in Texas; the committee shall study (1) the need and desirability of increasing the minimum number of training hours required of all law enforcement officers, (2) the need and desirability of requiring a minimum number of training hours for all supervisory personnel in law enforcement agencies, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the Legislature upon the problems mentioned in this resolution; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, and five laymen who have knowledge of police education and law enforcement, to serve on the interim study committee; and, be it further

Resolved, That the Texas Commission on Law Enforcement Officer Standards and Education shall assist the study committee in an advisory capacity; and, be it further

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

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

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

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

HSR 451—REFERRED TO COMMITTEE

(Creating a special interim Committee on Nursing Aides and Licensing of Nurses)

Mr. Clark offered the following resolution:

HSR 451

Whereas, The profession of nursing is an important and respected branch of medicine and demands special instruction and training in nursing skills; and

Whereas, Many careers in nursing require a special license as a means of guaranteeing that professional nurses meet minimum levels of proficiency and knowledge in their chosen field; registered nurses must be licensed by the State Board of Nurse Examiners, and vocational and practical nurses must be licensed by the State Board of Vocational Nurse Examiners; and

Whereas, Although they work under the direction of professional nurses, nursing aides and auxiliary nursing personnel are not required to be licensed by any state board or agency, yet nursing aides typically engage in more actual contact with the patients than do the licensed professional nurses; nursing aides dress, feed, and bathe the patients, make beds and keep rooms clean, and escort patients to various departments of the hospital or institution; and

Whereas, It is important to the citizens of Texas that all aspects of the nursing profession be under such state supervision and control as may be necessary to insure that the health and safety of medical patients is adequately protected in all hospitals, wards, clinics, nursing homes, and other medical care facilities; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on Nursing Aides and Licensing of Nurses; the committee shall study (1) all aspects of the profession of nursing to determine the need and desirability of licensing or otherwise regulating nursing aides, (2) the feasibility of consolidating all licensing agencies for nurses into a single Nursing Examiners Board which could regulate and supervise all segments of the nursing profession, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the Legislature upon the problems mentioned in this resolution; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, to serve on the interim study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House

Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

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

Signed: Clark, Williams, and Nelms

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

HOUSE BILLS ON FIRST READING

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

By Allred:

HB 1826, A bill to be entitled An Act relating to lease-purchase contracts for office equipment for the use of Members of the Legislature; and declaring an emergency.

Referred to Committee on House Administration.

By Jungmichel:

HB 1827, A bill to be entitled An Act relating to the salary of the official shorthand reporter for the 155th Judicial District; amending Section 1, Chapter 33, Acts of the 61st Legislature, Regular Session, 1969 (Article 2326j-64, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By J. Nugent, Atwell, Von Dohlen, and Ligarde:

HB 1828, A bill to be entitled An Act amending Sections 16.71 and 16.79 of the Texas Education Code, Chapter 889, Acts of the 61st Legislature, Regular Session, 1969, to provide for total state funding of the Foundation School Program; repealing Sections 16.72 through 16.78 of the Texas Education Code, Chapter 889, Acts of the 61st Legislature, Regular Session, 1969; providing for an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

By Hale:

HB 1829, A bill to be entitled An Act amending Chapter 5 of the Insurance Code of Texas by adding a new Subchapter authorizing and empower-

ing the State Board of Insurance to make, approve, promulgate and prescribe policy forms and rates for multi-peril policies of insurance; providing a rating procedure for such policies; containing provisions as to the content of such policies; prescribing factors to be considered by the State Board of Insurance in its rating procedure and in other provisions pertaining to said policies; authorizing and directing the State Board of Insurance to make such rules and regulations as it deems necessary and desirable in achieving the provisions hereof; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Insurance.

By Pickens, J. Nugent, and G. Jones:

HB 1830, A bill to be entitled An Act relating to and regulating relationships, direct and indirect, of officers, directors and certain shareholders of insurance companies; amending Chapter I of the Insurance Code of Texas by adding Article 1.29; making provision as respects conflicts and ambiguities; containing a severance clause; and declaring an emergency.

Referred to Committee on Insurance.

By B. Bass:

HB 1831, A bill to be entitled An Act relating to the open season for the taking of quail in Van Zandt County; amending Section 4, Chapter 95, Acts of the 50th Legislature, 1947; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Poerner and Finck:

HB 1832, A bill to be entitled An Act relating to the name and the board of directors of the Nueces River Conservation and Reclamation District; amending Sections 1, 2, 4, 5, 6, 7, 10, 13, 14, 17, 23 of and adding Section 6a to Chapter 427, Acts of the 44th Legislature, 1st Called Session, 1935, as amended (Article 8280-115, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Daniel:

HB 1833, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Tamina Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all property within the district; finding that district is created to serve a public use and benefit; conferring on district the rights, powers and privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for continuing supervision by Texas Water Rights Commission; stating the policy of the state regarding waste control; prescribing the district's rights, powers, privileges and functions; providing for no election for confirmation; providing for

no hearing for exclusions except on written request or the Board of Directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for district; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first Board of Directors; providing for filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for organization of Board of Directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, Vernon's Texas Civil Statutes; providing for bonds and refunding bonds of District which shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; providing for incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county within which district is situated; providing district shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing for depositories; providing for an audit; providing for establishment of district offices; providing for a plumbing code; providing for the sale of bonds; providing Article 7880-77b, Vernon's Texas Civil Statutes, shall not be applicable to district; providing for notice of elections and canvass of returns thereof; providing that all bonds and refunding bonds of district shall be eligible investments; providing that all Municipal Annexation Act shall have no application to the creation of this district; providing that district is subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; determining and finding the requirements of Article XVI, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay a tax or assessment on its properties or any purchases; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Daniel:

HB 1834, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Rayo DeSol Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all property within the district; finding that district is created to serve a public use and benefit; conferring on district the rights, powers and privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article XVI, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for continuing supervision by Texas Water Rights Commission; stating the policy of the state regarding waste control; prescribing the district's rights, powers, privileges and functions; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the Board of Directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan

of taxation for district; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first Board of Directors; providing for filling of vacancies; providing for terms and election of Directors and notice of directors elections, and related matters; providing for organization of Board of Directors; providing for the letting of construction contracts and the drawing of warrants; providing for the execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, Vernon's Texas Civil Statutes; providing for bonds and refunding bonds of district which shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts; providing for incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to the county within which district is situated; providing district shall bear expenses of relocating, raising or rerouting any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; defining "sole expenses"; providing for depositories; providing an audit; providing for establishment of district offices; providing for a plumbing code; providing for the sale of bonds; providing Article 7880-77b, Vernon's Texas Civil Statutes, shall not be applicable to district; providing for notice of elections and canvass of returns thereof; providing that all bonds and refunding bonds of district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this district; providing that district is subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; determining and finding the requirements of Article XVI, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay a tax or assessment on its properties or any purchases; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Daniel:

HB 1835, A bill to be entitled An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Chambers County, Texas, to be known as Cedar Bayou Municipal Utility District of Chambers County, Texas; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; prescribing its rights, powers, privileges and duties; providing that no confirmation election shall be required; providing for its governing body; authorizing the levy and assessment of taxes and adopting the ad valorem basis of taxation; authorizing the issuance and refunding of bonds and prescribing their terms and security; authorizing the investment of bond proceeds; prescribing the procedure for annexing land; providing that no exclusion hearing shall be required except under certain circumstances; requiring supervision by the Texas Water Rights Commission; requiring the district to establish an office; providing for the selection of a depository; requiring audits and a system of accounts; containing provisions that its bonds are legal investments and eligible to secure public deposits; providing that except for its creation the district shall be subject to the provisions of Article 970a and subject to the provisions of Article 1182c-1, Vernon's Texas Civil Statutes; providing that the district shall bear the sole expense of the relocation of certain facilities; containing other provisions relating to the subject; providing that the district's properties

shall not be subject to taxation; providing a severability clause; finding of notice of intention to introduce this Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Clark:

HB 1836, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as North Park Public Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the district, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated and to situations where necessary to carry out the purposes for which district was created; providing district shall bear expenses of relocating, raising, or re-routing any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of district offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this district; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this district; providing that district is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Clark:

HB 1837, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Dowdell Public Utility District; declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the district, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated and to situations where necessary to carry out the purposes for which district was created; providing district shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of district offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this district; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this district; providing that district is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Hubenak:

HB 1838, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution

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

Referred to Committee on Conservation and Reclamation.

SENATE BILLS ON FIRST READING

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

SB 5 to the Committee on Counties.

- SB 34 to the Committee on Counties.
- SB 149 to the Committee on Youth.
- SB 293 to the Committee on Governmental Affairs and Efficiency.
- SB 294 to the Committee on Public Education.
- SB 295 to the Committee on Public Education.
- SB 301 to the Committee on Criminal Jurisprudence.
- SB 420 to the Committee on Highways and Roads.
- SB 455 to the Committee on Public Education.
- SB 481 to the Committee on Public Education.
- SB 482 to the Committee on Criminal Jurisprudence.
- SB 596 to the Committee on Higher Education.
- SB 659 to the Committee on Parks and Wildlife.
- SB 684 to the Committee on State Affairs.
- SB 689 to the Committee on Judicial Districts.
- SB 708 to the Committee on Insurance.
- SB 718 to the Committee on Liquor Regulation.
- SB 739 to the Committee on State Affairs.
- SB 742 to the Committee on Liquor Regulation.
- SB 801 to the Committee on Governmental Affairs and Efficiency.
- SB 813 to the Committee on Counties.
- SB 879 to the Committee on State Affairs.
- SB 890 to the Committee on Public Education.
- SB 920 to the Committee on Higher Education.
- SB 924 to the Committee on Conservation and Reclamation.
- SB 928 to the Committee on Governmental Affairs and Efficiency.
- SB 927 to the Committee on Urban Affairs.
- SB 937 to the Committee on Judicial Districts.
- SB 951 to the Committee on Public Education.
- SB 963 to the Committee on Governmental Affairs and Efficiency.

 HB 186 WITH SENATE AMENDMENTS

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

HB 186, Relative to disrupting school classes or other school activities.

Representatives Patterson, B. Bass, and Ogg entered the House and were announced present.

HB 186—(Consideration continued)

On motion of Mr. Stewart, the House concurred in the Senate Amendments to HB 186 by the following vote:

Yeas—136

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

Nays—1

Moore, T.

Absent

Atwood	Nelms	Uher	Wayne
Bass, B.			

Absent-Excused

Allen, Joe	Finck	Holmes, Z.	Semos
Braun	Hannah, John	Moore, G.	

Mr. Stewart moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 186 and to table the motion to reconsider.

The motion to table prevailed.

HB 186—TEXT OF SENATE AMENDMENTS

Committee Amendment No. 1

Amend HB 186, Section 2, Subsection (a) by striking the entire Subsection and substituting in lieu thereof the following:

“(a) ‘School property’ as used herein shall include public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by a school for assemblies or other school sponsored activities.”

Committee Amendment No. 2

Amend HB 186 to strike all above the enacting clause and substitute the following:

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

Amend caption to conform to body of bill.

Representative Bowers entered the House and was announced present.

SB 11—REQUEST OF SENATE GRANTED

On motion of Mr. Heatly, the House granted the request of the Senate for the appointment of a Conference Committee on SB 11.

SB 11—MOTIONS TO INSTRUCT
HOUSE CONFERENCE COMMITTEE

Mrs. Farenthold moved to instruct the House Conferees on SB 11, as follows:

I move to instruct the Appropriation Conference Committee be strictly limited in their authority at their initial conference or any subsequent conference as follows:

1. If an item of appropriation appears in both House and Senate versions of the bill, such item must be included in the conference report.
2. If an item of appropriation appears in both House and Senate versions of the bill, and in identical amounts, no change can be made in such item or the amount thereof.
3. If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.
4. If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.
5. If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report unless legislation has passed either House of the legislature, in which case, the committee may appropriate funds contingent upon the legislation finally passing.
6. I further move to instruct the Conference Committee that in the event the Conference Committee desires to consider and take action on a specific matter or matters, which would be otherwise in violation of this instruction. Permission shall be granted only by resolution passed by a majority vote of the House with the yeas and nays to be recorded in the House Journal. Such resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered (2) specific limitation or limitations to be suspended thereby, (3) specific action contemplated by the conference committee thereon, and (4) the reason why the suspension of such limitations is being requested. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

Mr. Heatly moved to table the motion to instruct the House Conferees on SB 11.

Representative Finck entered the House and was announced present.

SB 11—MOTIONS TO INSTRUCT
HOUSE CONFERENCE COMMITTEE
(continued)

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—100

Adams	Finnell	Lewis	Salter
Allen, John	Finney	Ligarde	Sanchez
Atwell	Floyd	Lombardino	Santiesteban
Atwood	Foreman	Longoria	Schulle
Baker	Garcia	Lovell	Shannon
Beckham	Golman	McAlister	Short
Blanton	Hale	McKissack	Silber
Boyle	Harding	Moncrief	Simmons
Braecklein	Hawkins	Moore, A.	Slack
Burgess	Hawn	Murray	Slider
Bynum	Haynes	Nabers	Solomon
Carrillo	Heatly	Neugent, D.	Spurlock
Cates	Hendricks	Newton	Swanson
Cavness	Hilliard	Niland	Tarbox
Clark	Holmes, T.	Nugent, J.	Traeger
Clayton	Hubenak	Ogg	Tupper
Coats	Hull	Orr	Uher
Cobb	Ingram	Parker, C.	Von Dohlen
Cole	Johnson	Parker, W.	Ward
Cruz	Jones, D.	Pickens	Wayne
Davis, D.	Jungmichel	Poerner	Wieting
Davis, H.	Kaster	Poff	Williams
Doran	Kilpatrick	Presnal	Williamson
Doyle	Kost	Rosson	Wolff
Dramberger	Lemmon	Salem	Wyatt

Nays—38

Agnich	Craddick	Harris	Nichols
Allred	Daniel	Head	Patterson
Angly	Denton	Howard	Price
Bass, B.	Earthman	Jones, E.	Reed
Bass, T.	Farenthold	Jones, G.	Rodriguez
Blythe	Finck	Kubiak	Sherman
Bowers	Gammage	Lee	Truan
Caldwell	Grant	Mengden	Vale
Calhoun	Graves	Moore, T.	
Christian	Hanna, Joe	Moreno	

Absent

Bigham	Smith	Stewart	Stroud
Nelms			

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

Mr. Allred moved to instruct the House Conferees on SB 11, as follows:

I move that the House Conferees on the Committee Substitute for SB 11 (The Appropriations Bill) be instructed, under Rule XXIV, Section 10:

1) To post notice of all meetings at least three hours prior to the start of the meeting on the regular places provided for posting committee meetings.

2) To conduct all meetings open to the public and the press.

3) To arrange the meeting room so that the public and the press will be able to hear the proceedings.

Mr. Heatly moved to table the motion to instruct the House Conferees on SB 11.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—93

Allen, John	Hale	McKissack	Short
Atwell	Hanna, Joe	Moncrief	Simmons
Atwood	Harding	Moore, A.	Slack
Blanton	Hawkins	Murray	Slider
Boyle	Hawn	Nabers	Smith
Braecklein	Haynes	Neugent, D.	Solomon
Burgess	Heatly	Newton	Spurlock
Bynum	Hilliard	Niland	Stroud
Calhoun	Holmes, T.	Nugent, J.	Swanson
Carrillo	Hubenak	Ogg	Tarbox
Cates	Hull	Orr	Traeger
Cavness	Ingram	Parker, C.	Tupper
Clayton	Johnson	Parker, W.	Uher
Coats	Jones, D.	Pickens	Von Dohlen
Cobb	Jungmichel	Poerner	Ward
Cruz	Kaster	Poff	Wayne
Davis, D.	Kilpatrick	Presnal	Wieting
Davis, H.	Kost	Rosson	Williams
Doran	Lemmon	Salem	Williamson
Doyle	Ligarde	Salter	Wolff
Floyd	Lombardino	Sanchez	Wyatt
Foreman	Longoria	Santiesteban	
Garcia	Lovell	Schulle	
Golman	McAlister	Shannon	

Nays—47

Adams	Beckham	Cole	Finck
Agnich	Bigham	Craddick	Finnell
Allred	Blythe	Daniel	Finney
Angly	Bowers	Denton	Gammage
Baker	Caldwell	Dramberger	Grant
Bass, B.	Christian	Earthman	Graves
Bass, T.	Clark	Farenthold	Harris

Head	Lewis	Patterson	Silber
Howard	Mengden	Price	Stewart
Jones, E.	Moore, T.	Reed	Truan
Kubiak	Moreno	Rodriguez	Vale
Lee	Nichols	Sherman	

Absent

Hendricks	Jones, G.	Nelms
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Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

SB 11—APPOINTMENT OF CONFERENCE
COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 11:

Representatives Heatly, Chairman; Slack, Braecklein, Slider, and Longoria.

HCR 65—ADOPTED

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

HCR 65, Petitioning Congress to call a convention proposing an Amendment to the Constitution concerning state public schools.

A record vote was requested.

The resolution was adopted by the following vote:

Yeas—113

Adams	Christian	Golman	Jones, E.
Agnich	Clayton	Grant	Jones, G.
Allen, John	Coats	Hale	Jungmichel
Allred	Cobb	Hanna, Joe	Kilpatrick
Angly	Cole	Harding	Kost
Atwell	Craddick	Hawkins	Lee
Atwood	Daniel	Hawn	Lemmon
Baker	Davis, D.	Haynes	Ligarde
Bass, B.	Davis, H.	Head	Lombardino
Beckham	Denton	Heatly	Lovell
Blythe	Doran	Hendricks	McAlister
Bowers	Doyle	Hilliard	McKissack
Boyle	Dramberger	Holmes, T.	Mengden
Braecklein	Earthman	Howard	Moncrief
Burgess	Finck	Hubenak	Moore, A.
Bynum	Finnell	Hull	Murray
Carrillo	Floyd	Ingram	Nabers
Cates	Foreman	Johnson	Neugent, D.
Cavness	Garcia	Jones, D.	Newton

Niland	Presnal	Silber	Ward
Nugent, J.	Price	Simmons	Wayne
Ogg	Rosson	Slack	Wieting
Orr	Salem	Slider	Williams
Parker, C.	Salter	Solomon	Williamson
Parker, W.	Sanchez	Spurlock	Wolff
Patterson	Schulle	Tarbox	Wyatt
Pickens	Shannon	Traeger	
Poerner	Sherman	Tupper	
Poff	Short	Von Dohlen	

Nays—21

Bass, T.	Gammage	Moore, T.	Swanson
Bigham	Graves	Moreno	Truan
Caldwell	Harris	Nichols	Uher
Clark	Kaster	Reed	
Cruz	Kubiak	Rodriguez	
Farenthold	Lewis	Santiesteban	

Absent

Blanton	Longoria	Smith	Stroud
Calhoun	Nelms	Stewart	Vale
Finney			

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

Mr. Williamson moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

HB 930 ON PASSAGE TO ENGROSSMENT

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

HB 930, A bill to be entitled An Act relating to competitive bidding on certain contracts involving political subdivisions; declaring certain laws unaffected by this Act; and declaring an emergency.

The bill was read second time on May 6, and postponed until 11:00 a.m. today.

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

Committee Amendment No. 1

Amend HB 930, First Printing, as follows:

- (1) Delete "\$300" on line 17, page 1, and insert "\$1,000";
- (2) Delete Subsection (d) of Section 2 and insert the following:

"(d) If the contract is for the construction of public works, then the successful bidder shall give good and sufficient performance and payment bonds, executed by a surety company authorized to do business in this state in accordance with the provisions of Article 5160, Revised Civil Statutes of Texas, 1925, as amended. However, the political subdivisions, in making any contract calling for or requiring the expenditure of payment of \$1,000 or more but less than \$25,000, in lieu of the bond requirement, may provide in the contract that no money shall be paid the contractor until completion of the work and acceptance by the political subdivision."

(3) Delete Section 3 and insert the following:

"Sec. 3. Unless otherwise required, no political subdivision shall make any contract for, or engage the professional services of, any licensed physician, optometrist, surgeon, architect, attorney, certified public accountant or registered engineer, or any group or association thereof, selected on the basis of competitive bids submitted for such contract or for such services to be performed, but shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices, as long as professional fees are consistent with and not higher than the published recommended practices and fees of the various applicable professional associations and do not exceed the maximum provided by any state law."

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

Amend HB 930, as amended, Second Printing, by amending Committee Amendment No. 1, by striking "\$1,000" and inserting "\$500" on line 5, page 2.

Mr. Lombardino moved to table the above amendment offered by Mr. Kubiak.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—113

Adams	Cates	Floyd	Ingram
Agnich	Christian	Foreman	Johnson
Allen, John	Clayton	Garcia	Jones, D.
Allred	Coats	Golman	Jones, E.
Angly	Cobb	Hale	Jones, G.
Atwell	Cole	Hanna, Joe	Jungmichel
Atwood	Craddick	Harding	Kaster
Baker	Davis, D.	Hawn	Kilpatrick
Blanton	Davis, H.	Haynes	Kost
Blythe	Doran	Heatly	Lee
Bowers	Doyle	Hendricks	Lemmon
Boyle	Dramberger	Hilliard	Lewis
Braecklein	Earthman	Holmes, T.	Ligarde
Burgess	Finck	Howard	Lombardino
Bynum	Finnell	Hubenak	Longoria
Calhoun	Finney	Hull	Lovell

McAlister	Parker, W.	Short	Uher
McKissack	Pickens	Silber	Vale
Mengden	Poerner	Simmons	Von Dohlen
Moncrief	Poff	Slack	Ward
Moore, A.	Presnal	Slider	Wayne
Murray	Price	Smith	Wieting
Nabers	Rodriguez	Solomon	Williams
Neugent, D.	Salem	Spurlock	Williamson
Newton	Salter	Stewart	Wolff
Niland	Sanchez	Stroud	Wyatt
Nugent, J.	Santiesteban	Swanson	
Ogg	Schulle	Tarbox	
Orr	Shannon	Tupper	

Nays—25

Bass, B.	Clark	Harris	Parker, C.
Bass, T.	Cruz	Hawkins	Reed
Beckham	Denton	Head	Rosson
Bigham	Farenthold	Kubiak	Truan
Caldwell	Gammage	Moore, T.	
Carrillo	Grant	Moreno	
Cavness	Graves	Nichols	

Present—Not Voting

Sherman

Absent

Daniel	Nelms	Patterson	Traeger
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Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

Committee Amendment No. 1 was then adopted.

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

Committee Amendment No. 2

Amend HB 930, First Printing, by renumbering Sections 4 through 6 and inserting a new Section 4 to read as follows:

"Sec. 4. Unless otherwise provided by law, the provisions of this Act requiring competitive bidding shall not apply in situations where initiation of construction, repair, or maintenance work is necessary within 48 hours to prevent injury or possible injury to human life or welfare."

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

Amend Committee Amendment No. 2 to HB 930 by striking quoted Section 4 and substituting the following:

"Sec. 4. Unless otherwise provided by law, the provisions of this Act requiring competitive bidding shall not apply in situations where initiation of construction, repair, replacement, or maintenance work is necessary within 48 hours to prevent injury or possible injury to human life or welfare, and/or irreparable damage to crops, livestock or industry dependent upon continued service."

The amendment was adopted without objection.

Committee Amendment No. 2, as amended, was then adopted.

Mr. Lombardino offered the following amendment to the bill:

Amend HB 930 by adding the word "let" between the words "be" and "to" in section 2, subsection C.

The amendment was adopted without objection.

Mr. Braecklein offered the following amendment to the bill:

Amend HB 930, as amended, Second Printing, by striking "No" and substituting "Unless otherwise provided by law, no" on line 13, page 1, and striking "law" and substituting "this Act" on line 16, page 1.

The amendment was adopted without objection.

HB 930, as amended, was passed to engrossment.

Mr. Lombardino moved to reconsider the vote by which HB 930 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. John Allen requested to be recorded as voting Nay on the passage to engrossment of HB 930.

MESSAGE FROM THE SENATE

Austin, Texas, May 10, 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 SJR 7 by 24 Yeas, 5 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 1657 ON SECOND READING

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

HB 1657, A bill to be entitled An Act amending and reenacting Title 3, Texas Education Code, a nonsubstantive revision of the higher education laws of this state; repealing the statutes replaced by the code; and declaring an emergency.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend HB 1657, first printing, as follows:

(1) On page 22, strike "and retaining a limited membership in the retirement system" on lines 16-17, and strike "except as a limited member pursuant to Section 51.357 of this code," on lines 34-35.

(2) Strike all of Section 51.357 on page 23, renumber Section 51.358 as Section 51.357, and substitute "51.358" for "51.359" on page 24, line 25.

The amendment was adopted without objection.

Mr. Hale offered the following amendment to the bill:

Amend HB 1657, first printing, as follows:

(1) Immediately following "The University of El Paso;" on page 64, line 43, insert "The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio;"

(2) Immediately following "Houston;" on page 65, line 11, insert "The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the component institutions of The University of Texas Nursing School (System-wide); and The University of Texas School of Public Health at Houston;"

(3) On page 65, line 14, substitute "System" for "Central".

The amendment was adopted without objection.

Mr. Ogg and Mr. Atwood offered the following amendment to the bill:

Amend HB 1657, by adding a new section 2 and renumbering all subsequent sections by adding the following:

Sec. 2. This is intended as a recodification only and no substantive changes are intended by this legislation.

The amendment was adopted without objection.

Mr. Graves moved that consideration of HB 1657 be postponed until Monday, May 17, at 11:00 a.m.

Mr. Ogg moved to table the motion to postpone.

The motion to table the motion to postpone HB 1657 prevailed by the following vote:

Yeas—121

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

Nays—20

Allred	Finck	Moore, T.	Rodriguez
Bass, B.	Graves	Moreno	Silber
Bass, T.	Harris	Nichols	Uher
Bowers	Head	Patterson	Vale
Farenthold	Lovell	Reed	Wolf

Absent

Calhoun	Nelms
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Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

HB 1657, as amended, was passed to engrossment.

Mr. Hale moved to reconsider the vote by which HB 1657 passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage to engrossment of HB 1657.

HB 1657—AUTHORIZATION TO USE PRINTED BILL AS ENGROSSED BILL

Mr. Hale moved to suspend all necessary rules to authorize the Engrossing and Enrolling Clerk to use the printed copy of HB 1657, as amended, as the engrossed bill.

The motion prevailed without objection and it was so ordered..

COMMITTEE MEETING

Mr. Solomon asked unanimous consent of the House that the Committee on Banks and Banking be permitted to meet at this time.

There was no objection offered.

BILLS SIGNED BY THE SPEAKER

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

SB 111, Making it unlawful to trespass upon land belonging to another.

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

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

SB 457, Relating to the rules and regulations that the Commissioner of Agriculture may make concerning certain types of seeds.

HOUSE BILL ON FIRST READING

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

By C. Parker:

HB 1846, A bill to be entitled An Act creating and establishing a conservation and reclamation district under and essential to the purposes of

Article XVI, Section 59, of the Texas Constitution, to be known as Gulf Coast Water Control and Improvement District of Jefferson County; declaring the district a governmental agency, body politic and corporate; defining the boundaries; finding that the boundaries of the district form a closure; finding that all property within the district will be benefited thereby; conferring rights, powers, privileges, authorities, and functions upon the district; providing for continuing supervision by the state through the Texas Water Rights Commission; providing for the power to contract and making provision for such contracts; providing that taxes may be levied, collected, and pledged to support contracts to purchase water; providing that the Regional Waste Disposal Act shall be applicable; providing that no confirmation election is necessary; providing for a hearing on exclusions; providing that the district shall use the ad valorem plan of taxation; providing for addition or annexation of land; providing for the appointment, election and powers of a board of directors and related matters; providing for compliance with Section 139, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7880-139, Vernon's Texas Civil Statutes); providing for the power to borrow money, issue bonds, invest surplus funds and related matters; providing for the power of eminent domain and the district bearing the expense of relocation of certain properties and facilities; providing for the appointment of depositories and a system of accounts and an audit thereof; providing for district offices; providing that powers may be exercised within or without the district boundaries in contiguous or noncontiguous areas; providing for minimum price of bonds; providing that no general law, including Section 77b, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as added (Article 7880-77b, Vernon's Texas Civil Statutes), pertaining to dissolution shall be applicable to the district; providing for notice of elections; providing for canvassing elections; providing that the bonds of the district are eligible investments and security; providing that the Municipal Annexation Act is not applicable to the creation of the district but that Chapter 128, Acts of the 50th Legislature, 1947, as amended (Article 1182c-1, Vernon's Texas Civil Statutes), shall be applicable; finding that the requirements of Article XVI, Section 59(d), of the Texas Constitution, have been accomplished; finding that the district will be carrying out an essential public function and providing that district properties and purchases are tax-free; enacting other provisions related to the aforementioned subject; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

HB 1078—COAUTHOR OF AMENDMENT AUTHORIZED

Mr. Blythe was authorized to sign the amendment offered by Mr. Lemon to HB 1078 on third reading as coauthor thereof.

HJR 62 ON THIRD READING

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

HJR 62, Providing for garnishment of wages to effect payment of child support obligations.

The resolution was read third time.

The vote of the House was taken on the passage of HJR 62 and the vote was announced Yeas 101, Nays 42.

A verification of the vote was requested and was granted.

(Mr. Poerner in the Chair)

The roll of those voting Yea and Nay was again called and the verified vote resulted as follows:

Yeas—97

Agnich	Davis, H.	Jones, D.	Pickens
Allen, John	Denton	Jones, E.	Poerner
Allred	Doran	Jones, G.	Poff
Angly	Doyle	Jungmichel	Presnal
Atwood	Dramberger	Kost	Price
Baker	Earthman	Lea	Salter
Bass, B.	Finck	Lemmon	Schulle
Beckham	Finnell	Ligarde	Shannon
Bigham	Floyd	Lombardino	Short
Blanton	Foreman	Lovell	Silber
Blythe	Garcia	McAlister	Simmons
Bowers	Golman	McKissack	Slider
Boyle	Grant	Mengden	Solomon
Burgess	Graves	Moncrief	Tarbox
Calhoun	Hanna, Joe	Moore, A.	Traeger
Carrillo	Harding	Moore, C.	Tupper
Cates	Hawkins	Murray	Vale
Cavness	Hawn	Nabers	Von Dohlen
Christian	Haynes	Neugent, D.	Ward
Clayton	Head	Newton	Wayne
Coats	Heatly	Niland	Wieting
Cobb	Hilliard	Nugent, J.	Williamson
Cole	Holmes, T.	Ogg	
Craddick	Howard	Orr	
Davis, D.	Johnson	Parker, W.	

Nays—41

Adams	Harris	Parker, C.	Stewart
Bass, T.	Hendricks	Patterson	Stroud
Braecklein	Hubenak	Reed	Swanson
Bynum	Hull	Rodriguez	Truan
Caldwell	Kaster	Rosson	Uher
Clark	Kilpatrick	Salem	Williams
Cruz	Kubiak	Sanchez	Wolff
Daniel	Lewis	Santiesteban	Wyatt
Farenthold	Longoria	Sherman	
Gammage	Moreno	Slack	
Hale	Nichols	Spurlock	

Absent

Atwell	Ingram	Nelms	Smith
Finney			

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

The Chair stated that HJR 62 failed to pass by the above vote.

(Speaker in the Chair)

Mr. Rosson moved to reconsider the vote by which HJR 62 failed to pass.

The motion to reconsider prevailed.

HJR 62 then failed to pass by the following vote:

Yeas—99

Agnich	Craddick	Johnson	Patterson
Allen, John	Davis, D.	Jones, D.	Pickens
Allred	Davis, H.	Jones, E.	Poerner
Angly	Denton	Jones, G.	Poff
Atwell	Doran	Jungmichel	Presnal
Atwood	Doyle	Kost	Price
Baker	Dramberger	Lee	Rosson
Bass, B.	Earthman	Lemmon	Salter
Beckham	Finck	Ligarde	Schulle
Bigham	Finnell	Lombardino	Shannon
Blanton	Floyd	Lovell	Short
Blythe	Foreman	McAlister	Silber
Bowers	Garcia	McKissack	Simmons
Boyle	Golman	Mengden	Slider
Burgess	Grant	Moncrief	Solomon
Bynum	Graves	Moore, A.	Traeger
Calhoun	Hanna, Joe	Moore, T.	Tupper
Carrillo	Harding	Murray	Vale
Cates	Hawkins	Neugent, D.	Von Dohlen
Cavness	Hawn	Newton	Ward
Christian	Haynes	Niland	Wayne
Clayton	Head	Nugent, J.	Wieting
Coats	Hilliard	Ogg	Williamson
Cobb	Holmes, T.	Orr	Wolff
Cole	Howard	Parker, W.	

Nays—37

Adams	Harris	Parker, C.	Stroud
Bass, T.	Hubenak	Reed	Swanson
Braecklein	Hull	Rodriguez	Tarbox
Caldwell	Kaster	Salem	Truan
Clark	Kilpatrick	Sanchez	Uher
Cruz	Kubiak	Santiesteban	Williams
Daniel	Lewis	Sherman	Wyatt
Farenthold	Longoria	Slack	
Gammage	Moreno	Spurlock	
Hale	Nichols	Stewart	

Present—Not Voting

Nabers

Absent

Finney	Hendricks	Nelms	Smith
Heatly	Ingram		

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

PAIRED

Mr. Nabers (present), who would vote Yea, with Mr. Hendricks (absent), who would vote Nay.

HB 1435 ON SECOND READING

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

HB 1435, A bill to be entitled An Act relating to the use of county employees and equipment to construct, maintain, or improve private roads in certain counties; and declaring an emergency.

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

Yeas—98

Mr. Speaker	Finck	Ligarde	Sanchez
Adams	Finnell	Lombardino	Santiesteban
Agnich	Foreman	Longoria	Schulle
Allen, John	Garcia	Lovell	Shannon
Atwell	Golman	McAlister	Short
Baker	Grant	McKissack	Silber
Beckham	Hale	Moncrief	Simmons
Blanton	Hanna, Joe	Moore, A.	Slack
Boyle	Harding	Murray	Slider
Braecklein	Hawkins	Nabers	Solomon
Burgess	Hawn	Nelms	Spurlock
Bynum	Haynes	Neugent, D.	Stewart
Carrillo	Heatly	Newton	Stroud
Cates	Hendricks	Niland	Swanson
Christian	Hilliard	Nugent, J.	Tarbox
Clayton	Holmes, T.	Ogg	Traeger
Cobb	Hubenak	Orr	Tupper
Cole	Hull	Parker, C.	Von Dohlen
Cruz	Johnson	Parker, W.	Ward
Daniel	Jones, D.	Pickens	Wayne
Davis, D.	Jungmichel	Poerner	Wieting
Davis, H.	Kilpatrick	Poff	Williams
Doran	Kost	Presnal	Wyatt
Doyle	Lemmon	Rosson	
Dramberger	Lewis	Salem	

Nays—31

Allred	Clark	Head	Patterson
Angly	Coats	Jones, E.	Reed
Atwood	Craddick	Kaster	Rodriguez
Bass, T.	Denton	Lee	Sherman
Bigham	Earthman	Mengden	Truan
Blythe	Farenthold	Moore, T.	Vale
Bowers	Graves	Moreno	Wolff
Caldwell	Harris	Nichols	

Present—Not Voting

Bass, B.	Gammage	Kubiak	Uher
Cavness	Jones, G.	Salter	Williamson

Absent

Calhoun	Floyd	Ingram	Smith
Finney	Howard	Price	

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

Mr. Adams moved to reconsider the vote by which HB 1435 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted against HB 1435 because it allows government employees to use public equipment to construct or maintain private property.

Providing statutory approval to this type practice will lead to personal favoritism, political cronyism, individual corruption, and further diminish the people's confidence in their elected officials, and faith in representative government.

I believe this bill can be seen more and more visibly to be another law to abrogate the private enterprise system very slowly with dignity and restraint.

Signed: Walter Mengden

MESSAGE FROM THE SENATE

Austin, Texas, May 10, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

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

SCR 92, By Kothmann: Requesting the return of HB 889.

SCR 93, By Kothmann: Requesting the return of HB 976.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

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.

HB 1254 ON SECOND READING

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

HB 1254, A bill to be entitled An Act relating to the State Department of Health; providing definitions; fixing terms; providing for appointment; requiring the licensing of migrant labor camps; providing for the application, issuance, suspension, and revocation of licenses; authorizing State Board of Health to issue rules and regulations for the enforcement of this Act; providing for responsibility of employee and occupant; providing for right of entry; providing for review of decisions of State Commissioner of Health; providing penalty for violations; providing for enforcement; repealing conflicting laws; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Cruz offered the following amendments to the bill:

Amendment No. 1

Amend HB 1254, page 2, Section 5, line 30 by striking the number "18" and substituting in lieu thereof "6". (see line 36)

Amendment No. 2

Amend HB 1254, page 3, Section 11, Subsection b, line 47 by striking out the words "and other". (see line 53)

Amendment No. 3

Amend HB 1254, page 3, Section 8, by striking the words "shall use" in line 20 and substituting in lieu thereof the word "using" and by deleting the word "and" in line 21 of same section. (see lines 26 and 27)

The amendments were severally adopted without objection.

HB 1254, as amended, was passed to engrossment.

Mr. Cruz moved to reconsider the vote by which HB 1254 passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE
HB 1254 ON THIRD READING

Mr. Cruz moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1254 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—109

Adams	Davis, H.	Kilpatrick	Salter
Allen, John	Denton	Kost	Sanchez
Allred	Doyle	Lemmon	Santiesteban
Angly	Dramberger	Lewis	Schulle
Atwell	Farenthold	Ligarde	Shannon
Baker	Finnell	Lombardino	Sherman
Bass, B.	Finney	Longoria	Short
Beckham	Foreman	Lovell	Silber
Bigham	Gammage	McAlister	Slack
Blanton	Garcia	McKissack	Slider
Boyle	Golman	Moncrief	Solomon
Braecklein	Grant	Moore, A.	Spurlock
Burgess	Hale	Moore, T.	Stewart
Bynum	Hanna, Joe	Murray	Stroud
Caldwell	Harding	Nelms	Swanson
Calhoun	Harris	Neugent, D.	Tarbox
Carrillo	Hawkins	Newton	Truan
Cates	Haynes	Nichols	Tupper
Cavness	Head	Niland	Uher
Christian	Heatly	Ogg	Von Dohlen
Clark	Hendricks	Orr	Ward
Clayton	Hilliard	Parker, C.	Wayne
Coats	Holmes, T.	Parker, W.	Wieting
Cobb	Howard	Poff	Williams
Cole	Hubenak	Presnal	Wyatt
Craddick	Hull	Price	
Cruz	Johnson	Rodriguez	
Daniel	Jungmichel	Salem	

Nays—32

Agnich	Finck	Kubiak	Poerner
Atwood	Floyd	Lee	Reed
Bass, T.	Graves	Mengden	Rosson
Blythe	Hawn	Moreno	Simmons
Bowers	Jones, D.	Nabers	Traeger
Davis, D.	Jones, E.	Nugent, J.	Vale
Doran	Jones, G.	Patterson	Williamson
Earthman	Kaster	Pickens	Wolff

Absent

Ingram Smith

Absent-Excused

Allen, Joe Hannah, John Moore, G. Semos
Braun Holmes, Z.

RECESS

Mr. Sherman moved that the House recess until 3:00 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:50 p.m., recessed until 3:00 p.m. today.

AFTERNOON SESSION

The House met at 3:00 p.m. and was called to order by the Speaker.

INTRODUCTION OF HB 1847

Mr. Kost and Mr. Lombardino asked unanimous consent to introduce and have placed on first reading HB 1847.

There was no objection offered.

SCR 92—ADOPTED
(Mr. Finck—House Sponsor)

(Requesting the House to return HB 889 to the Senate)

The Speaker laid before the House the following resolution:

SCR 92

Whereas, HB 889 has been passed by the Senate and is now in the House, and there are certain corrections to be made therein; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the House is hereby respectfully requested to return HB 889 to the Senate for further consideration.

The resolution was adopted without objection.

SCR 93—ADOPTED
(Mr. Finck—House Sponsor)

(Requesting the House to return HB 976 to the Senate)

The Speaker laid before the House the following resolution:

SCR 93

Whereas, HB 976 has been passed by the Senate and is now in the House, and there are certain corrections to be made therein; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the House is hereby respectfully requested to return HB 976 to the Senate for further consideration.

The resolution was adopted without objection.

HB 749 ON SECOND READING

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

HB 749, A bill to be entitled An Act amending Chapter 494, Section 1, Acts of the 58th Legislature, Regular Session, 1963, as amended by Chapter 137, Section 1, and by Chapter 138, Section 1, Acts of the 61st Legislature, Regular Session, 1969, (compiled as Article 4582b of Vernon's Texas Civil Statutes) regulating the professions of funeral directing and embalming and the conduct of funeral establishments; providing a severability clause; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 749 in the following manner:

Add the following after the sentence ending with the word "structures" on line 48, page 1, First Printing, of the bill to read, as follows:

"The placing by any such chemicals or substances on or in a dead human body by any person who is not a licensed embalmer shall be deemed a violation of this Act, provided that this shall not apply to a registered apprentice working under the supervision of a licensed embalmer. All persons who are engaged in the business of embalming or who profess to be engaged in such business, or hold themselves out to the public as embalmers, shall be licensed embalmers."

Also change the period after the word "public" on line 46, page 2, of the First Printing, to a comma and add the following:

"and shall otherwise meet the requirements of a licensed embalmer as provided in Section 3 of this Act."

Also strike lines 53, 54 and 55 on page 10 of the first printing and add the following in lieu thereof:

"17. Conviction by the Board, after a hearing as provided in this Act, of fraud or other similar deception against the public."

Also add a new subparagraph (e) under Section 4, paragraph D1, following subparagraph (d) on line 35 to read, as follows:

"(e). Failure by the Funeral Director in Charge to provide licensed personnel for attendance, direction, or personal supervision for a 'first call' as that term is defined in this Act."

Also delete the word "termination" on line 2, page 16, of the First Printing, and substitute in lieu thereof the word "determination".

The committee amendment was adopted without objection.

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

Committee Amendment No. 2

Amend HB 749 by striking the paragraph A, Section 2 starting on page 2 of the First Printing and substitute the following:

"A. There is hereby created the State Board of Morticians, with offices located in Austin, Texas, consisting of nine (9) members who shall be citizens of the United States and residents of the State of Texas. The members of said Board shall be appointed by the Governor, by and with the consent of the Senate as here provided:

(1) Three (3) members shall be licensed Funeral Directors (and may also be licensed Embalmers) and shall be either owners of funeral establishments or Funeral Directors In Charge of funeral establishments. Each shall have a minimum of ten (10) years, consecutively, of such experience in this state immediately preceding appointment.

(2) Three (3) members shall be licensed Embalmers (and may also be licensed Funeral Directors) and shall be employees of funeral establishments and are not owners or Funeral Directors In Charge of funeral establishments. Each shall have a minimum of five (5) years, consecutively, of such experience immediately preceding appointment.

(3) Three (3) members shall represent the general public and shall specifically have no financial or other interest in any funeral establishment in any state including Texas. It shall be, among other duties assigned Board Members by this Act, the specific duty of these three (3) members to insure that the public is adequately protected in its dealing with funeral establishments in this state. They may make recommendations to the Board and/or the Legislature to insure the carrying out of this duty.

All shall serve for a term of six (6) years, except that as the present members of the Board term expires they shall be replaced with newly required members until the makeup of the Board is achieved as required by this Act as follows:

Those present members whose term expire in 1971 shall be replaced with two (2) Licensed Embalmers as required in subparagraph (2) above, one of whose term shall expire in 1973 and the other whose term shall expire in 1975; and three (3) laymen as required in subparagraph (3) above, one of whose term shall expire in 1973, one of whose term shall expire in 1975, and one whose term shall expire in 1977.

Those present members whose term expire in 1973 shall be replaced with one Licensed Funeral Director as required in subparagraph (1) above, whose term shall expire in 1977; one Licensed Embalmer as required in subparagraph (2) above, whose term shall expire in 1977.

Those present members whose term expire in 1975 shall be replaced with two (2) Licensed Funeral Directors as required in subparagraph (1) above, one of whose term shall expire in 1979, and one whose term shall expire in 1981.

Each member shall be subject to removal by the Governor for neglect of duty, incompetence, or fraudulent or dishonest conduct. The Governor shall remove from the Board any member required to be licensed to practice funeral directing and/or embalming whose license has been voided, revoked, or suspended. The Governor, in appointing members to the Board, shall designate their terms after the original Board has been replaced as provided above, so that three (3) places on the Board, one (1) from each category, shall become vacant each two (2) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor for the unexpired term. No member of the Board shall be appointed for more than two (2) terms of service."

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

Amend Committee Amendment No. 2 to HB 749, Second Printing, Page 18, Line 13, by changing the period after the word "Texas" to a semicolon and adding the following between the words "Texas" and "It":

"nor shall any member of their immediate family have any financial or other interest in any funeral establishment in any state including Texas."

The above amendment was adopted without objection.

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

Mr. Kaster offered the following amendment to the bill:

Amend HB 749, Second Printing, Section 4, Page 15, Line 16 by adding the new following Section 4A:

"Sec. 4A. In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act."

(Mr. Jungmichel in the Chair)

Mr. Pickens moved to table the above amendment offered by Mr. Kaster.

The motion to table was lost.

The vote of the House was taken on the adoption of the amendment by Mr. Kaster and the vote was announced Yeas 66, Nays 66 and 2 Present—Not Voting.

A verification of the vote was requested and was granted.

The roll of those voting Yea and Nay was again called and the verified vote resulted as follows:

Yeas—62

Agnich	Graves	Longoria	Silber
Allred	Hale	Lovell	Simmons
Baker	Hanna, Joe	Moncrief	Slack
Bass, T.	Harding	Moore, T.	Spurlock
Bigham	Harris	Moreno	Stewart
Caldwell	Hawkins	Newton	Stroud
Clark	Head	Nichols	Swanson
Cobb	Holmes, T.	Patterson	Tarbox
Cole	Howard	Price	Truan
Denton	Hull	Reed	Tupper
Dramberger	Kaster	Rodriguez	Uher
Farenthold	Kilpatrick	Rosson	Vale
Finnell	Kost	Salem	Williamson
Finney	Kubiak	Salter	Wolff
Gammage	Lemmon	Santiesteban	
Grant	Lewis	Sherman	

Nays—64

Adams	Christian	Heatly	Ogg
Allen, John	Clayton	Hendricks	Parker, C.
Angly	Coats	Hilliard	Pickens
Bass, B.	Craddick	Hubenak	Poerner
Beckham	Cruz	Johnson	Poff
Blanton	Daniel	Jones, D.	Presnal
Blythe	Davis, D.	Jones, E.	Sanchez
Bowers	Davis, H.	Jones, G.	Schulle
Boyle	Doran	Jungmichel	Shannon
Braecklein	Doyle	Lombardino	Short
Burgess	Finck	Moore, A.	Slider
Bynum	Foreman	Murray	Traeger
Calhoun	Garcia	Nabers	Von Dohlen
Carrillo	Golman	Nelms	Ward
Cates	Hawn	Neugent, D.	Wieting
Cavness	Haynes	Nugent, J.	Williams

Present—Not Voting

Atwood Earthman

Absent

Atwell	Ligarde	Niland	Solomon
Floyd	McAlister	Orr	Wayne
Ingram	McKissack	Parker, W.	Wyatt
Lee	Mengden	Smith	

Absent-Excused

Allen, Joe	Hannah, John	Moore, G.	Semos
Braun	Holmes, Z.		

(Speaker in the Chair)

The Speaker stated that the amendment by Mr. Kaster failed of adoption by the above vote.

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

Committee Amendment No. 3

Amend the caption of HB 749 to allow the Engrossing Clerk to change the caption to conform to the body of the bill.

The committee amendment was adopted without objection.

HB 749, as amended, was passed to engrossment.

Mr. Pickens moved to reconsider the vote by which HB 749 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Mr. Rosson and Mr. Patterson requested to be recorded as voting Nay on the passage to engrossment of HB 749.

MESSAGE FROM THE SENATE

Austin, Texas, May 10, 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 572, By Moore: Relating to age requirements for retirement of judges (Section 2, Article 6228b, Title 109, Vernon's Texas Civil Statutes), by adding a new Subsection (d), to read in part as follows, "any person qualified for retirement pay under this Act, shall after attaining the age of sixty (60) years, be qualified for retirement but shall receive reduced benefits from age sixty-five (65) years for early retirement"; and declaring an emergency.

SB 639, By Moore: Relating to the denial, refusal, suspension, or revocation of the licenses of certain insurance agents; and declaring an emergency.

SB 933, By Schwartz, et al: Prohibiting the issuance of licenses or permits to sell or serve alcoholic beverages if establishment is located on a public beach; and declaring an emergency.

SB 958, By McKool: Changing the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities; modifying the powers and duties of the Commission in accordance with the change in name; and declaring an emergency.

SB 961, By Bates: Validating certain actions of the Railroad Commission relating to the transportation of agricultural products in their natural state; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

LEAVES OF ABSENCE GRANTED

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

Mr. Atwell on motion of Mr. Hawn.

Mr. Ingram on motion of Mr. Burgess.

Mr. Walt Parker on motion of Mr. Dramberger.

BILLS SIGNED BY THE SPEAKER

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

HB 30, Creating the Texas Outstanding Service Medal for extraordinary service by any member of the state military forces.

HB 58, Establishing a permit system for mass gatherings outside city limits.

HB 104, Allowing temporary registration of out-of-state motor vehicles used in certain movement of farm products.

HB 217, Concerning Herbicide Control Act.

HB 352, Raising salary of the Judge of the Brazoria County Court of Domestic Relations.

HB 403, Changing names of certain state tuberculosis hospitals.

HB 476, Relating to method of calculating state allotments to school districts.

HB 572, Relating to salary of Judge of County Court of Jefferson County at Law No. 2.

HB 573, Relating to the salary of Judge of the County Court at Law of Jefferson County.

HB 574, Relating to the salary of Criminal District Attorney for Jefferson County.

HB 667, Relating to compensation of members and clerk of the Victoria County Juvenile Board.

HB 718, Authorizing the commissioners court of Val Verde County to adopt zoning regulations for certain portions of the county frequented by citizens from all parts of this state.

HB 786, Providing for the creation of a hospital district over all of Commissioners Precinct No. 3 of Randall County.

HB 803, Setting salaries of county school superintendent's assistant in counties of 260,000 to 325,000 population.

HB 1035, Regulating operation of the Gulf Coast Waste Disposal Authority.

HB 1190, Eliminating the requirement for a certification on the invoice by the contractor or seller and requiring that such invoice be tendered in accordance with certain rules.

HB 1201, Constituting a local law for the maintenance of the public roads and highways in Bowie County by certain means.

HB 1259, Relating to raising maintenance tax in certain common school districts.

HB 1563, Authorizing Revolving Petty Cash Fund for Parks and Wildlife Department.

HB 1598, Relating to number and terms of office of members of the Hondo Creek Watershed Improvement District.

HB 1628, Making the provisions of the Uniform Wildlife Regulatory Act applicable to all wildlife resources in Live Oak County.

HB 415 ON SECOND READING

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

HB 415, A bill to be entitled An Act relating to the penalty for driving while license is suspended, cancelled, or revoked; amending Section 34, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

(Mr. Haynes in the Chair)

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

Mr. Orr moved to reconsider the vote by which HB 415 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Truan requested to be recorded as voting Nay on the passage to engrossment of HB 415.

HB 339 ON SECOND READING

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

HB 339, A bill to be entitled An Act relating to the creation, organization, operation, powers, and duties of a business development corporation; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 339 by striking all below the enacting clause and substituting the following:

Section 1. Definitions. In this Act, unless the context requires a different definition:

(1) "Corporation" means a business development corporation created under the terms of this Act.

(2) "Board of directors" means the board of directors of a business development corporation.

(3) "Financial institution" means any banking corporation or trust company, building and loan association, governmental agency, insurance company, or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(4) "Member" means any financial institution authorized to do business in this state which shall undertake to lend money to a corporation created under the terms of this Act.

(5) "Loan limit" means the maximum amount permitted to be outstanding at one time on loans by a member to a business development corporation.

Sec. 2. Incorporation. (a) Subject to the provisions of the Texas Securities Act, 25 or more persons, a majority of whom shall be residents of this state, may form a business development corporation for the purpose of promoting, developing, and advancing the prosperity and economic welfare of this state.

(b) The corporation may be organized either as a profit making corporation under the Texas Business Corporation Act, or as a nonprofit corporation under the Texas Non-Profit Corporation Act.

(c) The articles of incorporation shall set forth:

(1) the name of the corporation, which shall include the words "Business Development Corporation";

(2) the purpose or purposes for which the corporation is organized, which shall include the following:

"The purposes of the corporation shall be to promote, stimulate, develop, and advance the business prosperity and economic welfare of this state and its citizens; to encourage and assist through loans, investments, or other business transactions, in the location of new business and industry in this state and to rehabilitate and assist existing industry; and so to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state"; and

(3) any other information required by the Texas Business Corporation Act, if the corporation is organized as a profit making corporation, or by the Texas Non-Profit Corporation Act, if the corporation is organized as a nonprofit corporation.

Sec. 3. Powers. (a) In addition to the powers conferred on business corporations generally by the Texas Business Corporation Act, or if the corporation is organized as a nonprofit corporation, by the Texas Non-Profit Corporation Act, the corporation has the following powers:

(1) to elect, appoint, and employ officers, agents, and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(2) to borrow money on a secured or unsecured basis to carry out any of the purposes of the corporation; to issue therefor its bonds, debentures, notes, or other evidence of indebtedness, whether secured or unsecured, and to secure any evidence of indebtedness by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, without securing stockholder or member approval;

(3) to make secured or unsecured loans and to establish and regulate the terms and conditions of these loans and the charges for interest or service connected therewith; however, the corporation shall not approve any application for a loan unless and until the person applying for the loan demonstrates that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least two banks or other financial institutions; it is the intention of the Legislature not to take from the lending institutions of this state any loans desired by these institutions generally in the course of their business;

(4) to purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property,

together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations;

(5) to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;

(6) to protect its position as creditor by acquiring the goodwill, business, rights, real and personal property including stock, shares, bonds, debentures, notes, and other evidences of indebtedness, and other assets or any part thereof or interest therein, of any persons, firms, corporations, joint-stock companies, associations, or trusts to whom or to which the corporation has loaned money, and to assume, undertake, or pay the obligations, debts, and liabilities of any such person, firm, corporation, joint-stock company, or trust;

(7) to mortgage, pledge, or otherwise encumber any property, right, or thing of value, acquired pursuant to the powers contained in paragraphs (4), (5), or (6), as security for the payment of any part of the purchase price thereof;

(8) to promote the establishment of local development corporations in the various communities of this state; to enter into agreements with them; and to cooperate with, assist, and otherwise encourage such local foundations;

(9) to participate with any duly authorized federal lending agency in the making of loans.

(10) Any corporation organized under the provisions of this Act shall be a state development company as defined in the Small Business Investment Act of 1968, as amended, Public Law 85-699, 85th Cong., or any other similar Federal legislation, and shall be authorized to operate on a statewide basis.

Sec. 4. Participation. All natural persons and corporations authorized to conduct business in this state, including without any implied limitation public utility companies, insurance and casualty companies, and foreign corporations licensed to do business in this state, and all trusts, may acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of capital stock of, the corporation, and while owners of the stock, may exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

Sec. 5. Membership. (a) Any financial institution may become a member of the corporation and may make loans to the corporation as provided by this Act.

(b) Any financial institution may request membership in the corporation by making application to the board of directors in a manner prescribed

by the board of directors, and membership shall be effective upon acceptance of the application by the board of directors.

(c) Any financial institution which becomes a member of the corporation may acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owner of the stock may exercise all the rights, powers, and privileges of ownership, including the right to vote thereon. However, no member may acquire capital stock in an amount greater than 10 percent of the loan limit of that member. The amount of capital stock of the corporation which a member may acquire is in addition to the amount of capital stock in corporations which the member may otherwise acquire.

(d) A financial institution which is not a member of the corporation may not acquire any shares of the capital stock of the corporation.

Sec. 6. Loans to the Corporation. (a) Each member of the corporation shall make loans to the corporation when called upon by it to do so on such terms and conditions as shall be approved from time to time by the board of directors.

(b) All loan limits shall be established at the thousand-dollar amount nearest to the amount computed in accordance with the provisions of this section.

(c) No loan to the corporation may be made if immediately thereafter the total amount of the obligations of the corporation would exceed 50 times the capital of the corporation. For the purposes of this subsection, the capital of the corporation includes the amount of the outstanding capital stock of the corporation, whether common or preferred, and the earned or paid-in surplus of the corporation.

(d) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by the member, shall not exceed:

(1) twenty percent of the total amount then outstanding on loans to the corporation by all members, including outstanding amounts validly called for loan but not yet loaned;

(2) the following limit, to be determined as of the time such member becomes a member or at any time requested by a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the State Board of Insurance: an amount of two percent of the capital and surplus of commercial banks and trust companies or \$750,000, whichever is the lesser amount; an amount of one percent of the total outstanding loans made by a building and loan or savings and loan association; an amount of one percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; an amount of one percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; an amount of one-tenth of one percent of the assets of fire insurance companies; and

such limits as may be approved by the board of directors of the corporation for any government pension fund or for other financial institutions.

(e) Subject to Subsection (d) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(f) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

Sec. 7. Withdrawal. Upon written notice to the board of directors six months in advance, a member may withdraw from the corporation at the expiration date of the notice. A member is not obligated to make any loans to the corporation pursuant to calls made subsequent to the expiration date, but a member shall fulfill any obligations which have accrued or for which commitments have been made before the expiration date.

Sec. 8. Powers of Members and Stockholders; Voting. (a) The stockholders and the members of the corporation shall have the following powers:

(1) to determine the number of and elect the directors as provided by Section 9 of this Act;

(2) to make, amend, and repeal bylaws of the corporation; and

(3) to exercise any other powers of the corporation which may be conferred on the stockholders and the members by the bylaws.

(b) Each stockholder has one vote, in person or by proxy, for each share of capital stock held by the stockholder, and each member has one vote, in person or by proxy; however, any member with a loan limit greater than \$1,000 has one additional vote, in person or by proxy, for each additional \$1,000 which the member may have outstanding on loans to the corporation at any one time as determined under the provisions of Section 6 of this Act.

Sec. 9. Officers and Directors. (a) The organization, control, and management of the corporation are vested in a board of not less than 15 nor more than 21 directors.

(b) The board of directors may exercise all the powers of the corporation except those conferred upon the stockholders or members by law or by the bylaws of the corporation.

(c) The board of directors shall choose and appoint a president, a treasurer, and all other agents and officers of the corporation and shall fill all

vacancies except vacancies in the board of directors, which shall be filled as provided by Subsection (g) of this section.

(d) The board of directors shall be named in the first instance by the incorporators and shall be elected thereafter at each annual meeting of the corporation, or if no annual meeting is held at the time fixed by the bylaws, at a special meeting held in lieu of the annual meeting.

(e) At any annual meeting or special meeting held in lieu of the annual meeting, the members of the corporation shall elect two-thirds of the directors, and the stockholders shall elect the remaining directors.

(f) The directors shall hold office until the next annual meeting or special meeting of the corporation held in lieu of the annual meeting after their election and until their successors are elected and have qualified, unless sooner removed in accordance with the provisions of the bylaws.

(g) Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Sec. 10. Surplus. (a) The corporation shall set apart as earned surplus not less than 10 percent of its net earnings each year, until such surplus, with any unimpaired surplus paid in, is equal to one-half of the amount paid in on the capital stock then outstanding. The surplus shall be kept to secure against losses and contingencies, and whenever it becomes impaired, it shall be reimbursed in the manner provided for its accumulation.

(b) Net earnings and surplus shall be determined by the board of directors after providing for the required reserves as the directors deem advisable, and the determination of the directors made in good faith shall be conclusive on all persons.

Sec. 11. Depositories. (a) The corporation may deposit any of its funds in any banking institution which has been designated as a depository by a vote of the majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

(b) The corporation may not receive money on deposit.

Sec. 12. Report of Condition. The corporation shall make annual reports of its condition to the banking commissioner and the State Board of Insurance, and the corporation shall furnish any information which may from time to time be required by the secretary of state.

Sec. 13. Emergency. 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.

(Speaker in the Chair)

Committee Amendment No. 1 to HB 339 was adopted.

HB 339, as amended, was passed to engrossment.

Mr. Finney moved to reconsider the vote by which HB 339 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 339.

Representative Griffith Moore entered the House and was announced present.

HB 416 ON SECOND READING

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

HB 416, A bill to be entitled An Act to be known as the "Texas Pawnshop Act", providing definitions, requiring licensing and establishing requirements for licenses, setting license fees, providing for revocation, suspension, surrender and reinstatement of licenses upon certain conditions, providing for examinations, specifying books and records to be kept and authorizing the issuance of regulations, setting documentation requirements, eliminating pledgors' liability, limiting charges, establishing a right to redeem and a minimum redemption period, creating a presumption upon delivery of pawn tickets, providing for lost or destroyed pawn tickets, prohibiting certain practices, establishing penalties and providing for administrative enforcement thereof, repealing inconsistent provisions, providing severability; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 416 by striking all below the enacting clause and substituting therefor the following:

Section 1. Short Title

This Act shall be known and may be cited as the "Texas Pawnshop Act".

Section 2. Definitions

The following definitions apply where such words appear in this Act:

(a) "Person"—means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

(b) "Pawnbroker"—means any person engaged in the business of lending money on the security of pledged goods; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

(c) "Pledged goods"—means tangible personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

(d) "Pawnshop"—means the location at which or premises in which a pawnbroker regularly conducts business.

(e) "Month"—means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth of a month.

(f) "Commissioner"—means the Consumer Credit Commissioner as defined in Art. 2.01 (1) of Chapter 274, Acts of 60th Legislature, Regular Session, 1967, codified as Art. 5069-2.01(1) V.T.C.S., or his successor.

Section 3. License Required

No person shall engage in business as a pawnbroker without first obtaining a license from the Commissioner specifically authorizing engagement in such business.

Section 4. Application for Pawnshop License—Contents, Bond, Statutory Agents, Minimum Assets

(a) Applications for a pawnshop license shall be under oath, shall state the full name and place of residence of the applicant, or, if the applicant be a partnership, of each member thereof, or, if the applicant be a corporation, of each officer or major stockholder thereof, shall state the place where the business is to be conducted and shall state such other relevant information as the Commissioner may require. A separate license is required for each place of business operated under this Act.

(b) Each applicant for a pawnshop license at the time of filing application shall file with the Commissioner, if he so requires, a bond satisfactory to him and in an amount not to exceed Five Thousand Dollars for each license with a surety company qualified to do business in this State. The aggregate liability of such surety shall not exceed the amount stated in the bond. The said bond shall run to the State for the use of the State and of any person or persons whom may have a cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned that the obligor will comply with the provisions of this Act and of all rules and regulations lawfully made by the Commissioner hereunder, and will pay to the State and to any such person or persons any

and all amounts of money that may become due or owing to the State or to such person or persons from said obligor under and by virtue of the provisions of this Act during the time such bond is in effect.

(c) Each licensee shall maintain on file with the Commissioner a written appointment of a resident of this State as his agent for service of all judicial or other process or legal notice, unless the licensee has appointed an agent under another statute of this State. In case of non-compliance, such service may be made on the Commissioner.

(d) Each licensee shall maintain net assets of at least Twenty-five Thousand Dollars, either used or readily available for use in the conduct of the business of each licensed pawnshop.

Section 5. Issuance or Denial of License; Fees

(a) On filing of such application, bond, proof of insurance and payment of the annual license fee and an investigation fee of Two Hundred Dollars, the Commissioner shall investigate the facts and if he finds the financial responsibility, experience, character and general fitness of the applicant are such as to warrant belief that the business will be operated lawfully and fairly, within the purposes of this Act, he shall grant such application and issue to the applicant a license which will evidence his authority to do business under the provisions of this Act. Provided, that if a license is granted pursuant to an application filed after June 30 of any year, the license fee for the balance of such year shall be Fifty Dollars.

(b) If the Commissioner does not so find, he shall notify the applicant, who shall, on request within thirty days, be entitled to a hearing on such application within sixty days after the date of said request. The investigation fee shall be retained by the Commissioner, but the annual fee shall be returned to the applicant in the event of denial.

(c) The Commissioner shall grant or deny each application for a license within sixty days from its filing with the required fees, or, from the hearing thereon, if any, unless the period is extended by written agreement between the applicant and the Commissioner.

(d) Provided, that within sixty days after the effective date of this Act, any person licensed to do business under Art. 5069-3.01, et seq., V.T.C.S., Chapter 3 of Subtitle 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, also known as the Texas Credit Code, upon surrender of such license and the payment of a transfer fee not to exceed Five Dollars, shall be issued a license under the provisions of this Act for the same place of business, or, alternatively, any such person may retain the license to do business under Chapter 3 of the Texas Credit Code and shall be issued a license under the provisions of this Act for the same place of business upon payment of a transfer fee not to exceed Twenty-five Dollars and there shall be no annual fee for the license issued under the provisions of this Act so long as the license to do business under Chapter 3 of the Texas Credit Code is retained and annually renewed by the licensee and so long as business is conducted pursuant to both such licenses at one common place of business. In neither case shall the minimum assets requirement apply to the license issued under this Act, so long as such license is held by the original licensee or his heirs.

Section 6. Effect of License; Annual Fee

(a) Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license. The license shall not be transferable or assignable except upon approval by the Commissioner.

(b) A separate license shall be required for each pawnshop operator under this Act. The Commissioner may issue more than one license to any one person upon compliance with the provisions of this Act as to each license. When a licensee wishes to move his pawnshop to another location, he shall give thirty days' written notice to the Commissioner, who shall amend the license accordingly.

(c) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each December 1st, shall pay the Commissioner One Hundred Dollars for each license held by him as the annual fees for the succeeding calendar year. If the annual fee remains unpaid fifteen days after written notice of delinquency has been given to the licensee by the Commissioner, the license shall thereupon expire, but not before December 31st of any year for which an annual fee has been paid.

Section 7. Revocation, Suspension, Surrender, Reinstatement of Licenses

(a) The Commissioner may, after notice and hearing, suspend or revoke any license if he finds that:

(1) The licensee has failed to pay any fee or charge properly imposed by the Commissioner under the authority of this Act, or that

(2) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

(3) Any fact or condition exists which, if it has existed or had been known to exist at the time of the original application for such license, clearly would have justified the Commissioner in refusing to issue such license.

(b) The hearing shall be held upon twenty days' notice in writing, setting forth the time and place thereof and a concise statement of the facts alleged to warrant suspension or revocation and its effective date shall be set forth in a written order accompanied by findings of fact and a copy thereof shall be forthwith delivered to the licensee. Such order, findings, and the evidence considered by the Commissioner shall be filed with the public records of the Commissioner.

(c) Any licensee may surrender any license by delivering it to the Commissioner with written notice of its surrender, but such surrender shall not affect the licensee's civil or criminal liability for acts committed prior thereto.

(d) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any pledgor.

(e) The Commissioner may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the Commissioner in refusing originally to issue such license under this Act.

(f) On application of any person and payment of the cost thereof, the Commissioner shall furnish under his seal and signature a certificate of good standing or a certified copy of any license.

Section 8. Examinations

At such times as the Commissioner may deem necessary, the Commissioner, or his duly authorized representative, may make an examination of the place of business of each licensee and may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this Act. Such books, accounts, papers, correspondence and records shall also be open for inspection at any reasonable time by any peace officer, without need of judicial writ or other process. In the course of an examination, the Commissioner or his duly authorized representative shall have free access to the office, place of business, files, safes, and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records. The Commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Commissioner is authorized or required by this Act to consider, investigate, or secure information. Any licensee who fails or refuses to let the Commissioner or his duly authorized representative or any peace officer examine or make copies of such books, or other relevant documents shall thereby be deemed in violation of this Act and such failure or refusal shall constitute grounds for the suspension or revocation of such license. The information obtained in the course of any examination or inspection shall be confidential and privileged, except for use in a criminal investigation or prosecution. Each licensee shall pay to the Commissioner an amount assessed by the Commissioner to cover the cost of such examinations, not to exceed Two Hundred Fifty Dollars in any calendar year, and in the event a licensee hereunder is also licensed to do business under Chapter 3 of the Texas Credit Code, Chapter 3 of Subtitle 2, Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, in the same place of business licensed hereunder, the aggregate charges for examinations authorized by the said Chapter 3 of the Texas Credit Code and by this Act shall not exceed Two Hundred Fifty Dollars in any calendar year.

Section 9. Form of Books and Records; Regulations

(a) Each licensee shall keep, consistent with accepted accounting practices, adequate books and records relating to the licensee's pawn transactions, which books and records shall be preserved for a period of at least two years from the date of the last transaction recorded therein.

(b) The Commissioner may make regulations necessary for the enforcement of this Act and consistent with all its provisions. Before making a regulation the Commissioner shall give each licensee at least thirty days' written notice of a public hearing, stating the time and place thereof and the terms or substance of the proposed regulation. At the hearing, any licensee or other person may be heard and may introduce

evidence, data, or arguments or place the same on file. The Commissioner, after consideration of all relevant matters presented, shall adopt and promulgate every regulation in written form, stating the date of adoption and date of promulgation. Each regulation shall be entered in a permanent record book which shall be a public record and be kept in the Commissioner's office. A copy of every regulation shall be mailed to each licensee, and no regulation shall become effective until the expiration of at least twenty days after such mailing. On the application of any person and payment of the cost thereof, the Commissioner shall furnish such person a certified copy of any such regulation.

Section 10. Pawn Ticket

The pawnbroker, at the time the pawn transaction is entered, shall deliver to the pledgor a memorandum or ticket on which shall be clearly set forth the following:

- (a) The name and address of the pawnshop;
- (b) The name and address of the pledgor and pledgor's description or the distinctive number from pledgor's driver's license or military identification;
- (c) The date of the transaction;
- (d) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (e) The amount of cash advanced or credit extended to the pledgor, designated as the "Amount Financed";
- (f) The amount of the pawn service charge, designated as the "Finance Charge";
- (g) The total amount (the Amount Financed plus the Finance Charge) which must be paid to redeem the pledged goods on the maturity date, designated as the "Total of Payments";
- (h) The "Annual Percentage Rate", computed in accordance with the regulations issued by the Federal Reserve Board of the United States pursuant to the Truth-in-Lending Act, Title I, Act of May 29, 1968, Public Law 90-321, 82 Stat. 146, as amended;
- (i) The maturity date of the pawn transaction;
- (j) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

Section 11. Pledgor's Liability Prohibited

A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.

Section 12. Pawn Service Charge

No pawnbroker may contract for, charge or receive any amount as a charge for credit in connection with a pawn transaction other than a pawn service charge, and no pawn service charge may exceed the charge disclosed in the pawn ticket or other memorandum delivered to the pledgor. The pawn service charge may not exceed an amount equal to twenty percent of any amount of Thirty Dollars or less financed for one month, fifteen percent of any amount greater than Thirty Dollars but not in excess of One Hundred Dollars financed for one month, ten percent of any amount in excess of One Hundred Dollars and not in excess of Three Hundred Dollars financed for one month, and five percent of any amount in excess of Three Hundred Dollars financed for one month, with proportionate adjustment for lesser periods of time. In the event pawned merchandise is redeemed by the pledgor prior to the maturity date of the pawn transaction, that portion of the pawn service charge in excess of Fifteen Dollars shall be reduced by an amount equal to one-thirtieth of the total pawn service charge for each day between the day on which redemption occurs and the original maturity date. The maturity date of any pawn transaction may be changed to a subsequent date by agreement between the pledgor and the pawnbroker evidenced by a written memorandum, a copy of which shall be supplied the pledgor, which shall clearly set out the new redemption date and any additional pawn service charge to be paid. No pawnbroker shall separate or divide a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn service charge in excess of that authorized for an amount financed equal to the total of the amounts financed in the resulting transactions.

Section 13. Unredeemed Pledged Goods

Pledged goods not redeemed by the pledgor on or before the date fixed and set out in the pawn ticket issued in connection with any transaction shall be held by the pawnbroker for at least sixty days following such date, and may be redeemed by the pledgor within such period by the payment of the originally agreed redemption price, and the payment of an additional pawn service charge equal to one-thirtieth of the original monthly pawn service charge for each day following the original maturity date including the day on which the pledged goods are finally redeemed. Pledged goods not redeemed within sixty days following the originally fixed maturity date may thereafter, at the option of the pawnbroker be forfeited and become the property of the pawnbroker.

Section 14. Presentation of Ticket; Presumption

Except as otherwise provided by this Act, any person properly identifying himself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

Section 15. Lost or Destroyed Ticket

If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make affidavit of the loss, destruction or theft of the ticket.

Section 16. Prohibited Practices

A pawnbroker shall not:

- (a) Accept a pledge from a person under the age of eighteen years.
- (b) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction.
- (c) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Act.
- (d) Fail to exercise reasonable care to protect pledged goods from loss or damage.
- (e) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction.
- (f) Make any charge for insurance in connection with a pawn transaction.
- (g) Enter any pawn transaction which has a maturity date more than one month after the date of the transaction.

Section 17. Penalties and Administrative Enforcement

(a) Any person who engages in the business of operating a pawnshop without first securing the license prescribed by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not in excess of One Thousand Dollars or by confinement in the county jail for not more than six months, or both.

(b) Any licensee who violates this Act by contracting for, charging or receiving a pawn service charge in excess of that authorized by this Act or by failing to perform any duty imposed herein or by the commission of any act or practice herein prohibited shall forfeit the right to collect twice the amount of the pawn service charge contracted for in the pawn transaction and upon the pledgor's request shall be obligated to return to the pledgor the pledged goods delivered to the licensee in connection with the pawn transaction upon payment of the balance remaining due, provided that there shall be no penalty for a violation resulting from an accidental and bona fide error, corrected upon discovery.

(c) Any licensee who violates this Act by contracting for, charging or receiving a pawn service charge in excess of twice the amount authorized by this Act shall forfeit the right to collect any amount on the pawn transaction and upon the pledgor's request shall be obligated to return to the pledgor the pledged goods delivered to the licensee in connection with the pawn transaction, provided that there shall be no penalty for a violation resulting from an accidental and bona fide error, corrected upon discovery.

(d) In addition to any other penalty which may be applicable, any licensee who willfully violates any provision of this Act or who willfully makes a false entry in any records specifically required by this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not in excess of \$1,000.00.

(e) Compliance with the provisions of this Act may be enforced by the Commissioner, who may exercise, for such purpose, any authority conferred upon him by law.

Section 18. Repealer

Chapter 274, Acts of the 60th Legislature, Regular Session 1967, codified as Article 5069-1.01, et seq., V.T.C.S., and also known as the Texas Credit Code, is amended by repealing Article 3.17 thereof.

Section 19. Severability

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

Section 20. Emergency

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 this Act shall take effect and be in force from and after its passage.

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

Amend HB 416, Second Printing (Committee Amendment No. 1) on page 11 by striking all of the sentence that begins on line 23 with the words, "The pawn", and ends on line 31 with the words, "periods of time.", and substituting in lieu thereof the following:

"The pawn service charge may not exceed an amount equal to twenty percent of any amount of Thirty Dollars or less financed for one month, fifteen percent of the total amount when the total amount is greater than Thirty Dollars but not in excess of One Hundred Dollars financed for one month, ten percent of the total amount when the total amount is greater than One Hundred Dollars but not in excess of Three Hundred Dollars financed for one month, and five percent of the total amount when the total amount is greater than Three Hundred Dollars financed for one month, with proportionate adjustment for lesser periods of time."

The amendment was adopted without objection.

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

HB 416, as amended, was passed to engrossment.

Mr. Stewart moved to reconsider the vote by which HB 416 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 327 ON SECOND READING

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

HB 327, A bill to be entitled An Act relating to establishing minimum standards for teaching load requirements of faculty members in Texas Public Senior Colleges and Universities paid from the appropriation for "Faculty Salaries"; distinguishing between undergraduate teaching loads and graduate teaching loads; providing for various types of teaching situations and special conditions; providing for reporting to institutional governing boards; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Johnson offered the following amendment to the bill:

Amend HB 327, first printing, by:

(1) inserting the words "or the equivalent" after the word "each" at the end of line 34, page 1.

(2) inserting the words "or the equivalent" after the word "each" at the end of line 38, page 1.

Mr. Jungmichel moved to table the above amendment offered by Mr. Johnson.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—93

Adams	Davis, H.	Jones, G.	Salter
Agnich	Doran	Jungmichel	Sanchez
Allen, John	Doyle	Kilpatrick	Schulle
Allred	Earthman	Lee	Shannon
Angly	Finck	Lemmon	Sherman
Atwood	Finnell	Lewis	Short
Baker	Foreman	Ligarde	Slack
Blythe	Garcia	Longoria	Slider
Bowers	Golman	McAlister	Solomon
Boyle	Hale	McKissack	Spurlock
Braecklein	Hanna, Joe	Mengden	Stewart
Burgess	Harding	Moncrief	Swanson
Bynum	Hawkins	Moore, A.	Tarbox
Calhoun	Hawn	Moore, G.	Traeger
Carrillo	Haynes	Nabers	Uher
Cates	Head	Neugent, D.	Von Dohlen
Cavness	Heatly	Newton	Ward
Christian	Hendricks	Nugent, J.	Wayne
Clayton	Hilliard	Orr	Wieting
Cobb	Holmes, T.	Pickens	Williams
Cole	Howard	Poerner	Williamson
Craddick	Hubenak	Poff	
Cruz	Hull	Price	
Davis, D.	Jones, D.	Salem	

Nays—42

Bass, T.	Floyd	Lovell	Rodriguez
Beckham	Gammage	Moore, T.	Santiesteban
Bigham	Grant	Moreno	Silber
Caldwell	Graves	Murray	Simmons
Clark	Harris	Nelms	Truan
Coats	Johnson	Nichols	Tupper
Daniel	Jones, E.	Ogg	Vale
Denton	Kaster	Parker, C.	Wolff
Dramberger	Kost	Patterson	Wyatt
Farenthold	Kubiak	Presnal	
Finney	Lombardino	Reed	

Present—Not Voting**Rosson****Absent**

Bass, B.	Niland	Smith	Stroud
Blanton			

Absent-Excused

Allen, Joe	Braun	Holmes, Z.	Parker, W.
Atwell	Hannah, John	Ingram	Semos

COMMITTEE MEETING

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

There was no objection offered.

HB 327—(Consideration continued)

HB 327 was then passed to engrossment.

Mr. Golman moved to reconsider the vote by which HB 327 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Silber, Kubiak, Truan, and Presnal requested to be recorded as voting Nay on the passage to engrossment of HB 327.

HB 542 ON SECOND READING

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

HB 542, A bill to be entitled An Act relating to the engine size of a motorcycle, motor scooter, or motorized bicycle of which a special combina-

tion operator and commercial operator restricted license may be issued to any person between the ages of 15 and 18 years; amending Section 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

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

Mr. Bigham moved to reconsider the vote by which HB 542 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Pickens requested to be recorded as voting Nay on the passage to engrossment of HB 542.

HB 280 ON SECOND READING

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

HB 280, A bill to be entitled An Act relating to reemployment of persons called to active duty with the State Military Forces in an emergency; amending Article 5765, Revised Civil Statutes of Texas, 1925, as amended, to add Section 7A; and declaring an emergency.

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

Mr. Williams moved to reconsider the vote by which HB 280 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 638 ON SECOND READING

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

HB 638, A bill to be entitled An Act relating to amending the inheritance tax law to change the time for the presumption that a gift is made in contemplation of death, to allow valuation of certain divided estates in the same manner as for federal estate tax purposes, to provide for a 10-year graduated deduction for certain property in the gross estate, to allow certain United States obligations to be valued at par value, to change certain valuation dates, to provide a single due date for a preliminary report, to require the county clerk to submit certain documents to the Comptroller, to provide a due date for the payment of the tax, to impose certain penalties for late payment, and making certain other conforming amendments; amending Article 14.01, Article 14.08, Article 14.10, Sections (A) and (B) of Article 14.11, Sections (A), (B), and (C) of Article 14.14, Section (A) of Article 14.16, and Article 14.17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Harding offered the following amendments to the bill:

Amend HB 638 as follows:

(1) Delete the period and the close quotation marks at the end of quoted Section (A) of Section 6 of the bill and substitute a comma and add the following:

"unless such date for the filing of the return and the payment of the tax shall be extended by the Comptroller upon the showing that the payment thereof will result in undue hardship to the beneficiaries of the estate, in which event the inheritance taxes levied by this Chapter shall be due and payable on the date specified by the Comptroller in granting any request for extension."

(2) Delete the first two sentences of quoted Article 14.17 of Section 7 of the bill and substitute the following sentence:

"If any tax imposed by the Chapter is not paid on or before the due date, a penalty of five percent (5%) of the tax due shall become due and payable, and if any tax is not paid within thirty (30) days of the due date, an additional penalty of five percent (5%) of the tax shall become due and payable, unless in each instance it is shown that the failure is due to reasonable cause and not due to willful neglect."

Amend HB 638 by deleting all of Subsection (A) (Preliminary Report) of Section 5, Page 4, Line 4 and renumbering the other subsection accordingly.

The amendments were severally adopted without objection.

HB 638, as amended, was passed to engrossment.

Mr. Harding moved to reconsider the vote by which HB 638 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RECESS

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

The motion prevailed without objection.

The House accordingly, at 5:07 p.m., recessed until 9:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Agriculture: SB 134, SB 910.

Banks and Banking: SB 502.

Counties: HB 665, HB 695, HB 870, HB 918, HB 1039, HB 1131, HB 1165, HB 1213, HB 1393, HB 1426, HB 1460, HB 1548, HB 1615, HB 1618, HB 1659, HB 1669, HB 1687, HB 1718, SB 72, SB 154, SB 425, SB 510, SB 592, SB 805, SB 818, SB 859.

Data Processing and Printing: HB 1067.

Engrossed and Enrolled Bills: Correctly engrossed—HB 139, HB 197, HB 239, HB 243, HB 244, HB 246, HB 260, HB 363, HB 418, HB 425, HB 428, HB 450, HB 467, HB 509, HB 511, HB 512, HB 548, HB 576, HB 636, HB 726, HB 750, HB 756, HB 821, HB 840, HB 844, HB 885, HB 927, HB 933, HB 986, HB 995, HB 1015, HB 1043, HB 1068, HB 1119, HB 1146, HB 1204, HB 1206, HB 1226, HB 1270, HB 1272, HB 1304, HB 1327, HB 1339, HB 1352, HB 1403, HB 1407, HB 1413, HB 1437, HB 1440, HB 1479, HB 1525, HB 1528, HB 1539, HB 1600, HB 1601, HB 1608, HB 1620, HB 1622, HB 1636, HB 1638, HB 1644, HB 1679, HJR 8, HJR 57, HJR 62, HCR 137. Correctly enrolled—HB 30, HB 58, HB 104, HB 217, HB 238, HB 287, HB 290, HB 352, HB 403, HB 438, HB 476, HB 505, HB 532, HB 572, HB 573, HB 574, HB 584, HB 630, HB 635, HB 640, HB 642, HB 667, HB 704, HB 705, HB 718, HB 730, HB 786, HB 787, HB 803, HB 891, HB 900, HB 987, HB 1035, HB 1175, HB 1190, HB 1201, HB 1259, HB 1563, HB 1598, HB 1610, HB 1628, HB 1641, HB 1704, HCR 7, HCR 58, HCR 126.

Governmental Affairs and Efficiency: HB 1010, HB 1031, HB 1712, SB 463.

Judicial Districts: HB 1746.

Motor Transportation: HB 60.

School Districts: HB 725, HB 1081.

Urban Affairs: HB 910, HB 1113, HB 1719.

SENT TO THE GOVERNOR
May 10, 1971

HB 97

HB 326

HB 349

HB 438

HB 498

HB 505

HB 532

HB 630

HB 635

HB 640

HB 647

HB 676

HB 704

HB 705

HB 730

HB 787

HB 891

HB 900

HB 966

HB 987

HB 1118

HB 1162

HB 1610

HB 1641

HB 1704

HCR 7

HCR 58

HCR 126

HCR 132

HCR 133

SEVENTY-FIRST DAY (continued)—TUESDAY, MAY 11, 1971

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

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