

Conservation and Reclamation: SB 1027

Constitutional Amendments: HJR 58, SJR 12.

Counties: HB 1791, HB 1882, HB 1883, SB 648, SB 649, SB 694, SB 734, SB 926, SB 965, SB 969, SB 974, SB 1007, SB 1020, SB 1024, SB 1029.

Criminal Jurisprudence: SB 194, SB 748, SB 841.

Engrossed and Enrolled Bills: Correctly engrossed—HB 6, HB 124, HB 138, HB 158, HB 180, HB 202, HB 249, HB 458, HB 470, HB 474, HB 502, HB 575, HB 603, HB 611, HB 685, HB 727, HB 733, HB 760, HB 780, HB 853, HB 882, HB 883, HB 910, HB 922, HB 967, HB 969, HB 1006, HB 1009, HB 1040, HB 1152, HB 1154, HB 1188, HB 1273, HB 1280, HB 1287, HB 1293, HB 1325, HB 1351, HB 1385, HB 1412, HB 1472, HB 1459, HB 1489, HB 1510, HB 1557, HB 1564, HB 1565, HB 1567, HB 1585, HB 1609, HB 1635, HB 1650, HB 1661, HB 1680, HB 1689, HB 1699, HB 1700, HB 1708, HB 1716, HB 1725, HB 1726, HB 1731, HB 1733, HB 1734, HB 1755, HB 1757, HB 1770, HB 1772, HB 1774, HB 1777, HB 1789, HB 1794, HB 1796, HB 1798, HB 1810, HB 1831, HB 1832, HB 1838, HB 1842, HB 1844, HB 1846, HB 1849, HB 1851, HB 1856, HB 1860, HB 1861, HB 1862, HB 1873, HJR 13, HJR 41, HJR 44, HJR 68, HCR 31, HCR 48, HCR 54, HCR 57, HCR 66, HCR 69, HCR 73, HCR 85, HCR 101, HCR 127, HCR 134, HCR 138, HCR 141, HCR 145, HCR 147, HCR 149, HCR 150, HCR 159, HB 28, HB 160, HB 522, HB 605, HB 686, HB 956, HB 1038, HB 1616, HB 1793.

Governmental Affairs and Efficiency: SB 768.

House Administration: HCR 163, HSR 34.

Insurance: SB 660, SB 872.

Judicial Districts: SB 515, SB 689.

Judiciary: HB 740, HB 855, HB 872, HB 1818, HB 1857, SB 18, SB 126, SB 132, SB 143, SB 144, SB 264, SB 345, SB 364, SB 415, SB 703, SB 713, SB 798.

Parks and Wildlife: SB 821, SB 1025, SB 1026.

State Affairs: HB 909, HB 1778, HB 1876, SB 320, SB 584, SB 879.

Urban Affairs: HB 1793.

Youth: SB 149.

EIGHTY-THIRD DAY—TUESDAY, MAY 25, 1971

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

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

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

Absent-Excused

Rodriguez

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

COMMUNICATION FROM THE SPEAKER

May 25, 1971

Mrs. Dorothy Hallman
Chief Clerk
Texas House of Representatives
Austin, Texas 78767

Dear Mrs. Hallman:

Pursuant to Rule I, Section 10 of the Rules of the Texas House of Representatives of the Texas Legislature, I hereby name State Representative Tommy Shannon of Tarrant County to open and preside over the legislative session on Tuesday, May 25, 1971.

Sincerely,
G. F. (Gus) MUTSCHER

LEAVE OF ABSENCE GRANTED

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

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

Representatives Johnson and Clayton, entered the House and were announced present.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 575, by Earthman: Congratulating the University of Houston on outstanding achievements in collegiate athletics.

SCR 114—REFERRED TO COMMITTEE

(Designating "Keep Texas Homes Beautiful" months)

The Chair laid before the House the following resolution:

SCR 114

Whereas, The State of Texas, from its majestic pine forests to western mountains and from clean and prosperous cities to sparkling lakes and beaches, is the most beautiful of these great and glorious United States of America; and

Whereas, Texas' proud citizenry wishes to nurture, expand, and pass along this unique and distinctive heritage to yet unborn generations of Texans for their enjoyment and well-being; and

Whereas, The "home" has traditionally been the cornerstone of the American way of life and is today ever present as a symbol of solidarity and continuity in this rapidly changing state; and

Whereas, The lives of all our citizens are shaped and molded by the combination of heredity and environment, an environment created by a "home" in some part of the beautiful State of Texas; and

Whereas, The 62nd Legislature of the State of Texas wishes to recognize the important part which the "home" has played in Texas' history, and which it will play in the future of this great state; now, therefore, be it

Resolved by the Senate of the 62nd Legislature, the House of Representatives concurring, That the months of July, August, and September, 1971, be designated as "Keep Texas Homes Beautiful" months to rekindle the desire to perpetuate the traditional Texas pride of home ownership as envisioned by the founding fathers of Texas.

The resolution was referred to the Committee on State Affairs.

HSR 569—REFERRED TO COMMITTEE

(Creating an interim committee on generic drugs)

Mr. Ogg offered the following resolution:

HSR 569

Whereas, The spiraling cost of medicine and medical care has placed a great financial burden upon the budgets of Texas citizens and Texas taxpayers who must pay the medical bills for indigent patients and for elderly citizens receiving state-supported medical care; and

Whereas, Increasing pharmaceutical costs are at least partially responsible for higher welfare costs, higher insurance rates, and higher hospital rates; these increasing costs affect the basic budget and tax burden of each Texas family and have become a source of vital concern to the citizens of our state and to the Texas Legislature; and

Whereas, The prescription of drugs by generic name rather than by commercial or "brand" name has been increasingly suggested as a means of minimizing the pharmaceutical costs of Texas consumers and taxpayers; and

Whereas, Recent private studies comparing the prices of generic and brand-name drugs have indicated that some generically prescribed drugs cost as little as one-tenth the price of their equivalent brand-name drug, while the quality and pharmaceutical composition of the two drugs are identical; and

Whereas, It is the duty and responsibility of the state government to explore possible new methods and plans for satisfying the pharmaceutical needs of its citizens and for minimizing the costs incurred by the state and by the taxpayer in all state-supported medical programs; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on Generic Drugs. The committee shall study (1) the feasibility and desirability of purchasing drugs by their generic name rather than by their commercial name; (2) the possible effect of such a purchasing plan upon medical costs, welfare costs, and insurance rates; and (3) any other related matter which the committee shall deem significant in making a complete study of generic drugs in Texas; 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 three citizens, 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 on 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 570—REFERRED TO COMMITTEE

(Concerning preparation of a new edition of "Members of the Texas Legislature")

Mr. Smith and Mr. Blanton offered the following resolution:

HSR 570

Whereas, There exists a need for an up-to-date check list of persons who have served as Members of the Texas Legislature, with information as to dates of service, districts served, home town and other pertinent information; and

Whereas, The only such list available at this time was prepared in book form by the House Office Committee some eight years ago and is now out of print; now, therefore, be it

Resolved, That the House Office Committee, with the assistance of the House Resolutions and Interim Activities Committee, is hereby directed to begin preparation of a new edition of "Members of the Texas Legislature" and that the book include such new material as may be necessary and desirable to include all lawmakers of Texas up to the date of publication; and, be it further

Resolved, That an outstanding Texas historian be named by the Speaker to work with the Chairmen of the House Office Committee and the House Resolutions and Interim Activities Committee in compiling new material and in checking and correcting information contained in the present book; and, be it further

Resolved, That the presently available book be carefully checked, re-proofed, corrected and indexed where necessary; and, be it further

Resolved, That the Texas Legislative Council, the Texas Historical Survey Committee, the Texas State Library and all other state agencies be requested to assist in preparation of this book when their assistance is required by the House Office Committee; and, be it further

Resolved, That any persons involved in preparation and printing of the book shall be paid from the Contingent Expense Fund of the House; and, be it further

Resolved, That the House Office Committee be directed to report its progress to the House at the Regular Session of the 63rd Legislature.

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

HSR 573—REFERRED TO COMMITTEE

(Creating an interim committee concerning permanent identification of personal property)

Mr. Lovell offered the following resolution:

HSR 573

Whereas, Theft of automobiles, motorcycles, boats, television sets and other major appliances, office machines, and other major items of personal property has reached alarming proportions; and

Whereas, A factor which contributes to the problem of law enforcement in this area is the fact that manufacturers have not instituted a system of affixing permanent identification numbers which is sufficient to prevent alteration, defacement, or removal; and in general the existing serial number system is not adequate in many respects to protect property owners; and

Whereas, A comprehensive study should be made to determine whether and in what respects legislation is needed; now, therefore, be it

Resolved, That the Speaker be requested to appoint five Members of this House to a special interim committee to meet during the interim, hold hearings, and conduct a study with a view toward determining what legislation is necessary or desirable to improve the system of establishing permanent identification of personal property; and, be it further

Resolved, That the Texas Legislative Council be requested to furnish staff assistance to the 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.

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

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 G. Moore:

HB 1885, A bill to be entitled An Act enabling the county commissioners court to supplement the compensation of the Members of the Legislature from county funds; providing expressly that such compensation shall be in addition to the amounts paid to the Members of the Legislature by the state; and declaring an emergency.

Referred to Committee on State Affairs.

Representatives Von Dohlen and Nichols entered the House and were announced present.

(Speaker in the Chair)

Representatives Tom Moore, Uher, Hawkins, Orr, Doran, Sanchez, Patterson, Traeger, Semos, Reed, Graves, and Edmund Jones entered the House and were announced present.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 576, by Christian and Cates: Congratulating Miss Brenda Box.

COMMITTEE MEETING

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

There was no objection offered.

SCR 89—ADOPTED
(Mr. Salter—House Sponsor)

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

SCR 89, Requesting the Advisory Council for Technical Vocational Education in Texas to conduct feasibility study.

The resolution was adopted without objection.

Representative Santiesteban entered the House and was announced present.

HCR 130—ADOPTED

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

HCR 130, Creating an interim committee on state and local tax policy.

The resolution was adopted without objection.

HCR 128—ADOPTED

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

HCR 128, Creating an interim committee on desalinization of salt water.

The resolution was adopted without objection.

HCR 136—ADOPTED

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

HCR 136, Creating an interim committee to study nuclear power plants.

The resolution was adopted without objection.

COMMITTEE MEETING

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

There was no objection offered.

HCR 154—ADOPTED

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

HCR 154, Creating an interim committee on faculty compensation.

The resolution was adopted without objection.

Representative Allred entered the House and was announced present.

SB 803—REQUEST OF SENATE GRANTED

On motion of Mr. Clayton, and by unanimous consent, the House granted the request of the Senate for the appointment of a Conference Committee on SB 803.

SB 803—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on SB 803:

Representatives Clayton, Dean Nugent, Jungmichel, Tarbox, and Murray.

COMMITTEE MEETING

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

There was no objection offered.

Representative Hilliard entered the House and was announced present.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SB 32, Providing that any person selling any explosive substance classified as a bomb shall require the purchaser to identify himself and shall keep records of the sales for a certain period.

SB 76, Relating to the dumping of refuse on highways or into inland or coastal waters.

SB 87, Relating to suit and representation by next friend of certain minors, lunatics, idiots and non compos mentis persons.

SB 130, Relating to branch offices for absentee voting by personal appearance in certain counties.

SB 133, Repealing Article 1929, R.C.S., 1925, relating to the absence from office of a county judge.

SB 216, Relating to the Employees Retirement System.

SB 249, Relating to the recording of livestock brands and marks.

SB 252, Relating to the salary of the official shorthand reporter for the 43rd Judicial District.

SB 302, Authorizing the Parks and Wildlife Commission to designate outstanding natural features or formations with markers or monuments.

SB 325, Relating to Firemen's Relief and Retirement Fund.

SB 350, Relating to the hauling of harvesting machinery under a temporary motor vehicle registration permit.

SB 409, Relating to the prohibition of branch banking.

SB 410, Relating to certain counties in which there are three or more courts having any of the jurisdiction conferred upon district courts.

SB 437, Relating to textbooks for children enrolled in kindergarten classes in the public schools.

SB 448, Relating to the salary and official budget of ex officio school superintendents in certain counties.

SB 492, Authorizing the Board of Directors of Texas A&M University to acquire land for the expansion of the Indian Mound Nursery in Cherokee County.

SB 514, Relating to dealers of liquefied petroleum gas.

SB 531, Relating to the benefits and requirements of the Employees Retirement System.

SB 574, Relating to the creation of the Governor's Commission on Physical Fitness.

SB 588, Authorizing the Parks and Wildlife Commission to promulgate certain rules for state parks and certain other areas.

SB 592, Relating to automobiles for each commissioner in certain counties.

SB 634, Providing for cost of living adjustment of firemen's pension allowances in certain cities.

SB 666, Relating to the issuance of life insurance policies or annuity contracts on certain contracts.

SB 671, Relating to selection of persons for jury service in certain counties.

SB 700, Changing penalties for violation of Water Well Drillers Act from misdemeanors to civil penalties.

SB 701, Relating to appeals from the Water Well Drillers Board to the Courts of Travis County.

SB 706, Relating to the open season for quail in Collingsworth County.

SB 711, Relating to the collection and disposition of the fees for an attorney's license.

SB 786, Authorizing the Board of Control to take bids on contracts to remove rough fish from public fresh waters.

SB 792, Providing for receiving and disbursing of all monies belonging to the county by the county treasurer.

SB 862, Relating to improvements on certain land in the "Cayo del Oso" by the City of Corpus Christi.

SB 900, Relating to the salary of the commissioners of Jefferson County Drainage District No. 3.

SB 910, Creating the Structural Pest Control Board.

SB 921, Declaring that SB 31 does not apply to certain farm mutual insurance companies.

SB 927, Relating to the composition of the Board of Trustees of the Firemen, Policemen and Fire Alarm Operators Pension Fund in certain cities.

SB 965, Creating Corrigan Hospital District.

SB 966, Creating Livingston Hospital District.

SB 971, Relating to the immunization of persons attending elementary or secondary schools or institutions of higher education and to the authority of the Board of Health to modify or delete any of the immunization requirements for admission to school.

SB 977, Relating to immunization data on individuals.

SB 978, Prohibiting the use of certain immunization data in certain suits.

SB 984, Relating to the jurisdiction of the county court and the county courts at law of Travis County.

SCR 10, Granting Billy Warren (B. W.) Cody permission to sue the state.

SCR 20, Granting the College of the Guadalupe Baptist Association of Bexar County permission to sue the state.

SCR 23, Granting the Eastland National Bank permission to sue the state and the Texas Highway Department.

SCR 82, Granting M. C. Winters, Inc. and the Austin Bridge Company, permission to sue the State.

SCR 111, Recalling HB 1622 to the Senate for further consideration.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: On May 24, the House was notified that the Senate has granted the request of the House for a Conference Committee on HB 403. It should have correctly read HB 203.

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

HCR 49, By Silber: In memory of Dr. Ervin Sewell Perry, P. E.

HCR 166, By Head: In memory of Merideth Odell Morton of Henderson, Texas.

HB 928, By Hale: Relating to the taxation of the sale, preparation, and service of certain alcoholic beverages and providing penalties; and declaring an emergency. (with amendments)

SB 29, By Schwartz: Relating to air pollution control; and declaring an emergency.

SB 1035, By Moore: Authorizing the School Land Board to sell and convey a certain easement on public school land in Leon County, Texas; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

(Mr. McKissack in the Chair)

HCR 153—ADOPTED

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

HCR 153, Creating an interim committee on Water Resources and Land Use Study.

The resolution was adopted without objection.

Representatives John Hannah, Hull, and Moreno entered the House and were announced present.

(Speaker in the Chair)

COMMITTEE MEETING

Mr. Wieting asked unanimous consent of the House that the Committee on School Districts be permitted to meet at this time.

There was no objection offered.

HB 695 ON SECOND READING

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

HB 695, A bill to be entitled An Act authorizing the commissioners court in certain counties to regulate the use of land lying outside the limits of incorporated cities, towns, and villages; providing that no existing structure of use will be affected; providing for notice and hearings; establishing and prescribing the duties of a zoning commission; providing for appeals; providing for enforcement; prescribing penalties; prescribing the effect of conflicting laws; providing exceptions; and declaring an emergency.

HB 695 was on the Calendar on May 22, and was postponed until 11:00 a.m., May 24.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 695, First Printing, by deleting the figure "800,000" on line 21 of page 1 and substituting the figure 200,000 in lieu thereof.

Mr. Adams and Mr. Aubry Moore offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 695 by substituting the following therefor by deleting the following from the second printing of HB 695; first page beginning at line 21:

"having a population of not less than 800,000, according to the last preceding federal census"

The amendment was adopted without objection.

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

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

Committee Amendment No. 2

Amend HB 695, First Printing, by inserting between the words "land" and "All" on line 36 of page 1 the following sentence "The commissioners court shall consult with the affected soil and water conservation district in determining the best use of land which is to be zoned."

The committee amendment was adopted without objection.

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

Committee Amendment No. 3

Amend HB 695, First Printing, by inserting between the words "therein" and "The" on line 26 of page 2 the following sentence "The president of the affected soil and water conservation district shall be an ex officio member of the zoning commission."

The committee amendment was adopted without objection.

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

Amend HB 695, Second Printing, by renumbering Section 11 as Section 12 and inserting a new Section 11 to read as follows:

Section 11. The commissioners court may not exercise the authority provided by this Act unless the authority is approved in an election called by the commissioners court in which all qualified electors residing in the county are permitted to vote. The ballots at the election shall be printed to provide for voting for or against the proposition: "Authorizing the commissioners court to regulate land use in unincorporated areas of the county." If a majority of the votes cast on the proposition be in favor of granting the authority, the commissioners court may exercise the authority provided in this Act.

The amendment was adopted.

HB 695, as amended, was passed to engrossment.

Mr. Floyd moved to reconsider the vote by which HB 695 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Patterson, Von Dohlen, Ogg, Beckham, and Hendricks requested to be recorded as voting Nay on passage to engrossment of HB 695.

HB 814 ON SECOND READING

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

HB 814, A bill to be entitled An Act authorizing counties to regulate subdivision development and construction standards in unincorporated areas; providing for city approval of county regulation in extraterritorial jurisdictions; requiring the filing of plats and plat approval by commissioners courts; authorizing commissioners courts to exercise powers granted by this Act; providing penalties; and declaring an emergency.

HB 814 was on the Calendar on May 22 and was postponed until 11:00 a.m., May 24.

The bill was read second time.

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

Committee Amendment No. 1

Amend Section 5, Subsection (a) 2 to delete it in its entirety and substitute therefor the following:

"(2) establishing construction standards and requiring the issuance of permits by the county for all structures designed for human occupancy except for farm dwellings and other structures used in agricultural pursuits."

Committee Amendment No. 2

Amend Subsection (b), Section 3 of HB 814 by striking the word "unincorporated" and substituting, in lieu thereof, the word "incorporated" so that Subsection (b), Section 3 of HB 814 will read as follows:

"(b) The Commissioners Court of any county shall exercise the power granted to it under this Act within the extraterritorial jurisdiction of any incorporated city only upon adoption of an ordinance by the governing body of such city requesting the Commissioners Court to exercise such powers within all areas under the extraterritorial jurisdiction of that city."

The committee amendments were severally adopted without objection.

HB 814, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Ogg requested to be recorded as voting Nay on passage to engrossment of HB 814.

HB 612 ON PASSAGE TO ENGROSSMENT

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

HB 612, A bill to be entitled An Act relating to certain consumer and other credit transactions and constituting the uniform consumer credit code; consolidating and revising certain aspects of the law relating to consumer and other loans, consumer and other sales of goods, services and interests in land, and consumer leases; revising the law relating to usury; regulating certain practices relating to insurance in consumer credit transactions; providing for administrative regulation of certain consumer credit transactions; making uniform the law with respect thereto; repealing Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, as amended, and other inconsistent legislation; and declaring an emergency.

The bill was read second time on May 17 and postponed until 11:00 a.m. today with the Finney amendment pending.

HB 612—LAID ON THE TABLE SUBJECT TO CALL

Mr. Finney moved that HB 612 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 1213 ON PASSAGE

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

HB 1213, Regulating appointment and confirmation of county auditors in certain counties.

The bill was read third time on May 18 and was postponed until 11:00 a.m. today.

Mr. Lemmon offered the following amendment to the bill:

Amend HB 1213, as follows:

(1) Strike Sections 1 and 2, renumber Sections 3, 4, 5, and 6 as 2, 3, 4, and 5, and substitute a new Section 1 to read as follows:

“Section 1. In any county having a population of 1,500,000 or more, according to the last preceding federal census, the district judges having jurisdiction in the county, shall nominate candidates for the office of county auditor. Each judge may nominate as many candidates as he wishes. The office of county auditor shall be filled by the candidate receiving a two-thirds vote of the district judges having jurisdiction in the county at a meeting held for that purpose and the vote of a district judge shall not be counted unless he is present at the meeting. The vote shall be in open session.”

(2) Strike “as soon as” and insert “within 20 days after” on line 55, page 1.

Signed: Lemmon, Nichols, and Blythe

The amendment was adopted without objection

HB 1213, as amended, was passed by the following vote:

Yeas—108

Adams	Calhoun	Foreman	Ingram
Agnich	Carrillo	Gammage	Johnson
Allen, Joe	Cavness	Golman	Jones, D.
Allen, John	Clark	Graves	Jones, E.
Angly	Coats	Hale	Jones, G.
Atwell	Cobb	Hanna, Joe	Jungmichel
Atwood	Cole	Harris	Kaster
Bass, T.	Craddick	Hawkins	Kost
Bigham	Cruz	Hawn	Kubiak
Blythe	Davis, H.	Haynes	Lee
Bowers	Doyle	Heatly	Lemmon
Braecklein	Earthman	Hilliard	Ligarde
Braun	Farenthold	Holmes, T.	Lombardino
Burgess	Finck	Howard	Longoria
Bynum	Finnell	Hubenak	McAlister
Caldwell	Finney	Hull	McKissack

Mengden	Orr	Schulle	Stewart
Moore, A.	Parker, W.	Semos	Stroud
Moore, T.	Pickens	Shannon	Swanson
Moreno	Poff	Sherman	Traeger
Nabers	Presnal	Silber	Tupper
Nelms	Price	Simmons	Vale
Newton	Reed	Slack	Wayne
Nichols	Rodriguez	Slider	Wieting
Niland	Salem	Smith	Williams
Nugent, J.	Salter	Solomon	Wolf
Ogg	Santiesteban	Spurlock	Wyatt

Nays—2

Harding Truan

Present—Not Voting

Allred	Daniel	Holmes, Z.	Rosson
Baker	Davis, D.	Lewis	Sanchez
Bass, B.	Denton	Moncrief	Short
Beckham	Doran	Moore, G.	Tarbox
Blanton	Dramberger	Murray	Uher
Boyle	Floyd	Neugent, D.	Von Dohlen
Cates	Grant	Parker, C.	Ward
Christian	Head	Patterson	Williamson
Clayton	Hendricks	Poerner	

Absent

Garcia Hannah, John Kilpatrick Lovell

Mr. Clark moved to reconsider the vote by which HB 1213 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

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

There was no objection offered.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 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 118, By Bates: To study the problem of securing adequate, clean

and safe drinking water for all households in Texas.

HCR 114, By Shannon, et al: In memory of Judge Marvin B. Simpson, Jr.

HCR 159, By Williamson: Congratulating the City of Lindale on its 100th Anniversary.

SCR 117, By Herring: Authorizing Enrolling Clerk of the House of Representatives to make certain corrections.

HCR 162, By Poerner: Congratulating Miss Lydia Enriqueta Rodriguez.

HCR 163, By Heatly: Welcoming the National Governors' Conference to Houston, Texas.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 941 by 30 Yeas, 1 Nay.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 1596 and HB 1163 by the following vote: 31 Yeas, 0 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 419 ON SECOND READING

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

HB 419, A bill to be entitled An Act reforming the penal law; enacting a new Penal Code setting out general principles, defining offenses, and affixing punishments; making necessary conforming amendments to outside laws; repealing replaced laws; and declaring an emergency.

The bill was read second time.

Mr. Jim Nugent moved that consideration of HB 419 be postponed until 11:00 a.m., May 27, 1971.

The motion prevailed without objection.

COMMITTEE MEETING

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

There was no objection offered.

HB 1653—CORRECTION AUTHORIZED

Mr. Williams asked unanimous consent of the House that the Enrolling and Engrossing Clerk be authorized to insert the following words between the caption and Section 1 of HB 1653:

"Be it Enacted by the Legislature of the State of Texas:"

There was no objection offered, and it was so ordered.

HB 1884 ON SECOND READING

Mr. Solomon moved that all necessary rules be suspended to take up and consider at this time, HB 1884.

The motion prevailed.

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

HB 1884, Creating the Delta County Municipal Utility District.

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

HB 1884 ON THIRD READING

Mr. Solomon moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1884 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

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

Stewart	Traeger	Ward	Wolff
Stroud	Truan	Wieting	Wyatt
Swanson	Tupper	Williams	
Tarbox	Von Dohlen	Williamson	

Nays—12

Caldwell	Graves	Mengden	Simmons
Doran	Jones, D.	Nugent, J.	Uher
Floyd	Ligarde	Rosson	Vale

Absent

Calhoun	Hannah, John	Lovell	Wayne
Garcia	Hawkins	Slider	

The Speaker then laid HB 1884 before the House on third reading and final passage,

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

Yeas—141

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

Absent

Bigham	Cruz	Hull	Lovell
Cole	Garcia	Lee	Salter

Mr. Solomon moved to reconsider the vote by which HB 1884 was passed and to table the motion to reconsider.

The motion to table prevailed.

BILLS SIGNED BY THE SPEAKER

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

SB 39, Permitting the use of certain seines to catch limited amounts of shrimp for personal use in certain outside waters of this state.

SB 149, Relating to the protection of children from abuse and neglect.

SB 236, Relating to the enforcement of land use restrictions in certain counties.

SB 261, Relating to employers' liability and workmen's compensation laws concerning death benefits.

SB 327, Relating to refusing, etc., licenses to practice chiropractic and relating to the use of ionizing radiation.

SB 902, Relating to changes in the definition of "drugs;" concerning certain inspection and registration of wholesale drug businesses.

Representative Garcia entered the House and was announced present.

HJR 44 ON THIRD READING

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

HJR 44, Expanding collateral review jurisdiction of Court of Criminal Appeals and changing name to Supreme Court of Criminal Appeals.

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

Yeas—122

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

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

Nays—10

Daniel	Hale	Kubiak	Williamson
Denton	Hawkins	Salem	
Farenthold	Hendricks	Truan	

Absent

Braecklein	Jungmichel	Orr	Ward
Cates	Kilpatrick	Patterson	Wieting
Davis, H.	Ligarde	Santiesteban	
Hannah, John	Lovell	Slack	
Hull	Neugent, D.	Stroud	

Mr. Simmons moved to reconsider the vote by which HJR 44 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Jim Nugent in the Chair)

HJR 68 ON THIRD READING

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

HJR 68, Altering method of amending the State Constitution.

The resolution was read third time.

Mr. Grant Jones offered the following amendment to the resolution:

Amend HJR 68, Second Printing, Page 2 by striking the period after the word, "Constitution," on line 11 and substituting a comma in lieu thereof and striking the words, "Revision of one or more parts dealing with one general subject may be submitted as one question", as they appear on lines 11 and 12.

The amendment was adopted without objection.

HJR 68, as amended, was passed by the following vote:

Yeas—142

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

Nays—1

Nabers

Present —Not Voting

Baker	Daniel	Kubiak
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Absent

Hannah, John	Lovell	Shannon
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COMMITTEE MEETING

Mr. McKissack asked unanimous consent of the House that the Committee on Liquor Regulation be permitted to meet at this time.

There was no objection offered.

HB 1038 ON THIRD READING

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

HB 1038, Establishing a Human Relations Commission for the State of Texas.

The bill was read third time.

Mr. Blythe moved to recommit HB 1038 to the Committee on State Affairs.

Mr. Cruz moved to table the motion.

The motion to table prevailed by the following vote:

Yeas—122

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

Nays—21

Allen, John	Calhoun	Earthman	Jones, E.
Blythe	Christian	Hanna, Joe	Lee
Bowers	Davis, D.	Harding	Mengden
Burgess	Doran	Holmes, T.	Newton

Poerner Short	Spurlock	Traeger	Williamson
Absent			
Hannah, John Ingram	Jones, G. Neugent, D.	Rosson	Sherman

Mr. Mengden offered the following amendment to the bill:

Amend Section 1, Subsection (a), of HB 1038 by striking the first sentence of said subsection which appears on lines 19 and 20 of page 1 and placing in lieu thereof the following:

(a) There is hereby created an agency of the State of Texas, comprised of nine members, to be known as the Human Relations Commission and shall function until December 31, 1978, or such other date as may be provided by law.

A record vote was requested.

The amendment failed of adoption by the following vote:

Yeas—24

Adams	Davis, D.	Howard	Pickens
Allen, John	Earthman	Jones, E.	Poerner
Blythe	Hanna, Joe	Lee	Short
Bowers	Harding	Mengden	Slider
Christian	Hawkins	Nabers	Wayne
Clayton	Holmes, T.	Nugent, J.	Williamson

Nays—122

Agnich	Cobb	Haynes	McKissack
Allen, Joe	Cole	Head	Moncrief
Allred	Craddick	Heatly	Moore, A.
Angly	Cruz	Hendricks	Moore, G.
Atwell	Daniel	Hilliard	Moore, T.
Atwood	Davis, H.	Holmes, Z.	Moreno
Baker	Denton	Hubenak	Murray
Bass, B.	Doran	Hull	Nelms
Bass, T.	Doyle	Ingram	Newton
Beckham	Dramberger	Johnson	Nichols
Bigham	Farenthold	Jones, D.	Niland
Blanton	Finck	Jones, G.	Ogg
Boyle	Finnell	Jungmichel	Orr
Braecklein	Finney	Kaster	Parker, C.
Braun	Floyd	Kilpatrick	Parker, W.
Burgess	Foreman	Kost	Patterson
Bynum	Gammage	Kubiak	Poff
Caldwell	Garcia	Lemmon	Presnal
Calhoun	Golman	Lewis	Price
Carrillo	Grant	Ligarde	Reed
Cates	Graves	Lombardino	Rodriguez
Cavness	Hale	Longoria	Rosson
Clark	Harris	Lovell	Salem
Coats	Hawn	McAlister	Salter

Sanchez	Simmons	Swanson	Ward
Santiesteban	Slack	Tarbox	Wieting
Schulle	Smith	Traeger	Williams
Semos	Solomon	Truan	Wolff
Shannon	Spurlock	Tupper	Wyatt
Sherman	Stewart	Vale	
Silber	Stroud	Von Dohlen	

Absent

Hannah, John	Neugent, D.	Uher
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Mr. Cavness offered the following amendment to the bill:

Amend Committee Amendment No. 1 to HB 1038 by striking the second sentence of Section 7 on page 5 of the second printing and substituting therefor the following:

“Such funds as are received shall be deposited in the state treasury to be expended in accordance with the provisions of the general appropriations bill, or, in the event the purpose for which the funds are received is not authorized in the general appropriations bill, the commission shall receive the approval of the Governor prior to expenditure of the funds.

The amendment failed of adoption.

HB 1038 was passed by the following vote:

Yeas—115

Allen, Joe	Denton	Jones, D.	Orr
Allred	Doyle	Jones, G.	Parker, C.
Angly	Dramberger	Jungmichel	Parker, W.
Atwell	Farenthold	Kaster	Patterson
Atwood	Finck	Kilpatrick	Poff
Baker	Finnell	Kost	Presnal
Bass, B.	Finney	Kubiak	Price
Bass, T.	Floyd	Lemmon	Reed
Beckham	Foreman	Lewis	Rodriguez
Bigham	Gammage	Ligarde	Rosson
Blanton	Garcia	Lombardino	Salem
Boyle	Golman	Longoria	Sanchez
Braecklein	Grant	Lovell	Santiesteban
Braun	Graves	McAlister	Schulle
Bynum	Hale	McKissack	Semos
Caldwell	Harris	Moncrief	Shannon
Carrillo	Hawkins	Moore, A.	Silber
Cates	Hawn	Moore, G.	Simmons
Cavness	Haynes	Moore, T.	Smith
Clark	Head	Moreno	Solomon
Coats	Hendricks	Murray	Stewart
Cobb	Hilliard	Nelms	Stroud
Cole	Holmes, Z.	Neugent, D.	Swanson
Craddick	Howard	Newton	Traeger
Cruz	Hubenak	Nichols	Truan
Daniel	Hull	Niland	Tupper
Davis, H.	Johnson	Ogg	Uher

Vale	Wayne	Williams	Wyatt
Von Dohlen	Wieting	Wolff	

Nays—32

Adams	Clayton	Ingram	Salter
Agnich	Davis, D.	Jones, E.	Short
Allen, John	Doran	Lee	Slack
Blythe	Earthman	Mengden	Slider
Bowers	Hanna, Joe	Nabers	Spurlock
Burgess	Harding	Nugent, J.	Tarbox
Calhoun	Heatly	Pickens	Ward
Christian	Holmes, T.	Poerner	Williamson

Absent

Hannah, John	Sherman
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Mr. Cruz moved to reconsider the vote by which HB 1038 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Cates requested to be recorded as voting Nay on passage of HB 1038.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 73 by viva voce vote.

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

HB 261, By Cavness: Providing for the establishment of presumptive limits of blood alcohol in a person's blood, urine, breath, or other bodily substances in certain criminal proceedings; and declaring an emergency.

HB 843, By Williamson, Hawkins: Relating to runoff elections for trustee of an independent school district; and declaring an emergency.

HB 156, By Golman, et al: Relating to the regulation of cosmetologists and hairdressers; and declaring an emergency. (as amended)

HB 799, By Williamson, Ingram: Relating to the treatment of persons with various respiratory diseases at East Texas Chest Hospital and designating the hospital as the agency of the State for conducting research and providing training for the treatment of such diseases; and declaring an emergency.

Respectfully,
 CHARLES A. SCHNABEL
 Secretary of the Senate

HB 1701—CORRECTION AUTHORIZED

Mr. Ogg asked unanimous consent of the House that the Enrolling and Engrossing Clerk be authorized to insert the following words between the caption and Section 1 of HB 1701:

“Be it Enacted by the Legislature of the State of Texas:”

There was no objection offered and it was so ordered.

HB 1163—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Schulle submitted the following Conference Committee Report on HB 1163:

Austin, Texas

May 24, 1971

The Honorable Ben Barnes,
President of the Senate

The Honorable Gus F. Mutscher,
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on HB 1163, have met and adjusted our differences and beg leave to recommend that HB 1163 be passed in the form attached hereto.

Respectfully submitted,

On the part of the Senate: Watson
 Herring
 Lindley Beckworth
 Bates
 Moore

On the part of the House: Gerhardt Schulle, Jr.
 Wilson Foreman
 Joe Spurlock
 James Lovell
 Frank Lombardino

HB 1163, A bill to be entitled An Act relating to tampering with certain identification numbers on certain vehicles or parts of vehicles, to the possession, sale or offer for sale of the vehicles or parts of vehicles on which the identification numbers have been tampered with, and to the seizure and return of the vehicles or parts of vehicles by peace officers in certain situations; providing penalties for violation; amending Sections 2, 20, and 21, and

Subsections (b), (c), and (d), and adding Subsection (f), Section 49, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code); repealing Article 1431, Penal Code of Texas, 1925; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Subsections (b), (c), and (d), Section 49, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), are amended to read as follows:

"(b) It shall be unlawful for any person to alter, change, erase, or mutilate, for the purpose of changing the identity, any motor number, serial number, manufacturer's permanent vehicle identification number or derivative number thereof placed on the vehicle, or any part thereof by the manufacturer, or any motor number or serial number assigned by the State Highway Department and placed or caused to be placed on a vehicle as provided by law for the purpose of identification. It shall also be unlawful for any person other than a vehicle manufacturer to stamp or place any motor number or manufacturer's vehicle identification number other than a number assigned by the State Highway Department as provided by law, on any vehicle or any part thereof. Any person violating the provisions of this Section commits a misdemeanor punishable by a fine not to exceed \$1,000, by confinement in jail for not more than 2 years or by both.

"(c) (1) A person who possesses, sells or offers for sale, a motor vehicle or any part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's permanent identification number removed, changed, or obliterated when he knows the number has been removed, changed or obliterated commits a misdemeanor punishable by a fine not to exceed \$1,000; by confinement in jail for not more than 2 years, or by both.

"(2) It is a defense to prosecution under this subsection, which shall not be submitted to the jury unless evidence is admitted supporting it but which, if raised, must be negated beyond a reasonable doubt, that the person is the rightful or true owner of the motor vehicle or part of a motor vehicle that is the subject of the prosecution.

"(3) For purposes of this subsection, a person knows the serial number, the motor number, or the manufacturer's permanent vehicle identification number or derivative number thereof has been removed, changed or obliterated on a motor vehicle or a part of a motor vehicle in his possession if he is aware of but consciously disregards a substantial and unjustifiable risk that the number has been removed, changed, or obliterated. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the defendant's standpoint.

"(d) (1) If a person is arrested for possession of a motor vehicle or part of a motor vehicle in violation of this section, the arresting officer will take the motor vehicle or part of a motor vehicle into his possession.

"(2) If the seizure under Subsection (d)(1) is not made pursuant to a search warrant, the arresting officer shall prepare and deliver to a magis-

trate a written inventory of each motor vehicle or part of a motor vehicle seized.

"(3) If the person arrested is charged with an offense under this section, the magistrate may order that any motor vehicle or part of a motor vehicle seized by the arresting officer be delivered to the law enforcement agency that seized it pending disposition of the charges.

"(4) If there is no prosecution or conviction for an offense involving the motor vehicle or part of a motor vehicle seized, the magistrate to whom the seizure was reported shall notify in writing the rightful owner, if known, that he is entitled to the motor vehicle or part of a motor vehicle upon request to the law enforcement agency holding it.

"(5) Upon conviction of any person for a violation of this section, the court shall order that any motor vehicle or part of a motor vehicle seized and impounded in connection with the offense be delivered to the rightful owner or true owner, if known.

"(6) If the rightful owner of a vehicle or part of a motor vehicle seized under this section is unknown and cannot be determined the court shall, after final disposition of the charges, order it forfeited to the state.

"(7) Any person interested in any motor vehicle or part of a motor vehicle seized under this section may, at any time, petition the magistrate to whom the seizure was reported to deliver possession of it to him. The magistrate, after notice to the law enforcement agency in possession of it, shall conduct a hearing to determine the petitioner's right to possession of the motor vehicle or part of a motor vehicle. If the petitioner proves by a preponderance of the evidence that he has a right to possession, the magistrate shall order it delivered to him."

Sec. 2. Section 49, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939, (Article 1436-1, Vernon's Texas Penal Code), is amended by adding Subsection (f) to read as follows:

"(f) Any person who has been determined to be the rightful owner of any motor vehicle or part of a motor vehicle that has had the serial number, the motor number or the manufacturer's permanent vehicle identification number or derivative thereof removed, changed or obliterated shall within 30 days of such determination make application to the Texas Highway Department for an assigned vehicle identification number, and the number assigned by the Texas Highway Department shall be die stamped or otherwise affixed to the motor vehicle or part thereof at the location and in the manner designated by the Texas Highway Department. Each application for an assigned vehicle identification number shall be submitted on a form prescribed and furnished by the Texas Highway Department and shall be accompanied by the outstanding negotiable certificate of title covering the vehicle. In the event no certificate of title is outstanding on the vehicle, the application shall be accompanied by such other valid evidence of ownership as may be required by the Texas Highway Department. A fee of one dollar (\$1.00) shall accompany each such application for assigned vehicle identification number and shall be deposited in the State Highway Fund. Anyone failing to comply with the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$200."

Sec. 3. Sections 2, 20, and 21, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), are amended to read as follows:

"Section 2. The term 'motor vehicle' means every kind of motor driven or propelled vehicle now or hereafter required to be registered or licensed under the laws of this state and shall also include trailers, house trailers, and semitrailers."

"Section 20. The terms 'motor number' or 'serial number' mean the manufacturer's permanent vehicle identification number or derivative number thereof affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle or the number assigned by the Texas Highway Department, affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle.

"Section 21. The term 'manufacturer's permanent vehicle identification number' means the number affixed by the manufacturer to a motor vehicle in a manner and place easily accessible for physical examination and die-stamped or otherwise permanently affixed on various removable parts of the vehicle."

Sec. 4. Article 1431, Penal Code of Texas, 1925, is repealed.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Mr. Schulle moved to suspend all necessary rules and to adopt the Conference Committee Report on HB 1163.

The motion prevailed by the following vote:

Yeas—140

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

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

Nays—2

Doran Jones, G.

Absent

Atwood	Ligarde	Moreno	Stewart
Hannah, John	Moore, G.	Ogg	

Mr. Schulle moved to reconsider the vote by which the House adopted the Conference Committee Report on HB 1163 and to table the motion to reconsider.

The motion to table prevailed.

HB 1674 ON SECOND READING

Mr. Cavness moved that all necessary rules be suspended to take up and consider at this time, HB 1674.

The motion prevailed.

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

HB 1674, A bill to be entitled An Act relating to time for payment and the requirement of a surety bond to secure payment by distributors for cigarette stamps and meter settings; amending Section (9), Article 7.08, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; relating to possession of unstamped cigarettes; amending Article 7.10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; relating to exemptions of food and food products for human consumption; amending Sections (K) (1) and (K) (2) (b), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1674 by deleting Section 3 and renumbering subsequent sections.

The committee amendment was adopted.

Mr. Sanchez offered the following amendment to the bill:

Amend HB 1674 by adding Section 2A., as follows: Article 7.08, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is further amended to read as follows:

“Article 7.08 (2) The Comptroller, acting through the Treasurer, shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit at a discount of 5 percent of the face value; provided, that no discount shall be allowed to out-of-state purchasers residing in the states that do not give discounts on cigarette tax stamps purchased from said states by Texas cigarette distributors; provided that if any distributor fails or refuses to comply with any provision of the cigarette tax law or violates the same, such distributor shall be required to pay the full face value for stamps purchased during the period of such offense and the Treasurer shall, upon receipt of an affidavit from the Comptroller setting forth such violation, refuse to supply stamps at the discount provided until such offending distributor has paid any unauthorized discounts received by him and has otherwise purged himself of all such violations; provided further, that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

The amendment was adopted.

VOTES RECORDED

Representatives Poff and Kubiak requested to be recorded as voting Nay on the adoption of all amendments to HB 1674.

HB 1674, as amended, was passed to engrossment.

Mr. Cavness moved to reconsider the vote by which HB 1674 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on passage to engrossment of HB 1674.

MOTION TO PLACE HB 1674 ON THIRD READING

Mr. Cavness moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1674 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—108

Adams	Davis, H.	Lemmon	Sanchez
Agnich	Doyle	Ligarde	Santiesteban
Allen, Joe	Dramberger	Lombardino	Schulle
Angly	Farenthold	Longoria	Semos
Atwell	Finnell	McAlister	Shannon
Atwood	Finney	McKissack	Sherman
Baker	Foreman	Moncrief	Short
Beckham	Gammage	Moore, A.	Silber
Bigham	Garcia	Moore, G.	Simmons
Blanton	Golman	Moore, T.	Slack
Blythe	Grant	Murray	Slider
Boyle	Hale	Nelms	Smith
Braecklein	Harding	Neugent, D.	Solomon
Braun	Harris	Newton	Spurlock
Burgess	Hawkins	Nichols	Stewart
Bynum	Hawn	Niland	Stroud
Carrillo	Haynes	Ogg	Swanson
Cates	Hendricks	Orr	Tarbox
Cavness	Hilliard	Parker, C.	Traeger
Clark	Holmes, T.	Parker, W.	Truan
Clayton	Holmes, Z.	Patterson	Tupper
Coats	Howard	Presnal	Vale
Cobb	Hubenak	Price	Ward
Cole	Hull	Rodriguez	Wieting
Craddick	Jones, E.	Rosson	Williams
Daniel	Jones, G.	Salem	Williamson
Davis, D.	Jungmichel	Salter	Wyatt

Nays—37

Allen, John	Finck	Kost	Poerner
Allred	Floyd	Kubiak	Poff
Bass, T.	Graves	Lee	Reed
Bowers	Hanna, Joe	Lewis	Uher
Caldwell	Head	Lovell	Von Dohlen
Calhoun	Heatly	Mengden	Wayne
Christian	Johnson	Moreno	Wolff
Denton	Jones, D.	Nabers	
Doran	Kaster	Nugent, J.	
Earthman	Kilpatrick	Pickens	

Absent

Bass, B.	Cruz	Hannah, John	Ingram
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SB 294 ON SECOND READING
(Mr. Smith—House Sponsor)

Mr. Smith moved that all necessary rules be suspended to take up and consider at this time, SB 294.

The motion prevailed.

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

SB 294, A bill to be entitled An Act relating to a program for the education of deaf adults; amending Subchapter A, Chapter 11, Texas Education Code by adding a Section 11.16; and declaring an emergency.

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

SB 294 ON THIRD READING

Mr. Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 294 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

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

Nays—13

Bowers	Floyd	McAlister	Uher
Doran	Graves	Mengden	
Finck	Hull	Pickens	
Finney	Jones, D.	Poff	

In The Chair

Nugent, J.

Present--Not Voting

Grant

Absent

Bass, B. Calhoun	Cruz Hannah, John	Holmes, Z.	Kilpatrick
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The Chair then laid SB 294 before the House on third reading and final passage.

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

Yeas—147

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

Absent

Calhoun Hannah, John

Mr. Smith moved to reconsider the vote by which SB 294 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 942 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 1001 by the following vote: 30 Yeas, 0 Nays.

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

HJR 61, By Wolff, et al: Proposing an Amendment to the Constitution of the State of Texas to provide that the 63rd Legislature elected in November 1972, establish a constitutional revision commission and act as a constitutional convention to propose a revised Constitution to the voters of Texas.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 549 ON SECOND READING
(Mr. Haynes—House Sponsor)

Mr. Haynes moved that all necessary rules be suspended to take up and consider at this time, SB 549.

The motion prevailed.

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

SB 549, A bill to be entitled An Act relating to developmental leaves of absence for professional public school personnel; amending Subchapter Z, Chapter 21, Texas Education Code by adding Section 21.910; and declaring an emergency.

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

Mr. Cavness moved to reconsider the vote by which SB 549 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE
SB 549 ON THIRD READING**

Mr. Haynes moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 549 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—111

Adams	Finck	Kilpatrick	Rosson
Allen, Joe	Finnell	Kubiak	Salem
Allred	Finney	Lemmon	Salter
Angly	Foreman	Ligarde	Sanchez
Atwell	Gammage	Lombardino	Santiesteban
Baker	Garcia	Longoria	Schulle
Bass, B.	Golman	Lovell	Semos
Bass, T.	Grant	McAlister	Shannon
Beckham	Hale	McKissack	Sherman
Bigham	Hannah, John	Moncrief	Silber
Boyle	Harris	Moore, A.	Simmons
Braecklein	Hawkins	Moore, G.	Slack
Braun	Hawn	Moore, T.	Slider
Burgess	Haynes	Moreno	Solomon
Bynum	Head	Nelms	Spurlock
Caldwell	Heatly	Neugent, D.	Stewart
Carrillo	Hendricks	Newton	Stroud
Cates	Hilliard	Nichols	Swanson
Cavness	Holmes, T.	Niland	Truan
Clark	Holmes, Z.	Orr	Tupper
Clayton	Howard	Parker, C.	Vale
Coats	Hubenak	Parker, W.	Von Dohlen
Cobb	Hull	Pickens	Wieting
Cole	Ingram	Poff	Williams
Craddick	Johnson	Presnal	Williamson
Denton	Jones, D.	Price	Wolff
Doyle	Jungmichel	Reed	Wyatt
Farenthold	Kaster	Rodriguez	

Nays—31

Allen, John	Doran	Kost	Poerner
Blanton	Dramberger	Lee	Short
Blythe	Earthman	Lewis	Tarbox
Bowers	Floyd	Mengden	Traeger
Calhoun	Graves	Nabers	Uher
Christian	Hanna, Joe	Nugent, J.	Ward
Davis, D.	Harding	Ogg	Wayne
Davis, H.	Jones, E.	Patterson	

Absent

Agnich	Cruz	Jones, G.	Smith
Atwood	Daniel	Murray	

HB 522 ON THIRD READING

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

HB 522, Authorizing the governing boards of state-supported institutions of higher education to collect a \$20 nonrefundable application fee from applicants.

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

Yeas—86

Adams	Finck	Lee	Price
Agnich	Finnell	Lemmon	Salter
Allen, John	Finney	Lewis	Schulle
Atwell	Floyd	Lombardino	Semos
Baker	Garcia	Longoria	Shannon
Blanton	Golman	Lovell	Sherman
Blythe	Hanna, Joe	McKissack	Short
Bowers	Harding	Mengden	Slack
Boyle	Hawn	Monerief	Slider
Braecklein	Haynes	Moore, A.	Solomon
Burgess	Heatly	Moore, G.	Spurlock
Bynum	Hilliard	Murray	Swanson
Calhoun	Holmes, T.	Nabers	Tarbox
Cates	Howard	Newton	Traeger
Christian	Hubenak	Niland	Tupper
Clayton	Hull	Nugent, J.	Uher
Coats	Jones, D.	Ogg	Ward
Cobb	Jones, E.	Parker, W.	Wayne
Cole	Jones, G.	Pickens	Wieting
Davis, D.	Jungmichel	Poerner	Williamson
Doran	Kaster	Poff	
Earthman	Kost	Presnal	

Nays—62

Allen, Joe	Denton	Johnson	Salem
Allred	Doyle	Kilpatrick	Sanchez
Angly	Dramberger	Kubiak	Santiesteban
Atwood	Farenthold	Ligarde	Silber
Bass, B.	Foreman	McAlister	Simmons
Bass, T.	Gammage	Moore, T.	Smith
Beckham	Grant	Moreno	Stewart
Bigham	Graves	Nelms	Stroud
Braun	Hale	Neugent, D.	Truan
Caldwell	Hannah, John	Nichols	Vale
Carrillo	Harris	Orr	Von Dohlen
Cavness	Hawkins	Parker, C.	Williams
Clark	Head	Patterson	Wolff
Craddick	Hendricks	Reed	Wyatt
Cruz	Holmes, Z.	Rodriguez	
Davis, H.	Ingram	Rosson	

Absent

Daniel

Mr. Clayton moved to reconsider the vote by which HB 522 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1616 ON THIRD READING

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

HB 1616, Prohibiting capture and transportation of certain live game animals without written permission from Parks and Wildlife Commission.

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

Yeas—136

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

Nays—4

Bass, T.	Beckham	Clark	Grant
Absent			
Daniel	Ingram	Sanchez	Spurlock
Denton	Moore, G.	Smith	Stroud
Doran			

Mr. Foreman moved to reconsider the vote by which HB 1616 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 605 ON THIRD READING

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

HB 605, Amending the Water Safety Act; prescribing certain safety requirements for certain boats and boat passengers.

The bill was read third time.

Mr. Atwell offered the following amendment to the bill:

Amend HB 605, second printing at the end of the John Hannah Amendment which occurred on page 6 thereof by adding a new sentence to read as follows:

"Houseboats, barges, boats over 14 feet in length and boats with sides 2 feet high or over, are excepted from the request that each person therein have a life preserver, life belt, rig buoy or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard attached to such person while such houseboat, barge, boat over 14 feet in length and boats with sides 2 feet high are under way."

The amendment was adopted without objection.

Mr. Atwell offered the following amendment to the bill:

Amend HB 605 by adding the following words in Section 4 (a) after the words "on the person of the operator": "If prior to trial operator can produce for examination a valid certificate of number."

The amendment was adopted without objection.

HB 605, as amended, was passed by the following vote:

Yeas—102

Agnich	Carrillo	Hanna, Joe	Lemmon
Allen, Joe	Cates	Harris	Lewis
Angly	Christian	Hawkins	Ligarde
Atwell	Clark	Hawn	Lombardino
Atwood	Coats	Haynes	Longoria
Baker	Cruz	Heatly	McAlister
Bass, T.	Davis, D.	Hendricks	McKissack
Bigham	Denton	Hilliard	Mengden
Blanton	Earthman	Holmes, T.	Moncrief
Blythe	Farenthold	Holmes, Z.	Moore, A.
Bowers	Floyd	Ingram	Moore, G.
Boyle	Foreman	Johnson	Moore, T.
Braecklein	Gammage	Jones, D.	Moreno
Braun	Garcia	Kaster	Murray
Bynum	Golman	Kilpatrick	Nelms
Caldwell	Grant	Kost	Neugent, D.
Calhoun	Hale	Lee	Newton

Nichols	Presnal	Sherman	Traeger
Niland	Reed	Short	Truan
Ogg	Rodriguez	Silber	Tupper
Orr	Rosson	Simmons	Vale
Parker, W.	Salem	Smith	Wieting
Patterson	Santiesteban	Solomon	Williams
Pickens	Schulle	Spurlock	Wolff
Poerner	Semos	Stroud	
Poff	Shannon	Swanson	

Nays—39

Adams	Doyle	Jones, E.	Slider
Allen, John	Dramberger	Jones, G.	Stewart
Allred	Finck	Jungmichel	Tarbox
Bass, B.	Finnell	Kubiak	Uher
Beckham	Finney	Lovell	Von Dohlen
Burgess	Graves	Nabers	Ward
Clayton	Hannah, John	Nugent, J.	Wayne
Cole	Head	Parker, C.	Williamson
Craddick	Howard	Price	Wyatt
Doran	Hubenak	Salter	

Absent

Cavness	Daniel	Harding	Sanchez
Cobb	Davis, H.	Hull	Slack

Mr. Atwell moved to reconsider the vote by which HB 605 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECESS

Mr. Blanton moved that the House recess until 2:30 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:20 p.m., recessed until 2:30 p.m. today.

AFTERNOON SESSION

The House met at 2:30 p.m. and was called to order by the Speaker.

(Mr. Shannon in the Chair)

HSR 577—REFERRED TO COMMITTEE

(Designating the Rules Committee as a standing committee to operate during the interim)

Mr. Jim Nugent and Mr. Doran offered the following resolution:

HSR 577

Whereas, It is essential to the efficient operation of the House of Representatives that the most modern methods of procedure and those most con-

ductive to effective handling of legislation be employed in the conduct of the business of the House; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas, by this resolution designate the Rules Committee as a standing committee to operate during the interim to consider the total reorganization of internal procedures of the House and dissemination of information to the public about measures under consideration and to inquire into and study the National system and outstanding systems operating in other states and nations with the goal of determining and ultimately providing for the State of Texas the most efficient and modern system for handling legislation, the business of the people of Texas; 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 and staff 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. The Chairman of the Rules Committee may designate subcommittees with subcommittee chairmen and shall designate the work to be performed by each such subcommittee. 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 578—REFERRED TO COMMITTEE

(Creating an interim committee to study the "hold harmless" agreements)

Mr. Pickens offered the following resolution:

HSR 578

Whereas, Texas has in existence an inequity fostered on oil well drilling and oil well service contractors; and

Whereas, One of the problems is an inability to secure adequate insurance for contractual negligence of third parties; and

Whereas, The State of New Mexico recently enacted a bill disallowing "hold harmless" agreements, thus creating a hardship on Texas contractors; and

Whereas, The expense of contracting for the negligence of a third party puts the small contractor in a precarious position, by reason of financing, to stay in business; and

Whereas, This area of "hold harmless" agreements in the petroleum industry requires study to do equity to our citizens, contractors, and industry; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That an interim committee is hereby created to make a study of the "hold harmless" agreements required of Texas contractors and to attempt to find a more equitable solution to this problem; 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 chairman of the study committee shall appoint five persons with particular or specialized knowledge in the field of oil well drilling and oil well service contracting to serve as an advisory committee to the interim study committee; and, be it further

Resolved, That the special House interim committee be provided with subpoena powers and the authority to call upon any state agency or department, as well as city or county officials, as the committee deems necessary for assistance and advice; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; 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 579—REFERRED TO COMMITTEE

(Directing the Texas Legislative Council to make certain study)

Mr. Pickens offered the following resolution:

HSR 579

Whereas, Texas has some 111,000 retail business and mercantile establishments to serve its resident population of 11,196,730 and to serve and extend true Texas hospitality to over 21,000,000 annual visitors; and

Whereas, Texas has a laboring force of some 4,000,000 employees and workers and many of these workers are engaged in maintaining the industrial superiority of Texas by laboring in shifts around the clock and throughout all days of the week; and

Whereas, The enforcement of Articles 286 and 286a of The Texas Penal Code, as amended, has not been standard and uniform throughout the State of Texas which has resulted in confusion and discrimination as between certain business establishments and as between these workers who are a substantial part of the consumers of Texas thereby resulting in law violations by certain innocent purchasers; and

Whereas, It is imperative that all laws of this state be administered and enforced in a standard and uniform manner in all local areas of Texas so that all citizens and tourist-visitors alike may know what purchases are legal and valid on the two consecutive days of the weekend; and

Whereas, A large segment of Texas residents, workers, and consumers are deprived or are severely restricted from the purchase of needed and necessary items on certain days thereby resulting in a deprivation of the inherent rights of such citizens to effect the purchase of the necessities of life on any day on which such purchases become necessary; and

Whereas, Texas may be losing substantial sums of sales tax revenue from tourists who are residents of other states and countries due to the restrictions on sales contained in said Articles 286 and 286a; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Texas Legislative Council be directed to study: (1) the problems, if any, relating to the lack of standard and uniform enforcement of the provisions of Articles 286 and 286a, Texas Penal Code, as amended; (2) the economic impact upon the state and its citizens due to the restrictions on certain business activity and the employment of certain persons on the two consecutive days of Saturday and Sunday; (3) what would be the economic impact or effect, if any, if said Articles 286 and 286a were repealed; (4) if said Articles are not repealed, what action by state and local officials is necessary to assure standard and uniform enforcement of such laws; and (5) what legislation might be needed to correct the inequitable and discriminatory situation that now exists in connection with the application of said Articles to the citizens of Texas; and, be it further

Resolved, That the Texas Legislative Council be directed to prepare a full and complete report of such study along with its finding of facts and its recommendations; said report to be filed with the 63rd Legislature when it convenes in Regular Session 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; and, following the official distribution of such 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 581—REFERRED TO COMMITTEE

(Creating an interim committee to study organized crime in Texas)

Mr. John Hannah offered the following resolution:

HSR 581

Whereas, The Attorney General of Texas has stated that "All of our laws are designed to catch the ordinary criminal, the person who commits the criminal act. The people who run organized crime like a corporation board of directors are far removed from the actual commission of a crime"; and

Whereas, Although organized crime apparently has not made significant inroads into Texas, the cancer-like growth of lawlessness poses an increasing threat to the people of Texas; and

Whereas, There is an urgent need to study the existence of organized crime in Texas; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That there is hereby created an interim study committee on organized crime in Texas; that such committee shall study all phases of organized crime in Texas and possible methods of preventing its growth; and, be it further

Resolved, That the Speaker of the House shall appoint five (5) Members of the House of Representatives, including one to serve as chairman, to serve on the interim study committee; the members of the committee shall be chosen from the membership of the House Standing Committee on Criminal Jurisprudence; 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.

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 1012 to the Committee on Liquor Regulation.

SB 321 to the Committee on State Affairs.

SB 1018 to the Committee on State Affairs.

SB 1031 to the Committee on Livestock.

SB 29 to the Committee on State Affairs.

SB 1085 to the Committee on Public Lands and Buildings.

SJR 53 to the Committee on Constitutional Amendments.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

SCR 115, Recognizing J. E. "Pete" Smith, his wife, Bertha N. Smith, and Annie M. Smith for their valuable donation of property to State of Texas.

HCR 172, by Head: Commending Mrs. E. D. (Savannah Cross) Lockey of Troup.

On motion of Mr. Hubenak, the names of all the Members of the House were added to HCR 172 as signers thereof.

SCR 117—ADOPTED

(Mr. Jim Nugent—House Sponsor)

(Authorizing corrections in HB 43)

The Chair laid before the House the following resolution:

SCR 117

Be it Resolved by the Senate of the 62nd Legislature, the House of Representatives concurring, That the Enrolling Clerk of the House of Representatives be authorized to make the following corrections in the Conference Committee Report on HB 43:

(1) Insert the following language as quoted Section 1 (a) following the first paragraph of Section 1:

"Section 1. (a) The Governing Boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury shall cause to be collected from students registering in the said schools, tuition or registration fees at the rates hereinafter prescribed."

(2) On page 2, quoted Item (11), change the words "Subsection 10" to read "Item (10)", and change the word "section" on the last line of said Item (11) to read "subsection".

(3) On page 2, quoted Item (12), change the words "Item I" to read "Item (1)" on the second line thereof, and change the words "Item 2" to read "Item (2)" on the third line thereof.

(4) Amend the caption to conform.

The resolution was adopted by the following vote:

Yeas—124

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

Nays—9

Graves	Moreno	Parker, C.	Silber
Harding	Nabers	Reed	Vale
Kubiak			

In The Chair

Shannon

Absent

Atwood	Cruz	Lee	Rosson
Bowers	Doyle	Ligarde	Tupper
Braun	Earthman	Mengden	Williams
Cavness	Hannah, John	Patterson	

LEAVE OF ABSENCE GRANTED

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

Mr. Doran on motion of Mr. Calhoun.

HB 1828 ON PASSAGE TO ENGROSSMENT

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

HB 1828, Providing for total state funding of the Foundation School Program.

The bill was read second time and failed to pass to engrossment on May 17. The vote by which HB 1828 failed to pass to engrossment was reconsidered on May 21.

Mr. Hale raised a point of order against further consideration of the bill on the grounds that the Second Printing differs from the original bill in that it shows a different effective date.

The Chair overruled the point of order, stating as follows:

Mr. Hale raised a point of order against further consideration of HB 1828 that Second Printing does not comply with the Rule XXVI, Section 1b in that the original bill, Sec. 4 provides effective date 1973 while Second Printing provides effective date 1971.

The purpose of the Printing Rule is to apprise Members of the content of the legislation before them and the question which the Chair must decide is whether this deviation is such as to not apprise or mislead Members of the content of this bill.

The Chair feels that the House is properly apprised of what HB 1828 purports to do when one considers the prior debate on this bill and the bill analysis which states that the effective date is 1973.

The point of order is respectfully overruled.

Mr. Williamson moved to lay HB 1828 on the table.

A record vote was requested.

The vote of the House was taken on the motion to lay HB 1828 on the table and the vote was announced Yeas 69, Nays 72.

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—67

Allred
Angly

Atwood
Bass, B.

Blythe
Bowers

Braecklein
Bynum

Caldwell	Finney	Kilpatrick	Price
Calhoun	Floyd	Lee	Semos
Carrillo	Gammage	Lemmon	Sherman
Cates	Grant	Lewis	Simmons
Clark	Graves	Lombardino	Slider
Craddick	Haynes	Mengden	Solomon
Cruz	Head	Moncrief	Spurlock
Daniel	Hilliard	Moore, G.	Stewart
Davis, H.	Howard	Moore, T.	Stroud
Denton	Hull	Moreno	Swanson
Dramberger	Ingram	Nelms	Truan
Earthman	Jones, E.	Neugent, D.	Tupper
Farenthold	Jones, G.	Niland	Vale
Finck	Jungmichel	Orr	Williamson
Finnell	Kaster	Poff	

Nays—68

Adams	Davis, D.	Jones, D.	Presnal
Agnich	Doyle	Kost	Reed
Allen, Joe	Foreman	Kubiak	Rodriguez
Allen, John	Garcia	Longoria	Rosson
Baker	Golman	Lovell	Salter
Bass, T.	Hanna, Joe	McAlister	Santiesteban
Beckham	Hannah, John	McKissack	Schulle
Bigham	Harding	Moore, A.	Short
Boyle	Harris	Nabers	Silber
Braun	Hawkins	Newton	Traeger
Burgess	Hawn	Nichols	Uher
Cavness	Heatly	Nugent, J.	Von Dohlen
Christian	Hendricks	Parker, C.	Ward
Clayton	Holmes, T.	Parker, W.	Wieting
Coats	Holmes, Z.	Patterson	Williams
Cobb	Hubenak	Pickens	Wolff
Cole	Johnson	Poerner	Wyatt

In The Chair

Shannon

Absent

Atwell	Ligarde	Salem	Smith
Blanton	Murray	Sanchez	Tarbox
Hale	Ogg	Slack	Wayne

Absent-Excused

Doran

The Chair stated that the motion to lay HB 1828 on the table was lost by the above vote.

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

Amend Second Printing, HB 1828, on page 4 by adding in the emergency clause the date Sept. 1, 1973 and striking therefrom Sept. 1, 1971, this being on line 60.

Mr. Floyd moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—56

Agnich	Floyd	Lemmon	Schulle
Allen, John	Foreman	Lombardino	Semos
Bass, B.	Gammage	Mengden	Sherman
Blythe	Garcia	Moncrief	Simmons
Bowers	Hale	Moore, G.	Slider
Braecklein	Haynes	Moreno	Solomon
Bynum	Hilliard	Nelms	Spurlock
Caldwell	Howard	Neugent, D.	Stroud
Calhoun	Hull	Niland	Swanson
Daniel	Ingram	Orr	Truan
Dramberger	Jones, E.	Pickens	Tupper
Farenthold	Jungmichel	Poff	Uher
Finck	Kaster	Price	Vale
Finney	Kilpatrick	Salem	Wayne

Nays—84

Adams	Cole	Holmes, Z.	Poerner
Allen, Joe	Craddick	Hubenak	Presnal
Allred	Davis, D.	Johnson	Reed
Angly	Davis, H.	Jones, D.	Rodriguez
Atwood	Denton	Jones, G.	Rosson
Baker	Doyle	Kost	Salter
Bass, T.	Earthman	Kubiak	Sanchez
Beckham	Finnell	Lewis	Santiesteban
Bigham	Golman	Lovell	Short
Blanton	Grant	McAlister	Silber
Boyle	Graves	McKissack	Slack
Braun	Hanna, Joe	Moore, A.	Stewart
Burgess	Hannah, John	Moore, T.	Tarbox
Carrillo	Harding	Murray	Traeger
Cates	Harris	Nabers	Von Dohlen
Cavness	Hawkins	Newton	Ward
Christian	Hawn	Nichols	Wieting
Clark	Head	Nugent, J.	Williams
Clayton	Heatly	Parker, C.	Williamson
Coats	Hendricks	Parker, W.	Wolff
Cobb	Holmes, T.	Patterson	Wyatt

In The Chair

Shannon

Absent

Atwell	Lee	Longoria	Smith
Cruz	Ligarde	Ogg	

Absent-Excused

Doran

The Jim Nugent amendment was then adopted.

COMMITTEE MEETINGS

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

There was no objection offered.

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

There was no objection offered.

HB 1828—(Consideration continued)

Mr. Kaster offered the following amendment to the bill:

Amend HB 1828, Second Printing, Page 3, line 52 by adding a new Section 3 and renumbering the succeeding sections accordingly:

“Sec. 3. After the effective date of this Act no school district covered by this Act shall be allowed to levy or collect ad valorem taxes.”

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—98

Adams	Doyle	Kost	Rosson
Allen, John	Foreman	Kubiak	Salter
Allred	Golman	Longoria	Sanchez
Angly	Grant	Lovell	Santiesteban
Atwell	Graves	McAlister	Schulle
Baker	Hanna, Joe	McKissack	Short
Bass, B.	Hannah, John	Moore, A.	Silber
Beckham	Harding	Murray	Slack
Bigham	Harris	Nabers	Slider
Blanton	Hawkins	Neugent, D.	Stewart
Boyle	Hawn	Newton	Tarbox
Burgess	Haynes	Nichols	Traeger
Bynum	Head	Nugent, J.	Uher
Carrillo	Heatly	Ogg	Von Dohlen
Cates	Hendricks	Orr	Ward
Cavness	Holmes, T.	Parker, C.	Wayne
Christian	Holmes, Z.	Parker, W.	Wieting
Clayton	Hubenak	Patterson	Williams
Coats	Johnson	Pickens	Williamson
Cobb	Jones, D.	Poerner	Wolff
Cole	Jones, E.	Poff	Wyatt
Craddick	Jones, G.	Presnal	
Davis, D.	Jungmichel	Reed	
Davis, H.	Kilpatrick	Rodriguez	

Nays—47

Agnich	Earthman	Ingram	Price
Allen, Joe	Farenthold	Kaster	Salem
Bass, T.	Finck	Lee	Semos
Blythe	Finnell	Lemmon	Simmons
Bowers	Finney	Lewis	Solomon
Braecklein	Floyd	Lombardino	Spurlock
Caldwell	Gammage	Mengden	Stroud
Calhoun	Garcia	Moncrief	Swanson
Clark	Hale	Moore, G.	Truan
Daniel	Hilliard	Moreno	Tupper
Denton	Howard	Nelms	Vale
Dramberger	Hull	Niland	

In The Chair

Shannon

Absent

Atwood	Cruz	Moore, T.	Smith
Braun	Ligarde	Sherman	

Absent-Excused

Doran

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

Amend HB 1828, Second Printing, Page 1 by adding the following on line 35:

“Section 16.72 During each of the two calendar years immediately following the effective date of this Act, each local school district shall reduce the local taxes for school purposes to reduce the income from such local taxes in an amount not less than one-half the additional amount of Foundation School Program Funds received by virtue of this Act.”

The amendment was adopted without objection.

Mr. Hale offered the following amendment to the bill:

Amend HB 1828 by adding thereto a new Section 3 and renumber all subsequent sections, such new Section 3 to read as follows:

Sec. 3. All taxes heretofore assessed and collected for maintenance purposes by school districts, independent or common, are hereby repealed, and only those taxes necessary to retire bonded indebtedness shall be assessed and collected from and after the effective date of this Act. All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict, and in such cases the provisions of this section shall prevail.

Mr. Jim Nugent moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—70

Adams	Foreman	Jones, G.	Rodriguez
Allen, John	Gammage	Kilpatrick	Salter
Baker	Garcia	Kost	Sanchez
Beckham	Golman	Kubiak	Santiesteban
Bigham	Graves	Lovell	Short
Blanton	Hanna, Joe	McAlister	Silber
Boyle	Hannah, John	McKissack	Slack
Braun	Harding	Moore, A.	Tarbox
Burgess	Harris	Murray	Traeger
Bynum	Hawkins	Nabers	Uher
Cates	Head	Newton	Von Dohlen
Christian	Heatly	Nichols	Wayne
Clayton	Hendricks	Nugent, J.	Wieting
Coats	Hilliard	Ogg	Williams
Cobb	Holmes, T.	Patterson	Wolff
Craddick	Hubenak	Pickens	Wyatt
Cruz	Johnson	Poerner	
Doyle	Jones, D.	Presnal	

Nays—78

Agnich	Davis, H.	Lee	Salem
Allen, Joe	Denton	Lemmon	Schulle
Allred	Dramberger	Lewis	Semos
Angly	Earthman	Lombardino	Sherman
Atwell	Farenthold	Longoria	Simmons
Atwood	Finck	Mengden	Slider
Bass, B.	Finnell	Moncrief	Solomon
Bass, T.	Finney	Moore, G.	Spurlock
Blythe	Floyd	Moore, T.	Stewart
Bowers	Grant	Moreno	Stroud
Braecklein	Hale	Nelms	Swanson
Caldwell	Hawn	Neugent, D.	Truan
Calhoun	Haynes	Niland	Tupper
Carrillo	Holmes, Z.	Orr	Vale
Cavness	Hull	Parker, W.	Ward
Clark	Ingram	Poff	Williamson
Cole	Jones, E.	Price	
Daniel	Jungmichel	Reed	
Davis, D.	Kaster	Rosson	

In The Chair

Shannon

Absent

Howard	Ligarde	Parker, C.	Smith
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Absent-Excused

Doran

The vote of the House was taken on adoption of the Hale amendment and the vote was announced Yeas 74, Nays 67.

A verification of the vote was requested and was granted.

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

Yeas—71

Agnich	Dramberger	Kaster	Salem
Allen, John	Earthman	Kilpatrick	Semos
Allred	Farenthold	Lee	Sherman
Angly	Finck	Lemmon	Simmons
Atwell	Finnell	Lewis	Slider
Bass, B.	Finney	Lombardino	Smith
Bass, T.	Floyd	Mengden	Solomon
Blythe	Gammage	Monerief	Spurlock
Bowers	Grant	Moore, G.	Stewart
Braecklein	Hale	Moore, T.	Stroud
Caldwell	Hannah, John	Moreno	Swanson
Calhoun	Haynes	Nelms	Tarbox
Carrillo	Hilliard	Neugent, D.	Truan
Cavness	Holmes, Z.	Niland	Tupper
Clark	Howard	Orr	Vale
Cole	Hull	Poff	Wayne
Davis, H.	Ingram	Price	Williamson
Denton	Jones, E.	Reed	

Nays—67

Adams	Daniel	Jones, G.	Presnal
Allen, Joe	Davis, D.	Jungmichel	Rodriguez
Baker	Doyle	Kost	Rosson
Beckham	Foreman	Kubiak	Salter
Bigham	Garcia	Lovell	Sanchez
Blanton	Golman	McAlister	Santiesteban
Boyle	Graves	McKissack	Schulle
Braun	Hanna, Joe	Moore, A.	Short
Burgess	Harding	Nabers	Silber
Bynum	Harris	Newton	Slack
Cates	Hawkins	Nichols	Uher
Christian	Head	Nugent, J.	Von Dohlen
Clayton	Heatly	Parker, C.	Ward
Coats	Hendricks	Parker, W.	Wieting
Cobb	Holmes, T.	Patterson	Williams
Craddick	Hubenak	Pickens	Wyatt
Cruz	Johnson	Poerner	

In The Chair

Shannon

Absent

Atwood	Ligarde	Ogg	Wolff
Hawn	Longoria	Traeger	
Jones, D.	Murray		

Absent-Excused

Doran

By unanimous consent, the House dispensed with the verification of those voting Nay.

The Chair stated that the Hale amendment was adopted by the above vote.

(Speaker in the Chair)

HB 1828, as amended, failed to pass to engrossment by the following vote:

Yeas—62

Adams	Golman	Lovell	Salter
Atwood	Graves	McAlister	Santiesteban
Baker	Hanna, Joe	McKissack	Short
Bigham	Hannah, John	Moore, A.	Silber
Blanton	Harding	Nabers	Slack
Boyle	Harris	Newton	Tarbox
Braun	Heatly	Nichols	Traeger
Burgess	Hilliard	Nugent, J.	Uher
Cates	Holmes, T.	Parker, C.	Von Dohlen
Cavness	Hubenak	Parker, W.	Ward
Christian	Johnson	Patterson	Wieting
Clayton	Jones, D.	Pickens	Williams
Coats	Jones, G.	Poerner	Wolff
Cobb	Kost	Presnal	Wyatt
Davis, D.	Kubiak	Rodriguez	
Doyle	Ligarde	Rosson	

Nays—83

Agnich	Davis, H.	Ingram	Price
Allen, Joe	Denton	Jones, E.	Reed
Allen, John	Dramberger	Jungmichel	Salem
Allred	Earthman	Kaster	Sanchez
Angly	Farenthold	Kilpatrick	Schulle
Atwell	Finck	Lee	Semos
Bass, B.	Finnell	Lemmon	Shannon
Bass, T.	Finney	Lewis	Sherman
Beckham	Floyd	Lombardino	Simmons
Blythe	Foreman	Mengden	Slider
Bowers	Gammage	Moncrief	Smith
Braecklein	Grant	Moore, G.	Solomon
Bynum	Hale	Moore, T.	Spurlock
Caldwell	Hawkins	Moreno	Stroud
Calhoun	Hawn	Murray	Swanson
Carrillo	Haynes	Nelms	Truan
Clark	Head	Neugent, D.	Tupper
Cole	Hendricks	Niland	Vale
Craddick	Holmes, Z.	Ogg	Wayne
Cruz	Howard	Orr	Williamson
Daniel	Hull	Poff	

Absent

Garcia	Longoria	Stewart
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Absent-Excused

Doran

Mr. Hale moved to reconsider the vote by which HB 1828 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 718 by viva voce vote.

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

HB 882, By Cavness: Providing for requirements for application for licensure by the Texas State Board of Medical Examiners; and declaring an emergency.

SB 10, By Mauzy: Relating to authorizing and regulating group marketing of motor vehicle insurance; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

BILLS SIGNED BY THE SPEAKER

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

HB 132, Relating to the salaries of certain precinct officials in certain counties.

HB 144, Relating to the Texas National Guard Armory Board.

HB 212, Relating to taking oysters with an oyster dredge.

HB 461, Declaring bonds of certain international financial institutions existing under the laws of the United States to be authorized investments for certain agencies.

HB 602, Relating to the Texas Board of Athletic Trainers.

HB 735, Creating Grant Road Public Utility District in Harris County.

HB 764, Setting methods for summoning jurors in Texas.

HB 827, Creating Beltway Municipal Utility District.

HB 936, Relating to the naming of roads, etc., in the state highway system by local and county governments.

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

HB 1383, Creating Harris County Utility District No. 13.

HB 1386, Creating the Westcrest Utility District in Harris County.

HB 1401, Relating to the designation, authority, and regulation of regional historical resource depositories.

HB 1406, Relating to preservation of books and records of banks and the Banking Department and powers which a state bank may exercise.

HB 1407, Amending the Texas Banking Code requiring notice where stock of a state bank is transferred.

HB 1409, Relating to the voting rights of certain state bank stock.

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

HB 1479, Relating to the appointment and compensation of the official shorthand reporters of the District Courts of Travis County.

HB 1492, Removing certain limitations on bonds purchased by the Texas Water Development Board.

HB 1535, Authorizing the Parks and Wildlife Department to publish information on state parks, historical sites, etc.

HB 1607, Relating to the salaries of the assistants to the county school superintendent in certain counties.

HB 1654, Relating to the levying, assessment, etc., of maintenance taxes in certain common school districts.

HB 1684, Providing for a separate Office of State-Federal Relations.

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

HB 1752, Relating to the salary of the official shorthand reporters of the 16th and 158th Judicial Districts.

HB 1766, Relating to size and bag limits for certain fish taken from the waters of Caddo Lake in Marion County.

COMMITTEE MEETING

Mr. Harding asked unanimous consent of the House that the Committee on Parks and Wildlife be permitted to meet at this time.

There was no objection offered.

HB 928 WITH SENATE AMENDMENTS

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

HB 928, Relating to the taxation of the sale, preparation, and serving of certain alcoholic beverages.

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

The motion prevailed without objection.

HB 928—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House on HB 928:

Representatives Hale, McKissack, Slack, Santiesteban, and Jungmichel.

SB 362 ON SECOND READING
(Mr. Cruz—House Sponsor)

The Speaker laid before the House, in lieu of HB 634, on its second reading and passage to third reading,

SB 362, A bill to be entitled An Act providing for the regulation by the State Department of Health of certain commercial transactions involving hazardous substances; providing a penalty for violations; and declaring an emergency.

The bill was read second time.

Mr. Cruz moved that consideration of SB 362 be postponed until 11:00 a. m., May 26, 1971.

The motion prevailed without objection.

HB 634—LAID ON THE TABLE SUBJECT TO CALL

Mr. Cruz moved that HB 634 be laid on the table subject to call.

There was no objection offered and it was so ordered.

COMMITTEE MEETINGS

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.

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

There was no objection offered.

HB 1491 ON SECOND READING

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

HB 1491, A bill to be entitled An Act authorizing further issuance of Two Hundred Million Dollars (\$200,000,000) in Texas Water Development Bonds; providing for the use of the proceeds from the sale of such bonds; amending Section 4 of Chapter 425, Acts of the 55th Legislature, Regular Session, 1955, as last amended by Chapter 126, Acts of the 61st Legislature, Regular Session, 1969, as codified in Article 8280-9, Section 4 of Vernon's Texas Civil Statutes; increasing the amount of the Texas Water Development Fund; and declaring an emergency.

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

HB 1491 ON THIRD READING

Mr. Clayton moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1491 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

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

Nays—27

Agnich	Clark	Haynes	Nelms
Allen, Joe	Denton	Head	Nugent, J.
Angly	Doyle	Holmes, Z.	Patterson
Bass, B.	Floyd	Jones, D.	Reed
Bass, T.	Gammage	Kubiak	Rosson
Blythe	Grant	Moore, T.	Smith
Braun	Graves	Moreno	

Absent

Atwood	Hannah, John	Lee	Mengden
Bowers	Jones, E.	Ligarde	Stroud
Daniel			

Absent-Excused

Doran

The Speaker then laid HB 1491 before the House on its third reading and final passage.

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

Yeas—116

Adams	Finnell	Ligarde	Sanchez
Allen, John	Finney	Lombardino	Santiesteban
Atwell	Foreman	Longoria	Schulle
Baker	Garcia	Lovell	Semos
Bass, B.	Golman	McAlister	Shannon
Beckham	Hale	McKissack	Sherman
Bigham	Hanna, Joe	Mengden	Short
Blanton	Harding	Moncrief	Silber
Boyle	Harris	Moore, A.	Simmons
Braecklein	Hawkins	Moore, G.	Slack
Burgess	Hawn	Moreno	Slider
Caldwell	Heatly	Murray	Solomon
Calhoun	Hendricks	Nabers	Spurlock
Carrillo	Hilliard	Neugent, D.	Stewart
Cates	Holmes, T.	Newton	Swanson
Cavness	Holmes, Z.	Niland	Tarbox
Christian	Howard	Nugent, J.	Traeger
Clayton	Hubenak	Ogg	Truan
Coats	Hull	Orr	Tupper
Cobb	Ingram	Parker, C.	Uher
Cole	Johnson	Parker, W.	Vale
Craddick	Jones, D.	Pickens	Von Dohlen
Cruz	Jones, G.	Poerner	Ward
Davis, D.	Jungmichel	Poff	Wayne
Davis, H.	Kaster	Presnal	Wieting
Dramberger	Kilpatrick	Price	Williams
Earthman	Kost	Reed	Williamson
Farenthold	Lemmon	Rodriguez	Wolf
Finck	Lewis	Salem	Wyatt

Nays—25

Agnich	Braun	Graves	Nichols
Allen, Joe	Clark	Haynes	Patterson
Allred	Denton	Head	Rosson
Angly	Doyle	Kubiak	Smith
Bass, T.	Floyd	Lee	
Blythe	Gammage	Moore, T.	
Bowers	Grant	Nelms	

Absent

Atwood	Daniel	Jones, E.	Stroud
Bynum	Hannah, John	Salter	

Absent-Excused

Doran

Mr. Clayton moved to reconsider the vote by which HB 1491 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted against HB 1491, by Clayton, because this Act will permit the sale of bonds, the revenue thereof to be used to construct facilities to be used in the transfer of water from the East Texas areas, as well as other areas of the state.

The sale of additional bonds will place an even greater burden on the State Treasury because the Constitution states that the "first monies which are placed in the State Treasury shall be used to retire the interest and the principal on these bonds."

Signed: Clyde Haynes, Jr.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 344, SB 838, and SB 951 by 31 Yeas, 0 Nays.

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

HB 416, By Stewart: The "Texas Pawnshop Act"; and declaring an emergency. (with amendments)

HB 638, By Harding: Relating to amending the inheritance tax law; and declaring an emergency.

HB 578, By Semos, et al: Making appropriations for and directing payment of certain miscellaneous claims and judgments out of Special Funds designated; and declaring an emergency.

HB 952, By Semos, Garcia: Making appropriations for and directing payment of miscellaneous claims out of General Revenue Fund as designated; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 1646—LAID ON THE TABLE SUBJECT TO CALL

Mr. Traeger moved that HB 1646 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 1127 ON SECOND READING

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

HB 1127, A bill to be entitled An Act relating to the reserves required to be maintained by certain insurers; amending Section 3, Article 1.10 Texas Insurance Code; repealing Subsection (b), Section 2 of Article 14.15, and Section 2, Article 22.11, Texas Insurance Code, as amended; repealing laws in conflict; providing for severability; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1127 by striking out all of HB 1127 below the enacting clause and substituting in lieu thereof the following:

"Section 1. Sec. 2, Art. 22.11, Texas Insurance Code, as amended, is hereby amended to read as follows:

"A. Each company doing a health, accident and sickness insurance business shall maintain a reinsurance or unearned premium reserve on each health, accident and sickness insurance policy in force, and such reinsurance or unearned premium reserve shall be computed as equal to one-half of the mode of premium payment upon each such health, accident and sickness insurance policy (or the company at its option may compute all of such reserves on a quarterly, monthly or more frequent pro rata basis) except that:

"(i) A reinsurance or unearned premium reserve shall not be required to be maintained during the first policy year of any such policy of health, accident and sickness insurance issued or delivered prior to January 1, 1973; and

"(ii) a reinsurance or unearned premium reserve shall not be required to be maintained during the first six months of the policy year of any such policy of health, accident and sickness insurance issued or delivered on or after January 1, 1973.

"B. In addition to the reinsurance or unearned premium reserve as in this Section 2 of this Art. 22.11 is provided, each guaranteed renewable health, accident or sickness policy issued or delivered by any such company on or after January 1, 1975, shall be additionally reserved by each such company, and the Board shall so calculate, an additional reserve in accordance with the minimum standards of the Task Force 4 Report of November 26, 1956, for each guaranteed renewable health, accident or sickness policy so issued or delivered after January 1, 1975 (but excluding such reserve on any benefits not readily determinable), or in accordance with any other reserve standards adopted by the company and approved by the State Board of Insurance, provided such additional reserves are at least equal, in the aggregate, to such reserves based upon the Task Force 4 Report and calculated as provided in this subparagraph B of this Sec. 2 of Art. 22.11.

"For the purpose of this Act, a guaranteed renewable health, accident and sickness policy is hereby defined as follows:

"A guaranteed renewable health, accident and sickness policy shall mean any and every policy of health, accident and sickness insurance issued or delivered in the State of Texas providing that the insured has the right to continue the policy in force by the timely payment of premiums (i) until at least age 50, or (ii) in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the insurer may make changes in premium rates by classes or by policy forms.

(Any policy of health, accident or sickness insurance meeting the guaranteed renewability definition set forth above but in which the insurer company reserves the right by virtue of any policy provision or such right exists by reason of any provision of law to adjust the premium rate upon such policy, whether or not the right to so adjust the premium rate is subject to approval of the State Board of Insurance, shall be deemed and considered a guaranteed renewable health, accident or sickness policy for the purposes of this Act and not a noncancellable health, accident or sickness policy.)

"C. Nothing contained in this Act shall ever be deemed or considered to alter, affect or impair the law applicable to the required reinsurance or unearned premium reserve upon policies of health, accident or sickness insurance issued prior to the effective date of this Act and each such policy shall continue to be reserved under the provisions of such prior law in effect prior to this Act, and such prior law is hereby in all things continued in force as to such policies of health, accident and sickness insurance issued or delivered prior to the effective date hereof. Likewise nothing contained in this Act shall ever be deemed or considered to require the establishment of the said Task Force 4 Report upon any policy of health, accident or sickness insurance issued by any such company prior to January 1, 1975.

"D. Any such company may take credit upon the reserves required by

this Act when such policy liability has been reinsured in accordance with the provisions of Chapter 6 or any other applicable provision of this Code.”

“Section 2. Chapter Three, Texas Insurance Code, as amended, is hereby amended by adding thereto a new Article, to be designated as Art. 3.74 to read as follows:

“Art. 3.74. Reserve Requirement for Individual and Family Group Health, Accident and Sickness Policies.

“A. Despite any other provision of the Texas Insurance Code to the contrary notwithstanding, all individual or family group health, accident and sickness policies (but excluding single premium accident policies) issued by a company doing business under the provisions of this Chapter Three shall maintain a reinsurance or unearned premium reserve on each health, accident and sickness insurance policy written upon an individual or family group, and such reinsurance or unearned premium reserve shall be computed as equal to one-half of the mode of premium payment upon each such health, accident and sickness insurance policy (or the company at its option may compute all of such reserves on a quarterly, monthly or more frequent pro rata basis) except that:

“(i) a reinsurance or unearned premium reserve shall not be required to be maintained during the first six months of the policy year of any such individual or family group policy of health, accident and sickness insurance issued or delivered after the effective date of this Act.

“B. In addition to the reinsurance or unearned premium reserve as in this Art. 3.74 is provided, each guaranteed renewable and each noncancellable health, accident or sickness policy issued or delivered by any such company on or after January 1, 1975, shall be additionally reserved by each such company, and the Board shall so calculate, an additional reserve as is applicable to either guaranteed renewable or noncancellable policies in accordance with the minimum standards of the Task Force 4 Report of November 26, 1956, for each such type policy so issued or delivered after January 1, 1975 (but excluding reserve on any benefits not readily determinable), or in accordance with any other reserve standards adopted by the company and approved by the State Board of Insurance, provided such additional reserves are at least equal, in the aggregate, to such reserves based upon the Task Force 4 Report and calculated as provided in this subparagraph B of this Art. 3.74.

“For the purpose of this Act, a guaranteed renewable health, accident and sickness policy is hereby defined as follows:

“A guaranteed renewable health, accident and sickness policy shall mean any and every policy of health, accident and sickness insurance issued or delivered in the State of Texas providing that the insured has the right to continue the policy in force by the timely payment of premiums (i) until at least age 50, or(ii) in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the insurer may make changes in premium rates by classes or by policy forms.

"For the purpose of this Act, a noncancellable health, accident and sickness policy is hereby defined as follows:

"A noncancellable health, accident and sickness policy shall mean any and every policy of health, accident and sickness insurance issued or delivered in the State of Texas providing that the insured has the right to continue the policy in force by the timely payment of premiums (i) until at least age 50, or (ii) in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the insurer company has no right to make unilaterally any change in any provision of the policy while the policy is in force. (Approval of any such rate increase by the State Board of Insurance as may be required by law shall not be deemed or considered to be a limitation upon the insurer company to make a unilateral adjustment in rate.) Any policy of health, accident and sickness insurance in which the insurer company reserves the right by virtue of any policy provision to adjust the premium rate upon such policy, whether or not the right to so adjust the premium rate is subject to approval of the State Board of Insurance, shall never be deemed or considered a noncancellable health, accident or sickness policy for the purpose of this Act.

"C. Nothing contained in this Act shall ever be deemed or considered to alter, affect or impair the law applicable to the required reinsurance or unearned premium reserve upon policies of health, accident or sickness insurance issued prior to the effective date of this Act and each such policy shall continue to be reserved under the provisions of such prior law in effect prior to this Act, and such prior law is hereby in all things continued in force as to such policies of health, accident and sickness insurance issued or delivered prior to the effective date hereof. Likewise nothing contained in this Act shall ever be deemed or considered to require the establishment of said Task Force Four Reserve upon any policy of health, accident or sickness insurance issued by any such company prior to January 1, 1975.

"D. Any such company may take credit upon the reserves required by this Act when such policy liability has been reinsured in accordance with the provisions of Chapter 6 or any other applicable provision of this Code."

"Section 3. Control Over Conflicts. The provisions of this Act and the powers and functions authorized by this Act are to be exercised to the end that its purposes are accomplished. This Act is cumulative of existing laws, but in the event of conflict between this Act and any other law relating to the subject matter of this Act or its application, the provisions of this Act shall control, and all laws, or parts of laws, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only."

"Section 4. Severance Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

"Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby sus-

pending, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

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

Amend Committee Amendment No. 1 to HB 1127 by deleting Section 2 and substituting in lieu thereof the following:

“Section 2. Chapter Three, Texas Insurance Code, as amended is hereby amended by adding thereto a new Article, to be designated as Art. 3.74 to read as follows:

“Art. 3.74. Reserve Requirement for Individual and Family Group Health, Accident and Sickness Policies.

“A. Despite any other provision of the Texas Insurance Code to the contrary notwithstanding, all individual or family group health, accident and sickness policies (but excluding single premium accident policies) issued by a company doing business under the provisions of this Chapter Three shall maintain a reinsurance or unearned premium reserve on each health, accident and sickness insurance policy written upon an individual or family group, and such reinsurance or unearned premium reserve shall be computed as equal to one-half of the mode of premium payment upon each such health, accident and sickness insurance policy (or the company at its option may compute all of such reserves on a quarterly, monthly or more frequent pro rata basis) except that:

“(i) a reinsurance or unearned premium reserve shall not be required to be maintained during the first six months of the policy year of any such individual or family group policy of health, accident and sickness insurance issued or delivered after the effective date of this Act; and

“(ii) nothing contained herein shall prevent any such company from maintaining additional reinsurance or unearned premium reserves or other additional reserves on any such type business included herein as any such company in its discretion deems necessary for the protection of its policyholders and is approved by the State Board of Insurance, or is required by law or regulations of any state in which such company is licensed to do business; approval by the State Board of Insurance shall be deemed to have been given by said Board unless said Board shall within six months following the filing of said company’s annual statement notify said company of the disapproval of the establishment of any such additional reserves.”

“B. Nothing contained in this Act shall ever be deemed or considered to alter, affect or impair the law applicable to the required reinsurance or unearned premium reserve upon policies of health, accident or sickness insurance issued prior to the effective date of this Act and each such policy shall continue to be reserved under the provisions of such prior law in effect prior to this Act, and such prior law is hereby in all things continued in force as to such policies of health, accident and sickness insurance issued or delivered prior to the effective date hereof.

“C. Any such company may take credit upon the reserves required by this

Act when such policy liability has been reinsured in accordance with the provisions of Chapter 6 or any other applicable provision of this Code."

The amendment was adopted.

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

Amend Committee Amendment No. 1 to HB 1127 by deleting Section 1 of HB 1127 and substituting in lieu thereof the following:

"Section 1. Sec. 2, Art. 22.11, Texas Insurance Code, as amended, is hereby amended to read as follows:

"Sec. 2. A. Each company doing a health, accident and sickness insurance business shall maintain a reinsurance or unearned premium reserve on each health, accident and sickness insurance policy in force, and such reinsurance or unearned premium reserve shall be computed as equal to one-half of the mode of premium payment upon each such health, accident and sickness insurance policy (or the company at its option may compute all of such reserves on a quarterly, monthly or more frequent pro rata basis) except that:

"(i) a reinsurance or unearned premium reserve shall not be required to be maintained during the first policy year of any such policy of health, accident and sickness insurance issued or delivered prior to January 1, 1973; and

"(ii) a reinsurance or unearned premium reserve shall not be required to be maintained during the first six months of the policy year of any such policy of health, accident and sickness insurance issued or delivered on or after January 1, 1973; and

"(iii) nothing contained herein shall prevent any such company from maintaining additional reinsurance or unearned premium reserves or other additional reserves on any such type business included herein as any such company in its discretion deems necessary for the protection of its policyholders and is approved by the State Board of Insurance; approval by the State Board of Insurance shall be deemed to have been given by said Board unless said Board shall within six months following the filing of said company's annual statement notify said company of the disapproval of the establishment of any such additional reserves.

"B. Nothing contained in this Act shall ever be deemed or considered to alter, affect or impair the law applicable to the required reinsurance or unearned premium reserve upon policies of health, accident or sickness insurance issued prior to the effective date of this Act and each such policy shall continue to be reserved under the provisions of such prior law in effect prior to this Act, and such prior law is hereby in all things continued in force as to such policies of health, accident and sickness insurance issued or delivered prior to the effective date hereof.

"C. Any such company may take credit upon the reserves required by this Act when such policy liability has been reinsured in accordance with the provisions of Chapter 6 or any other applicable provision of this Code."

The amendment was adopted.

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

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the adoption of all amendments to HB 1127.

HB 1127, as amended, failed to pass to engrossment by the following vote:

Yeas—60

Atwell	Coats	Ligarde	Santiesteban
Atwood	Cobb	McAlister	Schulle
Beckham	Cruz	McKissack	Semos
Blanton	Davis, H.	Moore, A.	Short
Boyle	Foreman	Moore, G.	Silber
Braecklein	Garcia	Moore, T.	Simmons
Braun	Golman	Murray	Slack
Burgess	Hale	Nabers	Slider
Bynum	Harding	Neugent, D.	Solomon
Calhoun	Hawkins	Orr	Swanson
Carrillo	Hawn	Pickens	Tarbox
Cates	Hilliard	Poff	Traeger
Cavness	Johnson	Rosson	Wieting
Christian	Jones, D.	Salter	Williams
Clayton	Jungmichel	Sanchez	Wyatt

Nays—82

Adams	Earthman	Kilpatrick	Presnal
Agnich	Farenthold	Kost	Price
Allen, Joe	Finnell	Kubiak	Reed
Allen, John	Finney	Lee	Rodriguez
Allred	Floyd	Lemmon	Salem
Angly	Gammage	Lewis	Shannon
Baker	Grant	Lombardino	Sherman
Bass, B.	Hanna, Joe	Longoria	Spurlock
Bass, T.	Hannah, John	Lovell	Stewart
Bigham	Harris	Mengden	Stroud
Blythe	Haynes	Moncrief	Truan
Bowers	Head	Moreno	Tupper
Caldwell	Hendricks	Nelms	Uher
Clark	Holmes, T.	Newton	Vale
Cole	Holmes, Z.	Nichols	Von Dohlen
Craddick	Howard	Niland	Ward
Daniel	Hubenak	Nugent, J.	Wayne
Davis, D.	Hull	Parker, C.	Williamson
Denton	Jones, E.	Parker, W.	Wolff
Doyle	Jones, G.	Patterson	
Dramberger	Kaster	Poerner	

Absent

Finck	Heatly	Ogg	Smith
Graves	Ingram		

Absent-Excused**Doran**

Mr. Spurlock moved to reconsider the vote by which HB 1127 failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETINGS

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

There was no objection offered.

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.

Representative Doran entered the House and was announced present.

BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

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

SB 4, Relating to the creation of the Texas Civil Air Patrol Commission.

SB 43, Relating to the appointment, powers, etc., of reserve deputy sheriffs and reserve deputy constables.

SB 189, Authorizing school districts to contract with other school districts to provide vocational training.

SB 337, Authorizing the Board of Regents of The University of Texas System to establish, etc., System Nursing Schools.

SB 369, Requiring the use of the jury wheel in certain counties.

SB 397, Exempting from ad valorem taxes any land owned by non-profit corporations and used solely for certain purposes.

SB 460, Concerning the issuance of permits and taxation of suppliers, dealers, and users of liquified gas.

SB 529, Relating to the authority of the presiding judge of the Court of Criminal Appeals to appoint certain judges to sit as commissioners.

SB 535, Creating the State of Texas Building Materials and Systems Testing Laboratory.

SB 557, Requiring the posting of notices of meetings by certain governmental bodies.

SB 561, Relating to authorization for school districts to conduct special education classes for deaf children.

SB 607, Enacting The Certificate of Obligation Act of 1971.

SB 620, Prohibiting the hunting of wild animals in state parks, etc.

SB 703, Relating to the reproduction and retention of records of the district clerk by certain means.

SB 727, Exempting Parks and Wildlife vehicles from inscription requirements.

SB 811, Relating to the creation and operation of health districts by the commissioners court.

SB 835, Relating to the development of certain water quality management plans.

SB 911, Relating to hotel room occupancy tax.

SB 919, Authorizing the Parks and Wildlife Department to designate a representative as State Liaison Officer.

SB 928, Authorizing the Board of Vocational Nursing Examiners to delegate the power to hold the Vocational Nursing Examination.

SB 941, Relating to the legality of the pool system for private clubs operating on the premises of certain professional sport stadiums and certain multiple dwellings.

SB 942, Relating to instruction in the field of marine resources at certain institutions of higher education.

SB 967, Including the waters of Lake Livingston located in Polk, Trinity, Walker, and San Jacinto Counties under the provisions of the Uniform Wildlife Regulatory Act.

SB 1025, Relating to allowing hunting with dogs in San Augustine County.

SB 1026, Relating to changing the open season for the taking of squirrel in San Augustine and Shelby Counties.

SCR 89, Requesting the Advisory Council for Technical-Vocational Education in Texas to conduct a feasibility study on Occupational Education and Manpower Development.

COMMITTEE MEETING

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

There was no objection offered.

HB 897 ON SECOND READING

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

HB 897, A bill to be entitled An Act relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7261d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Change Sec. 2 as follows:

Strike Section 3.35 (a), (b) and the first paragraph of (c) down to and including line 33 and in lieu thereof substitute the following:

"Section 3.35. Ecological Contaminants. (a) The Board shall have the power, within the limits of available funds and staff, to investigate by contract, cooperative agreement or otherwise any product or any ingredient or component of any product sold in Texas which in its normal use will be discharged as municipal waste in order to determine whether it is capable of proper treatment by existing treatment facilities.

"(b) The Board, after a public hearing, may declare any product or any ingredient or component of any product sold in Texas to be an ecological contaminant if

"(1) it is incapable of proper treatment by existing treatment facilities such that when it is discharged from treatment facilities it results in widespread pollution or has a substantially adverse effect on the receiving body of water or within the stream system of which the receiving body of water is a part, and

"(2) the benefits of continued use of the product, the scarcity of substitutes for the product, and other merits of the product, both tangible and intangible, are outweighed by the danger of existing or potential degradation of the waters of the state.

"(c) If the Board declares any product or any ingredient or component of any product to be an ecological contaminant, it shall do one of the following:"

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

Amend House Committee amendment to HB 897 by adding at the end of Section 3.35, a new paragraph reading as follows:

"(e) no ingredient or component of a product shall be declared an ecological contaminant if the United States or any federal department or agency

has set or approved weight, percentage, or other standards relating to the inclusion or use of such ingredient or component in the product.”

The amendment was adopted without objection.

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

HB 897, as amended, was passed to engrossment.

HB 897 ON THIRD READING

Mr. Silber moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 897 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135

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

Nays—8

Allred	Finck	Graves	Mengden
Doran	Floyd	Jones, G.	Nugent, J.

Absent

Atwell	Jones, D.	McKissack	Stroud
Heatly	Ligarde		

The Speaker then laid HB 897 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Silber moved to reconsider the vote by which HB 897 was passed and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE MEETING

Mr. Cruz asked unanimous consent of the House that the Committee on Public Lands and Buildings be permitted to meet at this time.

There was no objection offered.

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

Mr. Jim Nugent moved to suspend all necessary rules and to set a Local and Consent Calendar of Senate Bills for Thursday, May 27, at 3:00 p.m.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

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

HB 628, By Wayne, et al: Abolishing with certain exceptions, the office of county superintendent in all counties which have no common school districts; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 559 ON SECOND READING

Mr. Stroud moved that all necessary rules be suspended to take up and consider at this time, HB 559.

The motion prevailed.

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

HB 559, A bill to be entitled An Act revising, amplifying, and clarifying civil and criminal laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; etc.; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 559 by striking all below the enacting clause and substituting the following:

Section 1. Section 5, Texas Election Code, as amended (Article 1.05, Vernon's Texas Election Code), is amended to read as follows:

"5. Ineligibility

"No person shall be eligible to be a candidate for, or to be elected or appointed to, any public office in this state unless he is a citizen of the United States eligible to hold such office under the Constitution and laws of this state, is under none of the disabilities for voting which are stated in Section 33 of this code, and will have attained the age of 21 years on the date of his appointment or of the election at which he is elected, and unless he will have resided in this state for a period of 12 months next preceding the applicable date specified below, and for any public office which is less than statewide, will have resided for six months next preceding such date in the district, county, precinct, municipality, or other political subdivision for which the office is to be filled:

"(1) For a candidate whose name is printed on the ballot for a general (first) primary election, the applicable date is the last day on which any candidate for the office involved could file his application to have his name printed on the ballot for that primary election.

"(2) For an independent or nonpartisan candidate in a general or special election, the applicable date is the last day on which the candidate's application for a place on the ballot could be delivered to the appropriate officer for receiving the application.

"(3) For a write-in candidate, the applicable date is the day of the election at which the candidate's name is written in.

"(4) For a party nominee who is nominated by any method other than by primary election, the applicable date is the day on which the nomination is made.

"(5) For an appointee to an office, the applicable date is the day on which the appointment is made.

"The foregoing requirements shall not apply to any office for which the Constitution or statutes of the United States or of this state prescribe qualifications in conflict herewith, and in case of conflict the provisions of such other laws shall control.

"Except as provided in Section 104 of this code, no ineligible candidate shall ever have his name placed upon the ballot at any primary, general or special election. No ineligible candidate shall ever be voted upon nor have votes counted for him at any such primary, general, or special election for the purpose of nominating or electing him, but votes cast for an ineligible candidate shall be taken into account in determining whether any other candidate received the necessary vote for nomination or election. No person who advocates the overthrow by force or violence or change by unconstitutional means of the present constitutional form of government of the United States or of this state, shall be eligible to have his name printed on any official ballot in any general, special or primary election in this state."

Sec. 2. The Texas Election Code is amended by adding Section 34a, to read as follows:

"34a. Voting for federal offices

"Subdivision 1. This section applies to the following offices: United States Senator, United States Representative, President and Vice-President of the United States, elector for President and Vice-President of the United States.

"Subdivision 2. Notwithstanding any other provision of this code or of the constitution of this state, a person over 18 years of age who possesses all the qualifications and requirements for voting for an office listed in Subdivision 1 of this section other than the attainment of 21 years of age is entitled to vote for that office in any general, special, or primary election at which the office is voted on.

"Subdivision 3. The procedures stated in this subdivision apply to voting for the federal offices listed in Subdivision 1 of this section by persons between 18 and 21 years of age so long as those persons are not eligible to vote in state and local elections. If the minimum age for voting in state and local elections is lowered to 18 years either by adoption of an amendment to the Texas Constitution or by ratification of an amendment to the United States Constitution, the procedures stated in this subdivision shall be disregarded and the voting for federal offices shall be conducted in the normal manner for all electors. So long as persons between 18 and 21 years of age are not eligible to vote in state and local elections, when such persons present themselves for voting, the election officers shall enter their names on the regular poll list but shall place the notation 'F' or 'Fed' preceding each name, to indicate that the voter has been permitted to vote for federal offices only. The poll list shall contain a space for entering the number of persons listed who vote for federal offices only, and the officer who keeps the poll list is responsible for filling in this information.

"The election officers shall furnish each voter with a ballot which enables him to vote or to have his vote counted only on the offices for which he is eligible to vote. When other offices or propositions are to be voted on at the same election, the election officers may provide separate ballots listing only the federal offices or they may use the regular ballots prepared for the election, from which all other offices and propositions have been stricken, or which are printed on a different color of paper, or which contain a printed or stamped designation, prominently

placed on the face of the ballot, to show that only votes cast for federal offices are to be counted.

"When voting is to be conducted on voting machines, the election officers may provide paper ballots for voting for federal offices only, or they may provide for voting on a voting machine by persons entitled to vote for federal offices only by locking out all other offices as listed on the regular ballot, leaving only the federal offices open for voting, or by listing the federal offices as a separate ballot on the face of the same machine and locking out the entire regular ballot, or by listing the federal offices on a separate machine.

"When other offices are to be voted on and the regular voting is to be conducted by an electronic voting system using a ballot card which is inserted into a voting device, the election officers may provide conventional paper ballots for voting for federal offices only, or they may provide separate voting devices with ballot labels listing the federal offices only and with ballot cards of a different color from the regular ballot cards.

"The authority charged with the responsibility for furnishing the ballots for the election in each county shall make the decision on the form of ballot to be used in that county.

"The same ballot boxes may be used for both the regular ballots and the ballots for federal offices only. The ballots may be counted along with the regular ballots and a record of the count made on the same tally sheets and return forms with the regular ballots. However, the returns for each precinct shall show, separate from other voters, the number of persons voting for federal offices only, and the presiding judge is responsible for seeing that this information is supplied on the returns."

Sec. 3. Subdivision 1, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 1. Who may vote absentee. In every election held in this state, absentee voting shall be conducted by two methods: (1) voting by personal appearance at the clerk's office, and (2) voting by mail.

"Any qualified voter who is eligible to vote at the election may vote by personal appearance at the clerk's office if he is able to make such appearance within the period for absentee voting. The following persons, and no other, may vote by mail:

"(i) Qualified voters who because of sickness or physical disability, or because of religious beliefs, cannot appear at the polling place on the day of the election. The application for an absentee ballot shall be made not more than 60 days before the day of the election. It must be mailed to the clerk, and the clerk shall preserve the envelope in which it is received. If the application is delivered to the clerk by any method other than by mailing it to him, the ballot shall be void and shall not be counted. The voter shall state in his application the address to which the ballot is to be mailed to him, which must be either his permanent residence address or the address at which he is temporarily living. If the ballot is furnished to the voter by any method other than mailing it to him, or if it is mailed to any address other than one of the foregoing, it shall be void and shall

not be counted. The marked ballot must be mailed to the clerk, and if returned in any other manner it shall be void and shall not be counted.

“(ii) Qualified voters who, before the beginning of the period for absentee voting, make application for an absentee ballot on the ground of expected absence from the county of their residence on election day, and who expect to be absent from the county during the clerk’s regular office hours for the entire period of absentee voting. The voter must state in his application that he expects to be absent from the county of his residence on election day and during the clerk’s regular office hours for the entire period for absentee voting. The application shall be made not more than 60 days before the day of the election, and may be mailed to the clerk or delivered to him by the voter in person, but the clerk shall not furnish a ballot to the voter by any method other than by mailing it to him. Applications made under this paragraph may be mailed either from within or without the county of the voter’s residence, but in every case the ballot must be mailed to the voter at an address outside the county. The ballot shall not be counted unless the carrier envelope in which the ballot is returned to the clerk is postmarked from a point outside the county.

“(iii) Qualified voters who, after the beginning of the period for absentee voting, apply for an absentee ballot on the ground of expected absence from the county and who are absent from such county at the time of applying for an absentee ballot and expect to be absent from such county during the clerk’s regular office hours for the remainder of the period for absentee voting. The voter must state in his application that he is absent from the county at the time of making the application and expects to be absent on election day and during the clerk’s regular office hours for the remainder of the period for absentee voting. The clerk shall not mail a ballot to any such voter unless the envelope in which the application received is postmarked from a point outside the county, and the ballot must be mailed to the voter at an address outside the county. The ballot shall not be counted unless the envelope in which the application is received and the carrier envelope in which the ballot is returned to the clerk are each postmarked from a point outside the county.

“(iv) Qualified voters who expect to be absent from the county of their residence on the day of the election and whose residence is situated 45 miles or more by nearest designated highway or public county road from the place for absentee voting for the election. The application for an absentee ballot shall be made not more than 60 days before the day of the election. If made before the beginning of the period for absentee voting, it may be mailed to the clerk or delivered to him by the voter in person. If made after the beginning of the period for absentee voting, it must be mailed to the clerk, and the clerk shall preserve the envelope in which it is received; and if the application is delivered to the clerk by any method other than by mailing it to him, the ballot shall be void and shall not be counted. The voter shall state in his application that he does not expect to be within five miles of the place where the absentee voting is conducted during the clerk’s regular office hours for the period of absentee voting which remains after the date of his application. He shall also state the address to which the ballot is to be mailed to him, which must be his residence address or the post office address at which he regularly receives his mail. If the ballot is furnished to the voter by any method other than by mailing it to him, or if it is mailed to any address other than one of the foregoing, it shall be

void and shall not be counted. The marked ballot must be mailed to the clerk, and if returned in any other manner it shall be void and shall not be counted.

“(v) Qualified voters whose residence is situated 45 miles or more by nearest designated highway or public county road from their polling place and from the place for absentee voting for the election. Voters in this category are subject to the rules stated in Paragraph (iv) of this subdivision for voters in the category defined in that paragraph”

Sec. 4. Subdivision 2, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

“Subdivision 2. Application to vote by personal appearance. A voter desiring to vote absentee by personal appearance shall make a written, signed application for an official ballot to the county clerk of the county of his residence, showing the voter's name and residence address and the date of the application. If he is unable to sign his name, the clerk shall make a notation of that fact on the application, stating whether the voter is unable to sign because of physical disability, blindness, or illiteracy.

“Before being allowed to vote, the voter shall present his voter registration certificate or sign a statement that the certificate has been lost or mislaid or left at home or has been used for applying for an absentee ballot in another election (stating the nature and date of the election) and has not been returned to him.”

Sec. 5. Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended by adding Subdivision 2½, to read as follows:

“Subdivision 2½. Application to vote by mail. A voter desiring to vote absentee by mail shall make a written application for an official ballot to the county clerk of the county of his residence, which application shall be signed by the voter or by a witness at the voter's direction if for any reason the voter is unable to sign his name. The application shall state the ground on which the applicant is entitled to vote absentee by mail, and if the ground is expected absence from the county, it shall also contain the appropriate statement required by Subdivision 1 of this section. The application shall also state the voter's permanent address, the address to which the absentee ballot is to be mailed to him, and the address to which his registration certificate is to be mailed back to him.

“The application shall be accompanied by the voter's registration certificate or his statement in writing that the certificate has been lost or mislaid or has been used for applying for an absentee ballot in another election (stating the nature and date of the election) and has not been returned to him.

“If the ground of application is sickness or physical disability by reason of which the voter cannot appear at the polling place on election day, the voter shall accompany the application with a certificate of that fact, signed by a person authorized by this subdivision to execute the certificate. Expected or likely confinement for childbirth on election day shall be sufficient to entitle a voter to vote absentee on the ground of sickness or physical disability, and a physician executing a certificate for a pregnant woman

may state in the certificate that because of pregnancy and possible delivery she will be or may be unable to appear at the polling place on election day.

"Any duly licensed physician or chiropractor or accredited Christian Science practitioner who has personal knowledge of the physical condition of the voter may execute the certificate of sickness or physical disability. If the voter is either temporarily or permanently residing in a convalescent home, nursing home, retirement home, or other similar institution at the time of applying for the ballot, the certificate may also be executed by the administrator or other person in charge of the institution. Where the voter is not living in an institution, if for more than three months preceding the date of the application the sickness or physical disability has been of sufficient severity to make him a shut-in, the certificate may also be signed by any member of his household who is over 18 years of age. The capacity in which the person signs shall be stated on the certificate. The secretary of state shall prescribe the form of the certificate, which may be either attached to or made a part of the application form. The next paragraph of this subdivision shall be printed at the bottom or on the reverse side of the certificate form.

"Any person who requests a physician, chiropractor, Christian Science practitioner, administrator of a convalescent home or other institution, or any other person to execute a certificate for a voter without having been directed by the voter to do so, and any person who knowingly executes a certificate except upon the request of the voter named therein or upon request of someone at the voter's direction, or who knowingly delivers a certificate except by delivering it to the voter in person or by mailing it to the voter at his permanent residence address or the address at which he is temporarily living, or who knowingly falsifies a certificate, is guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned in the county jail for not more than 30 days, or both so fined and imprisoned."

Sec. 6, Subdivision 3a, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 3a. Voting by personal appearance in countywide elections. (a) In a countywide election, or in an election less than countywide where the authority holding the election has provided that absentee voting by personal appearance shall be conducted on a voting machine or that absentee ballots shall be counted by a special canvassing board, upon receipt of an application for an absentee ballot to be voted by personal appearance, if the clerk is satisfied as to the right of the applicant to vote, the clerk shall place a notation on the list of registered voters showing that the particular person has voted absentee and shall enter the voter's name on a poll list of absentee voters. He shall make a notation on the voter's registration certificate that the voter has voted absentee in the election, shall note the number of the certificate on the application, and shall return the certificate to the voter. The application shall be preserved in the clerk's office for the length of time provided by law for preservation of voted ballots.

"(b) In the conduct of absentee voting under this subdivision, the clerk shall possess the same power as a presiding judge with respect to examination and acceptance of a voter. If the right of an applicant to vote is challenged, the procedure prescribed in Section 91 of this code shall be followed.

"(c) After a voter has been accepted, the clerk shall furnish the voter with an official ballot which has been prepared in accordance with law for use in the election. The voter shall then and there, in the office of the clerk, mark his ballot and deposit it in a ballot box in the manner provided in Section 97 of this code. The ballots shall be deposited in a ballot box locked with two locks, the keys of one which shall be kept during the period for absentee voting by the sheriff and the keys of the other by the county clerk.

"(d) Where a voting machine is used for absentee voting by personal appearance, after a voter has been accepted, he shall then be permitted to cast his ballot on the voting machine. Returns of absentee votes cast on a voting machine shall be made under the appropriate provision of Section 79 of this code."

Sec. 7. Subdivision 3b, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 3b. Voting by personal appearance in elections less than countywide. In an election less than countywide in which absentee paper ballots are to be sent to the regular polling places for counting, upon receipt of an application for an absentee ballot to be voted by personal appearance, the clerk shall thereupon furnish to the voter the following absentee voting supplies:

"(1) One official ballot which has been prepared in accordance with law for use in the election.

"(2) One ballot envelope, which shall be a plain envelope, without any markings except the words 'Ballot Envelope' printed on the face thereof, followed by a concise statement of the instructions contained in this subdivision for preparing the ballot and delivering the carrier envelope to the clerk.

"(3) One carrier envelope, upon the face of which there shall appear the words 'Carrier Envelope for Absentee Ballot', and upon the other side there shall appear spaces for showing the nature and date of the election and the number of the election precinct in which the voter resides. The clerk shall fill in these spaces before he delivers the supplies to the voter.

"The voter shall then and there, in the office of the clerk, mark the ballot, fold it and place it in the envelope marked 'Ballot Envelope', and seal the envelope. He shall then place the ballot envelope in the carrier envelope, seal the carrier envelope, and deliver it to the clerk. The clerk shall make a notation on the voter's registration certificate that he has voted absentee in the election, shall note the number of the certificate on the application, and shall return the certificate to the voter."

Sec. 8. Subdivision 4, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 4. Voting by mail. The period for absentee voting by mail shall begin on the 20th day preceding the date of the election. An application for an absentee ballot to be voted by mail must be received in the clerk's office not later than the close of business on the fourth day pre-

ceding election day. In countywide elections and in elections less than countywide where the authority holding the election has provided that absentee ballots shall be counted by a special canvassing board, the marked ballot must be received in the clerk's office before 1:00 p.m. on election day, except that in an election in which the offices of President and Vice-President of the United States appear on the ballot, the deadline for receipt of the ballot in the clerk's office is the official time of closing of the polls on the day of the election. In all other elections which are less than countywide, the marked ballot must be received in the clerk's office before 10 a.m. on the second day preceding election day. The ballot may be marked by the voter at any time after he receives it.

"On the 20th day preceding election day, or as soon thereafter as possible, the clerk shall mail an official ballot, ballot envelope, and carrier envelope, as described in this subdivision, to each voter who has theretofore made application for a ballot in compliance with this section. On applications which are received between the 20th day and the fourth day preceding election day, the clerk shall forthwith mail the absentee voting supplies to the voter.

"The absentee voting supplies consist of:

"(1) One official ballot which has been prepared in accordance with law for use in the election.

"(2) One ballot envelope, which shall be a plain envelope, without any markings except the words 'Ballot Envelope' printed on the face thereof, followed by a concise statement of the instructions contained in this subdivision for preparing the ballot and returning it to the clerk, together with a statement of the deadline for placing the ballot in the mail and for delivery to the clerk's office in that election. There shall also be printed on the envelope a summary of the provisions relating to assistance in preparing the ballot and the penalties for a violation of those provisions.

"(3) One carrier envelope, upon the face of which there shall appear the words 'Carrier Envelope for Absentee Ballot' and the name, official title, and post-office address of the county clerk, and upon the other side there shall appear spaces for showing the nature and date of the election and the number of the election precinct in which the voter resides. The clerk shall fill in these spaces before he mails the supplies to voter. There shall also appear a space for the voter's signature and for the signature of the witness who assists the voter in event of his inability to read the English language or of bodily infirmity which renders him physically unable to write or to see, with an instruction note that the signature must be affixed before the ballot is returned to the clerk.

"The voter or the person assisting him shall mark the ballot, fold it and place it in the ballot envelope, and seal the envelope. He shall then place the ballot envelope in the carrier envelope and seal it. The carrier envelope shall then be mailed, postage prepaid, to the clerk.

"As soon as practicable after receipt of the carrier envelope containing the marked ballot, the clerk shall make a notation on the voter's registration certificate that he has voted absentee in the election (or that the ballot was received after the deadline for returning ballots, in the case of late ballots), shall note the number of the certificate on the application,

and shall mail the certificate to the voter at the address given in the application for returning the certificate to the voter, or if no such address is given, to the voter's permanent address."

Sec. 9. Paragraphs (b) and (d), Subdivision 6, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), are amended to read as follows:

"(b) This special canvassing board shall open the jacket envelopes, announce the voter's name, and ascertain in each case if he is qualified to vote at that election and if he has complied with all applicable provisions of this section to entitle his ballot to be cast. On ballots voted by mail, the board shall compare the signatures on the application and the carrier envelope and shall reject the ballot if they find that the signatures do not correspond. If they find that the voter is a qualified elector and that he has voted in a manner authorized in this section, they shall enter his name on the official poll list, on which voters voting by mail shall be listed separately from those who have voted by personal appearance. They shall then open the carrier envelope so as not to deface the information and signature thereon, and shall place the sealed ballot envelope in the ballot box. The carrier envelope and the application and accompanying papers shall be replaced in the jacket envelope and returned to the clerk at the same time the voted ballots are returned, and shall be preserved for the length of time provided by law for the preservation of the voted ballots."

"(d) At such time as the presiding judge shall direct, the election officers whose duty it is to count the ballots shall open the absentee ballot box, remove the ballots from the sealed ballot envelopes, and proceed to count and make out returns of all ballots cast absentee, including the ballots voted by personal appearance, in the same way as is done at a regular polling place. The ballot envelopes for the ballots voted by mail may be discarded or destroyed. The returns, the voted ballots, and other records of the election shall be delivered to the proper officials as provided by law for regular polling places."

Sec. 10. Subdivision 6, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended by adding Paragraph (d-1), to read as follows:

"(d-1) At the option of the presiding judge of the special canvassing board, the processing of the absentee ballots voted by mail which is described in Paragraphs (b) and (c) of this subdivision may commence on the day before election day if:

"(1) the number of ballots voted by mail exceeds 1,000; or

"(2) the total number of absentee ballots to be counted manually exceeds 1,500 and the number of ballots voted by mail exceeds 500.

"The processing which may be done on the day before election day is limited to the procedures described in Paragraphs (b) and (c). The counting of the ballots may not be commenced before election day. The board may begin work at any hour within the regular working hours of the clerk and may continue its work until the clerk's regular closing time, or by arrangement with the clerk it may continue to work past that time. At the hour designated by the presiding judge, the clerk shall deliver to the

board all the records and supplies enumerated in Paragraph (a) of this subdivision except the keys to the ballot box. When the board discontinues its work, the presiding judge shall deliver all the records and supplies back into the custody of the clerk, to remain there until the board resumes work on election day. The members of the board shall be paid for the time spent in processing the ballots at the same hourly rate that they are paid for their services on election day."

Sec. 11. Subdivision 15, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 15. Assistance to voter; use of English language. No assistance shall be given a voter in marking his absentee ballot except where the voter is entitled to assistance as provided in Section 95 of this code. If the voter is entitled to assistance, he may be assisted by some person selected by him, including the clerk where he is voting by personal appearance, but the person assisting the voter shall not suggest, by word or sign or gesture, how the voter shall vote, and shall confine his assistance to answering the voter's questions, to stating the propositions to be voted on, and to naming the candidates and the political parties to which they belong, and he shall prepare the ballot as the voter himself shall direct. Where any assistance is rendered in marking an absentee ballot in a manner other than as allowed in this subdivision, the ballot shall not be counted but shall be void for all purposes. Where a voter who is voting by personal appearance receives assistance, the clerk shall make a notation of that fact on the voter's application, showing the name of the person who assisted him. Where a voter who is voting by mail receives assistance, the person assisting him shall affix his signature on the carrier envelope. A person who assists a voter without affixing his signature is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$1,000.

"In absentee voting by personal appearance at the clerk's office, any voter unable to speak or understand the English language may communicate with the clerk in some other language. If the clerk is unable to speak or understand the language used by the voter or if he requests that the voter communicate through an interpreter, the voter is entitled to communicate through an interpreter of his choice, who shall be a qualified voter in the county. Before acting as interpreter, the person chosen by the voter shall take the following oath, to be administered by the clerk: 'I solemnly swear that I will correctly interpret and translate each question, answer, or statement addressed to the voter by the clerk and each question, answer or statement addressed to the clerk by the voter.' When any language other than the English language is used either by the voter or by the clerk, any watcher present is entitled to request and receive translation into the English language of anything spoken in some other language."

Sec. 12. Section 37, Texas Election Code, as amended (Article 5.05 Vernon's Texas Election Code), is amended by adding Subdivision 19, to read as follows:

"Subdivision 19. Secretary of state to prescribe forms. The secretary of state shall prescribe the forms for the application for absentee ballot, the ballot envelopes, and the carrier envelopes."

Sec. 13. Section 37a, Texas Election Code (Article 5.05a, Vernon's Texas Election Code), is amended to read as follows:

"37a. Voting by new residents of state in presidential elections.

"Subdivision 1. New residents eligible to vote. A person who has been a resident of this state for more than 30 days but less than one year prior to the date of a presidential election shall be entitled to vote for presidential and vice-presidential electors in such election, but for no other offices, if

"(1) he will be 18 years of age or older on the day of the election;

"(2) he possesses the substantive qualifications of an elector in this state, as defined in Section 34 of this code, except the requirements of age and residence stated in that section; and

"(3) he complies with the provisions of this section.

"Subdivision 2. Application for presidential ballot. A person desiring to qualify to vote for presidential and vice-presidential electors under this section is not required to register under the general voter registration laws of this state, but between the 90th day and the 31st day preceding the election, both dates included, he shall register by making an application to the county clerk of the county of his residence, executed in duplicate, in substantially the following form:

"State of Texas

County of _____

I, _____, do solemnly state that:

"1. I am a citizen of the United States.

"2. Before becoming a resident of this state, my legal residence was in the _____ precinct of the city of _____, county of _____, state of _____, and my local residence address was _____ street (post office address if no street address).

"3. On the day of the next presidential election, I will be 18 years of age or older. I have been a resident of Texas since _____, 19____, now residing at _____ street (post office address if no street address), in the city of _____, county of _____.

"4. Pursuant to Section 37a (Article 5.05a) of the Texas Election Code, I am qualified to vote for President and Vice-President at the election to be held November _____, 19____, and I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

"5. Mail a ballot to me at the following address (to be filled in if the mailing address is different from the residence address given in Paragraph (3) _____

Signed _____
(Applicant)

"Subdivision 3. Application by personal appearance. Any person eligible to apply for a presidential ballot may do so by personal appearance at the clerk's main office or any regularly maintained general branch office. Application must be by personal appearance unless the voter comes within one of the categories who may apply by mail as stated in Subdivision 4 of this section.

"Where the voter applies in person, the clerk shall inform him immediately whether he qualifies for a ballot and shall inform him of the reason for the rejection if his application is rejected.

"Subdivision 4. Application by mail. A person may apply for a presidential ballot by mail

"(1) if he is absent from the county at the time of applying and expects to be absent from the county during the clerk's regular office hours during the remainder of the period for making the application, or

"(2) if he is prevented from appearing in person because of sickness or physical disability which will continue for the remainder of the period for making the application. An application by mail on this ground must be accompanied by the certificate of a duly licensed physician or chiropractor or Christian Science practitioner certifying to the sickness or physical disability.

"The application is timely if it is mailed on or before the 31st day preceding the election, as shown by the postmark on the letter.

"If an application by mail is rejected, the clerk shall immediately notify the applicant of the rejection and inform him of the reason.

"Subdivision 5. Duplicate sent to registrar of voters at former residence. Upon receipt of an application, the county clerk shall immediately forward the duplicate of the application to the registrar of voters, or equivalent official, of the county and state of the applicant's former residence. The duplicate copy of the application form shall contain a printed statement, in wording prescribed by the secretary of state, that it will be mailed to the registrar or equivalent official for his information and action in regard to any former registration or application to vote at that place in the forthcoming election. The secretary of state shall furnish to each county clerk the necessary information as to the appropriate official in each of the other states to whom the duplicate application should be mailed.

"Subdivision 6. Procedure for voting. On the 20th day before the election or as soon as practicable thereafter, and not later than the 15th day before the election, the county clerk shall mail a ballot to each qualified applicant. The clerk shall mail a ballot to the voter as soon as possible after the ballots become available, but not earlier than 30 days before the election, if the ballot is to be mailed to one of the following: (1) an address outside the United States; (2) an address in the United States for forwarding to the voter at a location outside the United States; (3) an Army Post Office (APO) or a Fleet Post Office (FPO) address; or (4) an address in the United States for delivery or forwarding to a member of the merchant marine. The ballot may be either a specially printed ballot on which no offices other than president and vice-president are printed, or it may

be the regular official ballot from which all other offices and propositions are stricken or on which it is otherwise shown that the voter is not entitled to vote on the other offices and propositions. The clerk shall also furnish the voter with a ballot envelope and carrier envelope similar to those provided for in Section 37 of this code for absentee voting by mail, with instructions for marking and returning the ballot under the same rules as those pertaining to absentee voting by mail in a countywide election in which the offices of president and vice-president appear on the ballot. The procedure for marking, returning, and counting absentee ballots voted by mail in such an election shall be followed insofar as it can be made applicable and is not inconsistent with this section. The ballots shall be counted and return made thereof along with and on the same forms as the absentee mail ballots.

"Subdivision 7. Definition of 'state'. As used in this section and Section 37b of this code, the term 'state' includes the District of Columbia.

"Subdivision 8. The secretary of state shall prescribe the forms for applying for a ballot, the certificate to accompany any application by mail on the ground of sickness or physical disability, the ballot envelope, the carrier envelope, and all other papers required by this section and Section 37b."

Sec. 14. Section 37b, Texas Election Code (Article 5.05b, Vernon's Texas Election Code), is amended to read as follows:

"37b. Voting by former residents of state in presidential elections

"Subdivision 1. Former residents eligible to vote. A former resident of this state who has become a legal resident of another state of the United States may vote for presidential and vice-presidential electors by absentee ballot in the county of his former residence if:

"(1) on the day of the election he will not have resided in the state of his present residence for a period of 30 days;

"(2) he will be 18 years of age or older on the day of the election;

"(3) he possesses the substantive qualifications of an elector in this state, as defined in Section 34 of this code, except the requirements of age and residence stated in that section;

"(4) at the time of his removal he was registered as a voter in this state and would have been eligible to vote in the election if he had remained a resident of this state; and

"(5) he complies with the provisions of this section.

"Subdivision 2. Application for presidential ballot. (a) A person desiring to vote under the provisions of this section shall make a written, signed application to the county clerk of the county of his former residence for an absentee ballot for president and vice-president only, on a form to be prescribed by the secretary of state and furnished by the county clerk. The application shall be made under the same rules as apply to regular absentee ballots, insofar as they can be made applicable and are not inconsistent with this section.

"(b) A voter may apply for a presidential ballot:

"(1) by personal appearance at the clerk's main office or any regularly maintained general branch office during the period for regular absentee voting by personal appearance, or

"(2) by mail, not earlier than the 31st day before the election and not later than the deadline for applying for a regular absentee ballot by mail.

"Subdivision 3. Procedure for voting by personal appearance. Where a voter appears in person, the clerk shall furnish him with a ballot prepared in either of the manners specified in Subdivision 6 of Section 37a of this code. If absentee voting is being conducted on a voting machine, the voter may be allowed to cast his vote on a machine, on which all other races are locked out before he enters the machine. The procedure for absentee voting by personal appearance in a countywide election shall be followed insofar as it can be made applicable and is not inconsistent with this section. The ballots shall be deposited in the same box as the ballots of persons voting a regular absentee ballot by personal appearance, and they shall be counted and return made thereof along with and on the same forms as the absentee ballots.

"Subdivision 4. Procedure for voting by mail. The clerk shall mail the voter a ballot prepared in either of the manners specified in Subdivision 6 of Section 37a of this code, together with a ballot envelope and a carrier envelope containing such markings and instructions as the secretary of state prescribes. The procedure for absentee voting by mail in a countywide election shall be followed insofar as it can be made applicable and is not inconsistent with this section. The ballots shall be counted and return made thereof along with and on the same form as the other absentee ballots.

"Subdivision 5. Notices of applications received from other states. All notices of applications of former residents of this state to vote for presidential electors as new residents of the state of their present residence, which are received by any state or county officer in Texas other than the county clerk, shall be forwarded by the officer to the county clerk of the county of the applicant's former residence in Texas. The county clerk shall file the applications alphabetically and shall keep them on file, open to public inspection, for a period of six months after the election. Before furnishing a ballot to a voter under this section, he shall check the file to ascertain whether the voter has applied for a ballot in the state of his new residence."

Sec. 15. Section 42a, Texas Election Code (Article 5.10a, Vernon's Texas Election Code), is amended to read as follows:

"42a. Persons entitled to register special registration certificates for voting in federal elections.

Subdivision 1. A person is entitled to register as a voter in the precinct in which he resides if:

"(1) on the date of applying for registration he is a citizen of the United States and is subject to none of the disqualifications, other than nonage, stated in Section 33 of this code;

"(2) will have resided in the state for one year or more before the end of the voting year for which he is registering; and

"(3) will be 18 years of age or older before the end of the voting year for which he is registering.

"However, no person may vote at an election unless he fulfills all the qualifications of an elector for that election. The registration certificate of a person who registers before he becomes a fully qualified elector shall be marked to indicate the elections at which he is not yet eligible to vote and the date on which he will become eligible. The secretary of state shall prescribe the form in which this information is shown on the certificate.

"Subdivision 2. So long as the minimum age for voting in state and local elections is greater than 18 years, a person who will not attain that age by the end of the voting year for which he is registering shall be issued a special registration certificate plainly marked to show that he is eligible to vote in federal elections only."

Sec. 16. Subsection (1), Section 51a, Texas Election Code, as amended (Article 5.19a, Vernon's Texas Election Code), is amended to read as follows:

"(1) Before the first day of March each year, the registrar of voters shall prepare from the duplicate registration certificates on file in his office a certified list of registered voters for each election precinct of the county. Each precinct list shall be prepared in two parts, each arranged alphabetically by the names of the voters and showing each voter's name, age, address, and registration number. On the first part of the original list shall be shown the names of voters who are qualified to vote in all elections as of March 1. On the second part shall be shown the names of voters who are not yet qualified to vote in all elections as of March 1. This list shall contain five columns, headed as follows:

Not eligible to vote before date shown				
Federal Elections		State Elections		City
Statewide	District	Statewide	County	

If a change in the law with respect to voting eligibility makes any of these columns unnecessary, the secretary of state shall prescribe the number of columns and the headings to be used. For the various types of elections in which the voter is not yet eligible to vote, the registrar shall show the date on which he will become eligible. Instead of the two-part list, with the approval of the secretary of state the registrar may prepare the list in some other form so long as the form used gives the required information on each voter. The registrar shall deliver to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county prior to the first day of March of the following year, one set of such lists for all precincts in the county if any election which may be held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than countywide. The registrar shall also furnish to each such authority, not less than four days prior to each election held by it, certified supplemental lists in the same form hereinabove prescribed of registered voters in each precinct whose names do not appear on the original list for such precinct, together with lists of the names of all persons whose registration has been cancelled or

transferred to another precinct since preparation of the original lists. The authority shall furnish to the presiding judge in each precinct the original and supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the original list the names of persons whose registration has been cancelled or transferred to another precinct."

Sec. 17. Subdivision 2, Section 61, Texas Election Code, as amended (Article 6.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 2. All ballots prepared for an election shall be numbered consecutively beginning with No. 1 in each county if the election is to be held in a single county or part thereof, or is to be held in more than one county or part thereof and the result in each county is to be canvassed separately prior to the final canvass. In elections held by a city or other political subdivision of the state, all ballots for the election shall be numbered consecutively beginning with No. 1. The numbers shall be printed or stamped in consecutive order on all the ballots prepared for any election, with a separate number for each ballot, at the time of printing and before they are divided up and delivered to the election judges."

Sec. 18. Subdivisions 3 and 5 of Section 61, Texas Election Code, as amended (Article 6.05, Vernon's Texas Election Code), are amended to read as follows:

"Subdivision 3. In any general or special election at which the name of any candidate is to be printed on the ballot as the nominee of a political party, the tickets of the political parties which have nominated a candidate or candidates shall be arranged side by side in vertical columns of uniform width separated by a parallel rule. The first vertical column on the left-hand side of the ballot shall be used for printing the titles of the offices to be voted on, with the words 'Candidates for:' being printed at the top of the column, and thereunder shall be listed the titles of the offices. In the top space on the second and succeeding vertical columns shall be printed the names of the political parties having nominees on the ballot, in the sequence specified by law. Listed under each party name and opposite each office title shall be printed the name of the party's candidate for the office. If the name of any independent or nonpartisan candidate is to be printed on the ballot, the next succeeding column shall be headed 'Independent' and shall contain the names of the independent candidates opposite the appropriate office titles. If any write-in candidate has qualified as provided in Section 230a of this Code, the next column shall be headed 'Write-In.' The office titles shall be separated from each other by parallel horizontal lines extending across the ballot, through the party columns, the column for independent candidates, and the column for write-in candidates. If a write-in column appears on the ballot, the space opposite each office title for which a write-in candidate has qualified shall be left blank in the write-in column, and the spaces opposite other office titles shall be filled in with a series of lines or some other device indicating that the voter should not write in those spaces."

"Subdivision 5. In any general or special election for which no party nomination has been made, the titles of the offices to be voted on shall be arranged in a vertical column, and beneath the title of each office the names of the candidates shall be arranged in the order specified by law. If the overall size of the ballot, arranged as one column, exceeds 18 inches

in length, the office titles may be arranged in parallel vertical columns, all except the last of which shall be at least 16 inches in length. In an election for which write-in votes are permitted, beneath the names of the candidates under each office for which a write-in candidate has qualified as provided in Section 230a of this code, there shall be a blank space with a line underneath, as the space for a write-in vote, and when more than one candidate is to be elected for an office, the number of write-in spaces shall correspond to the number of candidates to be elected or the number of write-in candidates who have qualified, whichever is the lesser number. To indicate the purpose of the line to the voter, a square shall be printed on the left-hand side of the line, corresponding to the squares on the left-hand side of the names of candidates printed on the ballot, but the failure of a voter to place an 'X' or other mark in the square by a name which he has written in does not prevent the ballot from being counted as a vote for the write-in candidate."

Sec. 19. Section 61b, Texas Election Code (Article 6.05b, Vernon's Texas Election Code), is amended to read as follows:

"61b. Order of party columns on the ballot

"In any election held at the expense of the county, in which party columns appear on the official ballot, the columns shall be arranged in the following order, beginning on the left-hand side of the ballot: (1) columns of parties with state organization which have nominated candidates to be voted on at the election, arranged in the order of the total number of votes cast in the state for each party's candidate for governor at the preceding general election, with the party whose candidate for governor received the highest vote being placed in the first column; (2) columns of parties without state organization which have nominated candidates to be voted on at the election; (3) a column for independent candidates; (4) a column for write-in candidates. If there is no independent or nonpartisan candidate whose name is to be printed on the ballot, the column for independent candidates shall be omitted. If there is more than one party with state organization which did not have a candidate for governor at the preceding general election, those parties shall be placed on the ballot in alphabetical order. Also, if there is more than one party without state organization, they shall be placed on the ballot in alphabetical order.

"Where voting machines are used in the election and the columns on the ballot are arranged horizontally, the columns shall appear on the ballot in the order herein provided, beginning at the top of the ballot instead of on the left-hand side."

Sec. 20. Section 62, Texas Election Code, as amended (Article 6.06, Vernon's Texas Election Code), is amended to read as follows:

"62. How to mark ballot

"Unless the voter votes a straight ticket as provided in this section, in all elections, general, special, or primary, the voter shall place an 'X' in the square beside the name of each candidate for whom he wishes to vote; provided, however, that if the voter places a plus sign (+) or a check mark (✓) or any other mark that clearly shows his intention, in such space, it shall be counted as a vote for that candidate, provided that no more names are thus marked than there are places to be filled. When party

columns appear on the ballot, a voter desiring to vote a straight ticket may do so by placing an 'X' or other clear mark in the square at the head of the column of the party for which he wishes to vote.

"If the name of the person for whom the voter wishes to vote is not printed on the ballot, he may write in the name of the candidate of his choice in the write-in column under the appropriate office title in elections where party columns appear on the ballot, and in an appropriate space under the title of the office in other elections. However, a voter may not vote for any candidate whose name is not printed on the ballot in any runoff election for nominating candidates or electing officers, and a space for write-in votes shall not be provided on the ballot for such elections. A voter also may not vote for any candidate whose name is not printed on the ballot in any other type of election where the law expressly prohibits votes for write-in candidates, and may not vote for any write-in candidate for a public office who has not qualified as provided in Section 230a of this Code.

"In all elections where questions or propositions are to be voted on except local option elections held under the provisions of the Texas Liquor Control Act, the voter shall place an 'X' or other clear mark in the square beside the statement indicating the way he wishes to vote on each proposition.

"The failure of a voter to mark his ballot in strict conformity with these directions or failure to vote a full ballot shall not invalidate the ballot, and a ballot shall be counted on all races and propositions wherein the intention of the voter is clearly ascertainable, except where the law expressly prohibits the counting of the ballot. It is specifically provided that the election officers shall not refuse to count a ballot because of the voter's having marked his ballot by scratching out the names of candidates for whom or the statement of propositions for which he does not wish to vote."

Sec. 21. Section 66, Texas Election Code (Article 7.01, Vernon's Texas Election Code), is amended to read as follows:

"66. Voting booths required

"Voting booths or compartments designed to provide secrecy to the voters in preparing their ballots shall be furnished for each polling place in all elections, general, special, or primary. The secretary of state shall approve the construction and design of voting booths which may be used at elections held in this state, and no voting booth shall be used at any election held after January 1, 1974, unless its construction and design conform to standards approved by the secretary of state. No voting booth shall be approved unless it is constructed for occupancy by only one voter at a time and contains a shelf for the voter's use in preparing his ballot, with three sides of the shelf enclosed to a height of at least 12 inches above the shelf. The secretary of state may require a greater height, not to exceed a height of six feet four inches from the floor, depending on the placement of the booths in relation to each other and other relevant factors, and may prescribe rules regulating placement and spacing of booths which are approved for use with less than a height of six feet four inches from the floor. The booth may be equipped with a curtain or a door so that the front side may be closed while the voter is preparing his ballot, but enclosure of the front side is not mandatory. A guardrail may be used to separate

the area where the voting booths are located from the remainder of the polling place as a protection against intrusion while the voter is preparing his ballot, but the use of a guardrail is not mandatory."

Sec. 22. Section 67, Texas Election Code (Article 7.02, Vernon's Texas Election Code), is amended to read as follows:

"67. Commissioners court to provide voting booths

"Subdivision 1. Not later than January 1, 1974, the commissioners court in each county shall acquire at least one voting booth for every 150 registered voters in the county, according to the registrations for the 1972 voting year, and thereafter shall acquire from time to time a sufficient number to maintain the ratio of one booth for every 150 registered voters, according to the highest registration during the preceding four years. If by March 15 of any even-numbered year the commissioners court has not taken action to obtain the number of voting booths required by this subdivision, the county election board as comprised for the general election for state and county officers shall do so. The commissioners court may acquire as many additional voting booths as it deems necessary for use in elections held in the county.

"Subdivision 2. Voting booths owned by the county shall be allocated to the political parties holding primary elections, for use in their primaries, in proportion to the total number of votes cast for governor in each party's last preceding general primary election. The number allocated to a party which did not hold a primary election in the last preceding biennial election year shall be based on a reasonable estimate of the number of voters who will participate in the party's general primary election. The county election board as comprised for the general election for state and county officers shall make the allocations.

"Subdivision 3. Any city, school district, or other political subdivision in the county is entitled to use county-owned voting booths in its election, if there are any which are not being used in a county election held on the same day. Where more than one political subdivision requests the use of county-owned booths for elections to be held on the same day, the county election board as comprised for elections other than the general election for state and county officers shall allocate the booths in proportion to its reasonable estimate of the number of voters who will participate in each of the different elections. Nothing herein shall be construed as preventing any city, school district, or other political subdivision from purchasing voting booths for use in its elections.

"Subdivision 4. The county shall not make any charge for use of its voting booths in any election which is required or authorized by law. The board or body responsible for furnishing supplies for the election shall make the necessary arrangements for transporting the booths to the polling places and returning them to their regular storage place, and all transportation costs shall be paid in the same manner and out of the same funds as other expenses of the election."

Sec. 23. Section 68, Texas Election Code (Article 7.03, Vernon's Texas Election Code), is amended to read as follows:

"68. Suit to compel acquisition of voting booths

"Any registered voter in the county may file a mandamus suit against the county commissioners court to compel it to provide the voting booths required by Section 66 of this code if the commissioners court and the county election board fail to do so. If the suit results in a ruling in favor of the plaintiff, the county shall pay to the plaintiff the costs of the suit, including attorney's fees."

Sec. 24. Section 69, Texas Election Code (Article 7.04, Vernon's Texas Election Code), is amended to read as follows:

"69. Arrangement at polling place

"The voting booths at each polling place shall be so arranged that the voter may conveniently prepare his ballot in secrecy. All booths shall be properly lighted and shall be provided with a pencil, pen, or other suitable marker or device for preparing the ballot. The arrangement of the polling place shall be such that the booths can be reached only by passing the place where the election officers are accepting the voters for voting. The booths shall be so arranged that the election officers can detect the presence of any unauthorized person in a booth and prevent unauthorized assistance to a voter, and can protect the voters from intrusion while they are preparing their ballots. The ballot box for receiving the voter's marked ballot shall be in full view of the election officers and the voters at all times when they are in use for that purpose."

Sec. 25. Section 15 of Section 79, Texas Election Code, as amended (Article 7.14, Vernon's Texas Election Code), is amended to read as follows:

"Section 15. Manner of voting. Except as permitted in Section 99 of this code or when a voter is receiving assistance in preparing his ballot, not more than one person at the same time shall be permitted to occupy the compartment of the voting machine while the curtain is closed and no voter shall be permitted to keep the curtain closed longer than two minutes. However, if a voter is unable to read the English language or if because of some bodily infirmity he is physically unable to operate the machine or to see, he may be assisted by two election officers or by a person selected by the voter and shall be permitted to keep the curtain of the machine closed no longer than five minutes. The provisions of Section 95 of this code shall govern the assistance rendered insofar as they can be made applicable."

Sec. 26. Subsection (c), Section 18 of Section 79, Texas Election Code, as amended (Article 7.14, Vernon's Texas Election Code), is amended to read as follows:

"(c) If the machine is provided with a device which produces a printed record of the numbers registered on the counters, the procedure outlined herein shall be followed in lieu of the procedure set out above for preparation of the statements of canvass. After preparation of the certificate giving the number of voters shown on the public counters and the other information as provided for in the preceding paragraph, the presiding judge, in the presence of at least two clerks and two watchers of opposed interest (if such there be) and of any other person lawfully present who wishes to observe, shall take the necessary steps to secure

a printed record from each machine. The printed record shall then be signed by the presiding judge and two clerks and by two watchers of opposed interest (if such there be), certifying that the printed record was obtained from the machine designated thereon, and the certified printed record shall constitute the official statement of canvass for that machine. The returns of the canvass shall then be filled out, verified, and signed as provided in the preceding paragraph."

Sec. 27. Subparagraph (d), Subdivision 11, Section 80, Texas Election Code (Article 7.15, Vernon's Texas Election Code), is amended by adding division (3) to read as follows:

"(3) In elections in which party columns appear on the ordinary paper ballot, the following method of showing party affiliations may be used in lieu of party columns. The title of each office shall be printed on the ballot followed by the names of the candidates for that office and their party affiliations, if any. Provision shall be made at the head of the ballot for voting a straight party ticket, and the candidate of the party which is printed in the first party column on paper ballots shall be printed in the first position under the office title, the candidate of the party which is printed in the second column on paper ballots shall be printed in the second position, and so on. Uncontested races may be listed separately from contested races under the heading 'Uncontested Races.'"

Sec. 28. Subdivision 14, Section 80, Texas Election Code (Article 7.15, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 14. Assistance to voter. If a voter is unable to read the English language or if because of some bodily infirmity he is physically unable to operate the voting equipment or to see, he may be assisted by two election officers or by a person selected by the voter. The provisions of Section 95 of this code shall govern the assistance rendered insofar as they can be made applicable."

Sec. 29. Subdivision 15, Section 80, Texas Election Code, as amended (Article 7.15, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 15. Ballot boxes. For each polling place where an electronic voting system is used, there shall be supplied two ballot boxes for the deposit of voted ballots, which shall be of suitable design and with a suitable opening for placing the ballots therein in such manner that the ballots will not be damaged or rendered unfit for counting on the tabulating equipment. There shall also be supplied suitable containers for transporting the voted ballots to the central counting station."

Sec. 30. Paragraph (a), Subdivision 17, Section 80, Texas Election Code, as amended (Article 7.15, Vernon's Texas Election Code), is amended to read as follows:

"(a) The procedure at the polls where voting is by use of an electronic voting system shall be the same at polling places where paper ballots are used, except as provided in this section. Where the portion of the ballot to be marked by the voter consists of more than one page or ballot card, the related parts may be placed in an envelope or otherwise secured so that the parts will not become separated before delivery to

the voter. When a voter selects his ballot, he shall be instructed to use only the voting equipment provided for marking the ballot and that he is not to mark his ballot in any other way and is not to place any other marks thereon, except for write-ins."

Sec. 31. Section 86, Texas Election Code (Article 8.04, Vernon's Texas Election Code), is amended to read as follows:

"86. Presiding judge absent

"If no presiding judge or alternate presiding judge was appointed, or if both the presiding judge and the alternate presiding judge who were appointed fail to attend or are incapacitated to act on election day, the officer having the power to appoint the election judges or the presiding officer of the appointing authority, acting alone, where the power of appointment is vested in a body, shall appoint an eligible voter of the precinct to serve as presiding judge for that election. If a substitute appointment cannot be made in this manner, the voters present may select a presiding judge.

"A presiding judge appointed under this section shall make a statement on the returns of the circumstances and manner of his appointment."

Sec. 32. Section 95, Texas Election Code, as amended (Article 8.13, Vernon's Texas Election Code), is amended to read as follows:

"95. Aid to voter

"Not more than one person at the same time shall be permitted to occupy any one compartment, voting booth, or place prepared for a voter, except as permitted in Section 99 of this code or when a voter is receiving assistance in preparing his ballot. No assistance shall be given a voter in preparing his ballot, except when a voter is unable to prepare the same himself because of his inability to read the English language or because of some bodily infirmity, such as renders him physically unable to write or to see, in which case two officers of such election (and an interpreter, where necessary, if the voter cannot both read and speak the English language) shall assist him, they having first sworn that they will not suggest, by word or sign or gesture, how such voter shall vote; that they will confine their assistance to answering his questions, to stating the propositions to be voted on, and to naming candidates and the political parties to which they belong; and that they will prepare his ballot as such voter himself shall direct. If the election is a general election, the election officers who assist such voters shall be of different political parties, if there be such officers present. One or more watchers may be present when the assistance herein permitted is being given, but each watcher must remain silent except in cases of irregularity or violation of the law.

"Instead of being assisted by two election officers as hereinabove provided, a voter who is entitled to assistance may select any qualified voter residing in the precinct to assist him, and no other person shall be permitted to be present, while the ballot is being prepared. Before assisting the voter, the person selected shall take the following oath, which shall be administered by one of the election officers: 'I solemnly swear that I will not suggest, by word or sign or gesture, how the voter shall vote; I will confine my assistance to answering his questions, to stating propositions

to be voted on and to naming candidates and the political parties to which they belong; and I will prepare his ballot as the voter himself shall direct.'

"The election officer who keeps the poll list shall place a notation on the list by the name of each assisted voter, showing the name of the person who assisted him. The election officer who assists a voter or who administers the oath to a voter chosen by the voter to assist him is responsible for furnishing the necessary information to the officer who keeps the poll list.

"Where any assistance is rendered in preparing a ballot other than in the manner described in the oath, the ballot shall not be counted, but shall be void for all purposes."

Sec. 33. Section 97, Texas Election Code, as amended (Article 8.15, Vernon's Texas Election Code), is amended to read as follows:

"97. Deposit of ballot

"Subdivision 1. After the voter has prepared his ballot, he shall fold it so as to conceal the printing thereon and so as to expose the signature of the presiding judge on the back of the ballot, and then deposit it in the proper ballot box.

"Subdivision 2. The ballot stub formerly provided for in other sections of this code and the stub box formerly provided for in this section are eliminated by amendments enacted by the 62nd Legislature in 1971. All provisions relating to a ballot stub or to a stub box which have not been deleted from the code are to be treated as void."

Sec. 34. Section 99, Texas Election Code (Article 8.17, Vernon's Texas Election Code), is amended to read as follows:

"99. Bystanders excluded

"From the time of opening the polls until the announcement of the results of the canvass of votes cast and the signing of the official returns, the boxes and official ballots shall be kept at the polling place in the presence of at least two election officers. No person shall be admitted within the room where the election is being held except the judges and clerks, watchers, persons admitted by the presiding judge to preserve order, persons admitted to vote, and children under 12 years old who accompany a parent who is admitted to vote. The child or children may also be present in the voting booth or compartment while the parent is voting."

Sec. 35. Subsection (a), Section 187, Texas Election Code, as amended (Article 13.09, Vernon's Texas Election Code), is amended to read as follows:

"(a) The vote at all primary elections shall be by official ballot, which shall conform to the applicable provisions of Section 61 of this code. The name of the party shall be printed at the head of the ballot, and under the head shall be printed in a vertical column the names of all candidates, those for each nomination being arranged in the order determined by the county executive committee, beneath the title of the office for which the nomination is sought. The offices shall be arranged in the order prescribed in Section 61c of this code. If the overall size of the ballot, arranged as one

column, exceeds 18 inches in length, the office titles may be arranged in parallel vertical columns, all except the last of which shall be at least 16 inches in length."

Sec. 36. Section 166a, Texas Election Code (Article 9.38a, Vernon's Texas Election Code), is amended by adding Subdivision 13, to read as follows:

"Subdivision 13. Recount conducted by subcommittee in primary election. The county executive committee or the state executive committee of a political party may provide by written resolution that a subcommittee, in lieu of the full committee, may perform any or all of the duties, as specified in the resolution, which under this section devolve upon the executive committee as the canvassing board for a primary election. The subcommittee shall be composed of the chairman and at least four other members of the committee, who shall be selected by the committee and named in the resolution. A majority of the members of the subcommittee constitute a quorum."

Sec. 37. Subsection (c), Section 212, Texas Election Code, as amended (Article 13.34, Vernon's Texas Election Code), is amended to read as follows:

"(c) The qualified members of the party in each election precinct of the county shall assemble on the date named and shall be called to order by the precinct chairman, or in his absence by any qualified member of the party residing within the precinct. Before transacting any business, the precinct chairman shall cause to be made a list of all qualified members of the party present. The name of no person shall be entered upon the list nor shall he be permitted to vote, be present at, or participate in the business of the convention until it is made to appear that he is a qualified voter in the precinct, from a certified list of the qualified voters, the same as is required in conducting a general election, and that he has qualified as a member of the party as provided in Section 179a of this code. The precinct convention shall elect from among those present and qualified a permanent chairman and such other officers as may be necessary to conduct its business. The chairman of the convention shall possess all the power and authority that is given to election judges by the provisions of this code. After the convention is organized it shall elect its delegates to the county convention or senatorial district convention, as the case may be, and transact such other business as may properly come before it. The only qualifications for serving as a delegate to a county or senatorial district convention, or to a state convention, are that the person shall be a qualified voter residing within the territory which he is selected to represent and shall be affiliated with the party as prescribed in Section 179a of this code. Such of the delegates selected at the precinct convention as may attend the county or senatorial district convention shall cast the number of votes equal to the full delegate strength of the precinct. The officers of the precinct convention shall keep a written record of its proceedings, including the list of persons present and a list of delegates elected to the county or senatorial district convention, with the residence address of each delegate shown thereon, which shall constitute the returns from the convention. The record, and a copy thereof, shall be signed officially, sealed up and safely transmitted in person or by registered or certified mail by the permanent chairman of the precinct convention within three days after the precinct convention to the county clerk of the county, who shall affix his file mark thereto and who shall promptly deliver the original copy of such return to the chairman of the county executive committee,

and the return filed with the county clerk shall be open to public inspection during the regular office hours."

Sec. 38. Section 224a, Texas Election Code, as amended (Article 13.47a, Vernon's Texas Election Code), is amended to read as follows:

"224a. Application to be nominated by a convention; declination of nomination

"Subdivision 1. No person shall be nominated by any state, district, or county convention held pursuant to Sections 222-224 or Section 231 of this code for any office for which a nomination could be made by primary election unless he has filed with the chairman of the appropriate executive committee an application requesting that his name be placed before the convention as a candidate for nomination. The application shall conform to the requirements of Section 190 of this code, except that it shall request that the candidate's name be placed before the convention instead of requesting that his name be placed on the general primary ballot. The application shall be filed within the time prescribed by Section 190 or Section 190a of this code, whichever is applicable to candidacy in the general primary for the office involved. Whenever a filing deadline for an office is extended under Paragraph 2a of Section 190 for any party's primary, a similar extension is made for the filing of an application for convention nomination under this section.

"Subdivision 2. A person who has been nominated by a convention may decline the nomination, but he shall not be eligible for nomination by that party to any other office to be voted on at the same election except as a candidate for an unexpired term where the vacancy in office occurred subsequent to the date of the convention at which he was originally nominated."

Sec. 39. Section 227, Texas Election Code, as amended (Article 13.50, Vernon's Texas Election Code), is amended to read as follows:

"227. Nonpartisan or independent candidate

"Subdivision 1. This section applies to nonpartisan or independent candidates for federal, state, district, county, and precinct offices in the general election provided for in Section 9 of this code. A person may run as a nonpartisan or independent candidate for any such office, other than the offices of president, vice-president, and presidential elector, by complying with this section and other applicable provisions of this code.

"Subdivision 2. (a) As a condition precedent to having a candidate's name printed on the official ballot as an independent candidate under this section for any office for which a nomination could be made by primary election, in addition to the application required by Subdivision 3 of this section, the person must file, by the applicable deadline provided in Section 190 or Section 190a of this code for candidates for the same office in a primary election, a declaration of his intent to run as an independent candidate. Whenever a filing deadline for an office is extended under Paragraph 2a of Section 190 for any party's primary election, a similar extension is made for the filing of an independent candidate's declaration of intent under this subdivision.

"(b) The declaration shall state the person's name, occupation, county of residence, post-office address, age, and the office for which he intends to run, and shall be signed and duly acknowledged by the person desiring to be a candidate. It shall be filed with the officer with whom the application required by Subdivision 3 of this section is filed.

"Subdivision 3. The name of a nonpartisan or independent candidate may be printed on the official ballot in the column for independent candidates, after written application signed by qualified voters addressed to the proper officer, as herein provided, and delivered to him within 30 days after the second primary election day, as follows:

"If for an office to be voted for throughout the state, the application shall be signed by one percent of the entire vote of the state cast for governor at the last preceding general election, and shall be addressed to the secretary of state.

"If for a district office, the application shall be signed by five percent of the entire vote cast for governor in such district at the last preceding general election, and shall be addressed to the secretary of state.

"If for a county office, the application shall be signed by five percent of the entire vote cast for governor in such county at the last preceding general election, and shall be addressed to the county judge.

"If for a precinct office, the application shall be signed by five percent of the entire vote cast for governor in such precinct at the last preceding general election, and shall be addressed to the county judge.

"Subdivision 4. When a person files a declaration of intent to run for a district or precinct office in a district or precinct which has been created or the boundaries of which have been changed since the last general election, not later than 30 days before the date of the general primary election the secretary of state in the case of a district office and the county judge in the case of a precinct office shall make an estimate of the number of votes cast for governor within that territory at the last general election and shall notify the person of the number which he has estimated. The estimate shall be used as the official basis for computing the number of signatures required on the application of an independent candidate for that office.

"Subdivision 5. No application may contain the name of more than one candidate. No person may sign the application of more than one candidate for the same office; and if any person signs the application of more than one candidate for the same office, the signature is void as to all such applications. No person may sign an application unless he is a qualified voter, and no person who has voted at either the general primary election or the runoff primary election of any party may sign an application in favor of anyone for an office for which a nomination was made at either such primary election.

"Subdivision 6. In addition to the person's signature, the application shall show each signer's address and the number of his voter registration certificate, together with the county of issuance if different from the county in which he resides at the time of signing the application.

"Subdivision 7. Any person signing the application of an independent candidate may withdraw and annul his signature by delivering to the candidate and to the officer with whom the application is filed (or is to be filed, if not then filed), his written request, signed and duly acknowledged by him, that his signature be cancelled and annulled. The request must be delivered before the application is acted on, and not later than the day preceding the last day for filing the application. Upon such withdrawal, the person is free to sign the application of another candidate for the same office."

Sec. 40. Section 229, Texas Election Code, as amended (Article 13.52, Vernon's Texas Election Code), is amended to read as follows:

"229. Certification of candidacy

"Upon receipt of an application which conforms to the above requirements, the secretary of state shall issue his instruction to the county clerks of the state or of the district, as the case may require, and the county judge shall issue his instruction to the county clerk of the county, directing that the name of the candidate in whose favor the application is made shall be printed on the official ballot in the independent column under the title of the office for which he is a candidate."

Sec. 41. The Texas Election Code is amended by adding a new Section 230a, to read as follows:

"230a. Write-in candidates

"Subdivision 1. In any general or special election for a public office in which write-in votes are permitted, no write-in vote may be counted for a person unless that person has filed a declaration of write-in candidacy within the time specified in Subdivision 2 of this section. The declaration shall be on a form prescribed by the secretary of state and shall be filed with the same person with whom an independent candidate for the same office files his application for a place on the ballot.

"Subdivision 2. Except as provided in the succeeding sentence, in order to qualify as a write-in candidate for any state, district, county, or precinct office to be voted on at the general election provided for in Section 9 of this code, the candidate must file his declaration of candidacy not later than the 45th day preceding the date of the election. When an election for an unexpired term is to be held as a result of a vacancy which occurs less than 50 days before the election, the candidate must file his declaration not later than the 20th day before the election. In order to qualify as a write-in candidate in any special election for an office which is regularly filled at the general election provided for in Section 9, the candidate must file his declaration not later than the 30th day before the election.

"In order to qualify as a write-in candidate in a general or special election held by a municipality or other political subdivision, the candidate must file his declaration of candidacy not later than the deadline for candidates to file for a place on the ballot or the 10th day before the first day for absentee voting by personal appearance, whichever is the later date.

"Subdivision 3. Immediately after the deadline for filing declarations of write-in candidacy, the officer with whom declarations are filed shall certify

the names of any write-in candidates to the officer who makes up the ballot for the election. In the case of declarations filed with the secretary of state, he shall certify the names of the candidates to the county clerk of each county in which the office is to be voted on. When the return forms for the election are delivered to the presiding election judges, the officer who made up the ballot for the election shall furnish to each presiding judge a certified list of the write-in candidates who have qualified under this section."

Sec. 42. Section 231, Texas Election Code (Article 13.54, Vernon's Texas Election Code), is amended to read as follows:

"231. Nominations by parties without state organization

"Subdivision 1. Any political party without a state organization desiring to nominate candidates for county and precinct offices only may nominate such candidates at a county convention held on the date set by Section 224 of this code for the county convention of a party with a state organization which nominates its candidates by conventions. The county convention shall be composed of delegates from the general election precincts of the county elected at precinct conventions held on the date set in Section 224 for precinct conventions. All nominations made by any such party shall be certified to the county clerk by the chairman of the county committee of the party within 20 days after the date of the county convention, and shall be printed on the official ballot in a separate column, headed by the name of the party, upon compliance with the conditions stated in Subdivision 2 of this section.

"Subdivision 2. In order for the party to have the names of its nominees printed on the general election ballot, there must be filed with the county clerk, within 50 days after the county convention, the list of participants in the precinct conventions, signed and certified by the temporary chairman of each respective precinct convention, listing the names, addresses (including street address or post-office address), and registration certificate numbers of qualified voters attending the precinct conventions in an aggregate number of at least five percent of the total votes cast for governor in that county at the last preceding general election; or if the number of qualified voters attending the precinct conventions is less than that number, there must be filed along with the precinct lists a petition requesting that the names of the party's nominees be printed on the general election ballot, signed by a sufficient number of additional qualified voters to make a combined total of at least five percent of the total votes cast for governor in the county at the last general election. In all other respects the petition shall conform to the petition described in Section 222 of this code. It may not be circulated for signatures until after the date of the party's precinct conventions, and any signatures obtained on or before that date are void. Any petition filed by a party must be certified by the county chairman. The county chairman is responsible for filing the petition with the county clerk. The precinct convention lists shall be filed with the clerk in the manner described in Subdivision 3 of this section.

"Subdivision 3. At each precinct convention of a party without a state organization, the precinct chairman shall serve as the temporary chairman of the convention until a permanent chairman is elected. The temporary chairman shall cause a list to be made of the names of all persons attending the convention and participating therein, together with the address

(including street address or post-office address) and registration certificate number of each participant. Within three days after the precinct convention, he shall officially sign and certify to the list and shall transmit one signed, certified copy to the county chairman of the party and shall file another signed, certified copy in the office of the county clerk.

"Subdivision 4. The county convention may not nominate any person for any office for which a nomination could be made by primary election unless that person has filed an application for nomination as required by Section 224a of this code."

Sec. 43. Article 225, Penal Code of Texas, 1925, as amended, is amended to read as follows:

"Article 225. Aid to voter

"Any judge or clerk of an election or any other person who, in assisting a voter in the preparation of his ballot, prepares it otherwise than as the voter directs, or who suggests by word or sign or gesture how such voter shall vote, shall be fined not less than two hundred dollars nor more than five hundred dollars or be confined in jail for not less than two nor more than twelve months, or both."

Sec. 44. The following portions of the Texas Election Code are repealed: Section 38 (Article 5.06, Vernon's Texas Election Code), Subparagraphs (b)(4), (c)(4), and (c)(5), Subdivision 11, Section 80 (Article 7.15), and Subsection 6, Section 190a (Article 13.12a).

Sec. 45. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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

Amend Committee Amendment No. 1 to HB 559 as follows (all page and line references are to the Official House Second Printing):

(1) On page 30, strike lines 7 through 24 and substitute the following:

"Subdivision 1. Who may vote absentee. Any qualified voter of this state who expects to be absent from the county of his residence on the day of the election, or who because of sickness, physical disability, or religious belief cannot appear at the polling place in the election precinct of his residence on the day of the election, or whose residence is situated 45 miles or more by nearest designated highway or public county road from the polling place in the election precinct of his residence, may cause his vote to be cast at an election held in this state by compliance with the applicable method herein provided for absentee voting. If a voter's religious belief prohibits him from voting during any part of the time during which the polls are open on the day of the election, he shall nevertheless be entitled to vote absentee even though the prohibition does not operate throughout the entire time that the polls are open.

"Absentee voting shall be conducted by two methods. (1) voting by personal appearance at the clerk's office, and (2) voting by mail. All voters coming within the foregoing provisions of this subdivision may vote by personal appearance at the clerk's office if they are able to make such appearance within the period for absentee voting. The following persons, and no other, may vote by mail:"

(2) Strike all of page 32 and lines 1 through 24 on page 33 and substitute the following (renumber succeeding sections accordingly):

"Subdivision 2. Application for ballot. A voter desiring to vote absentee shall make written application for an official ballot to the county clerk of the county of his residence, which application shall be signed by the voter, or by a witness at the direction of the voter if for any reason the voter is unable to sign his name. The application shall state the ground on which the applicant is entitled to vote absentee. In case of an application to vote by mail, it shall also state the additional information required by Subdivision 1 of this section and shall state the voter's permanent address, the address to which the absentee ballot is to be mailed to him, and the address to which his registration certificate is to be mailed back to him."

(3) Strike Section 6 (page 34, lines 6 through 44), and renumber succeeding sections accordingly.

(4) On page 35, strike lines 43 through 47 and substitute the following: "in the presence of the clerk, sign his name on the back of the ballot stub, detach the stub from the ballot, fold the ballot and place it in the envelope marked 'Ballot Envelope', and seal the envelope. He shall then place the stub and the ballot envelope in the carrier envelope, seal the"

(5) On page 37, strike lines 1 through 10 and substitute the following:

"The voter shall mark the ballot, sign his name on the back of the ballot stub, detach the stub from the ballot, fold the ballot and place it in the envelope marked "Ballot Envelope", and seal the envelope. He shall then place the stub and the ballot envelope in the carrier envelope, seal it, and affix his signature thereon. The carrier envelope shall then be mailed, postage prepaid, to the clerk."

(6) On page 37, change "Paragraphs (b) and (d)" to "Paragraph (b)" on line 20, and change "are" to "is" on line 22.

(7) On page 37, line 36, insert "and the stub in the stub box" between the words "ballot box" and the succeeding period.

(8) On page 38, strike lines 1 through 9.

(9) On page 43, strike the sentence which begins with the words "The ballots" on line 42, and substitute the following: "The ballots and ballot stubs shall be deposited in the same boxes as the ballots and stubs of persons voting absentee by personal appearance, and the ballots shall be counted and return made thereof along with and on the same forms as the absentee ballots."

(10) Strike Sections 17 and 18 (line 39, page 45, through line 53, page 46), and renumber succeeding sections accordingly.

(11) Strike Sections 20, 21, 22, 23, and 24 (line 18, page 47, through line 32, page 50), and renumber succeeding sections accordingly.

(12) Add a new section following present Section 25, numbered in proper sequence and reading as follows:

"Sec. _____. Section 16 of Section 79, Texas Election Code (Article 7.14, Vernon's Texas Election Code), is amended to read as follows:

"Section 16. Write-in votes. (a) Ballots voted for any person whose name does not appear on the ballot shall be designated "irregular" ballots, but in an election where write-in votes are permitted, such ballots shall be valid and shall be counted as though they had been voted on the voting machine. Write-in votes may be cast using the method provided in connection with the voting machine or on a separate write-in ballot. No write-in ballot shall be cast or counted for any person whose name appears on the ballot on the voting machine. Except as provided in this section, all provisions of this code relating to write-in ballots shall be applicable to write-in votes cast with voting machines.

"(b) If a separate write-in ballot is provided, the ballot shall be numbered and shall be in substantially the following form:

For: _____
Name of Write-in Candidate

For the office of:

Title of Office

The ballot shall have a detachable stub bearing the same number as the ballot, on which shall be printed the following:

"Write-in Ballot Stub, _____. Election, Voter's signature to be affixed on the reverse side." The following affidavit shall appear on the reverse side of the ballot:

State of Texas

County of _____

Before me, the undersigned authority, on this day personally appeared _____, who, having been by me first duly sworn, upon his oath did depose and say:

That I have not and will not cast a vote on the voting machine for the office of _____ for which I have cast a ballot herewith by way of a write-in.

Subscribed and sworn to before me this _____ day of _____, 19____.

Presiding Judge, Precinct No. _____

“After filling in the write-in ballot and executing the affidavit, the voter shall affix his signature on the reverse side of the write-in ballot stub and shall detach the stub and place it in a sealed stub box prepared in the manner provided in Section 97 of this code. He shall deposit his ballot in a ballot box which meets the requirements of ballot boxes for elections in which paper ballots are used.”

(13) Strike Sections 29 and 30 (page 52, lines 10 through 39), and renumber succeeding sections accordingly.

(14) Strike Section 33 (line 52, page 53, through line 58, page 54), and renumber succeeding sections accordingly.

(15) Strike Section 35 (page 55, lines 15 through 30), and renumber succeeding sections accordingly.

(16) Add a new section following present Section 36, numbered in proper sequence and reading as follows:

“Sec. _____. Subsection (a), Section 212, Texas Election Code, as amended (Article 13.34, Vernon’s Texas Election Code), is amended to read as follows:

“(a) On the first Saturday after the general primary election day in each election year, there shall be held in each county a county convention of each party holding primary elections; provided, however, that whenever the territory of a county forms all or part of more than one state senatorial district, in lieu of the county convention in such county there shall be held on the day stated above a convention (hereinafter called senatorial district convention) in each part of the county constituting all or part of each of such senatorial districts. Each county convention or senatorial district convention shall be composed of one delegate from each election precinct in such county or senatorial district or part thereof for each twenty-five votes, or major fraction thereof, cast for the party’s candidate for governor in such precinct at the last preceding general election, which delegate or delegates shall be elected by the qualified members of the party in each precinct at precinct conventions to be held on the general primary election day. In case at the preceding general election there were cast for such candidate for governor less than twenty-five votes in any precinct, then all such precincts shall elect one delegate. Where the boundaries of an election precinct have been changed or a new precinct formed since the last general election, the county executive committee shall allocate to each such precinct the number of delegates to be elected in that precinct, and may use any fair and reasonable method for making the allocation.”

(17) On page 56, strike lines 46 through 60 and substitute the following: “or Section 231 of this code unless he has filed with the chairman of the appropriate executive committee an application requesting that his name be placed before the convention as a candidate for nomination. The application shall conform to the requirements of Section 190 of this code and shall be filed in the same manner and within the time prescribed by that section, except that it shall request that the candidate’s name be placed before the convention instead of requesting that his name be placed on the general primary ballot.”

(18) On page 57, strike the quotation mark on line 4 and add the following immediately after line 4:

“Subdivision 3. The requirements of Subdivision 1 of this section do not apply to candidates for unexpired terms where the vacancy in office occurs subsequent to the tenth day preceding the regular deadline for filing applications for a place on a primary election ballot as prescribed in Section 190 of this code.”

(19) On page 57, strike lines 25 through 40 and substitute the following:

“Subdivision 2. (a) As a condition precedent to having a candidate’s name printed on the official ballot as an independent candidate under this section, in addition to the application required by Subdivision 3 of this section, the person must file, by the deadline provided in Section 190 of this code, a declaration of his intent to run as an independent candidate. The declaration shall state the person’s name, occupation, county of residence, post-office address, age, and the office for which he intends to run, and shall be signed and duly acknowledged by the person desiring to be a candidate. It shall be filed with the officer with whom the application required by Subdivision 3 of this section is filed.

“(b) The requirements of Paragraph (a) of this subdivision do not apply to candidates for unexpired terms where the vacancy in office occurs subsequent to the tenth day preceding the regular deadline for filing application for a place on a primary election ballot as prescribed in Section 190 of this code, and do not apply to candidates for any office for which the filing deadline in a primary election is extended under the provisions of Paragraph 2a of Section 190. However, an independent candidate who is not required to file a declaration of intent under Paragraph (a) of this subdivision must file with the secretary of state or the county judge, as the case may be, his written consent to become a candidate, within 30 days after the second primary election day.”

(20) Strike Section 41 (page 59, lines 14 through 48), and renumber succeeding sections accordingly.

(21) On page 61, strike lines 3 through 6 and substitute the following:

“Subdivision 4. No person who is required to file an application for nomination under Section 224a of this code shall be nominated by the county convention unless he has complied with that section.”

(22) On page 61, strike lines 20 through 22 and substitute the following: “Section 16a of Section 79 (Article 7.14, Vernon’s Texas Election Code), and Subparagraph (c)(4), Subdivision 11, Section 80 (Article 7.15).”

(23) On page 61, change the comma at the end of line 26 to a period and strike lines 27 and 28.

The amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to HB 559 by adding two new sections inserted at the appropriate places and numbered in proper sequence and by renumbering all other sections accordingly, the new sections to read as follows:

Sec. _____. Section 40, Texas Election Code, as amended (Article 5.08, Vernon's Texas Election Code), is amended by adding Subsections (m) and (n), to read as follows:

"(m) The residence of a person under 21 years of age who has not been emancipated from the disabilities of minority by marriage or by removal of the disabilities through a proceeding in a court of competent jurisdiction is at the place of residence of the parent or parents, or other person standing in loco parentis, having custody of the minor. The residence of a person under 21 years of age who has been emancipated from the disabilities of minority by marriage or by court order is determined in accordance with the rules applying to persons of full age."

"(n) Whenever the eligibility of a person to register or to vote is challenged on the ground that his presence at the claimed place of residence is for a temporary purpose only, the registrar or the election judge may require him to state either orally or in writing, at the option of the registrar or judge, and under oath, if the registrar or judge requests it, that he intends to make his home at that place indefinitely, and may also require him to answer questions eliciting facts to support the alleged intent. This authorization extends not only to governmental officers and employees, military personnel, students, and inmates of public institutions, but to all other persons as well. This express authorization is not to be construed as a limitation on the authority of the registrar or judge to inquire into other facts or other grounds affecting a person's eligibility to register or to vote."

Sec. _____. Section 45b, Texas Election Code, as amended (Article 5.13b, Vernon's Texas Election Code), is amended to read as follows:

"45a. Information required on application

"An application for a voter registration certificate shall show the following information:

"1. The applicant's name, sex, and post-office address (or if living in an incorporated city or town, his street address).

"2. A statement of the applicant's age. If the applicant has not attained 21 years of age, the application shall show his date of birth by month, day and year. If the applicant has already attained the age of 21 years, it is sufficient for the applicant to state that he is over that age. In lieu of showing the applicant's age in terms of a number of years, age may be shown by stating the date of birth; and in case that form of statement is called for on the application, it is sufficient for an applicant who has attained 21 years of age to state the year of his birth without giving the month and day, or to state that he was born prior to a certain year which shows him to be over that age.

"3. If the applicant is under 21 years of age, whether the applicant is or has been married or has had the disabilities of minority removed by court action; and if not, the name and address of the applicant's parents or other person standing in loco parentis.

"4. The applicant's occupation. The application form shall contain a space for the applicant to check the appropriate item of information if

he is in active military service or is enrolled as a student in a school, college, or university.

"5. A statement that the applicant has resided in the state more than one year, in the county more than six months, and in the city or town (if a resident of an incorporated city or town) more than six months immediately preceding the date of application; or if not a resident for such length of time, a statement of the date on which he became a resident of the state, county, or city, as the case may be.

"6. A statement that the applicant is a citizen of the United States.

"7. If the application is made by an agent, a statement of the agent's relationship to the applicant.

"The application form shall contain a space for showing the address to which the certificate is to be mailed, if it is to be mailed to a temporary address. It shall also contain a space for showing the election precinct in which the applicant resides, but an application shall not be deficient for failure to list the number or name of the precinct or for listing an incorrect number or name where the applicant's correct address is given. It may also contain a space for the applicant's Social Security number, but an application shall not be deficient for failure to list the number."

The amendment was adopted.

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

VOTE RECORDED

Mr. Coats requested to be recorded as voting Nay on the adoption of Committee Amendment No. 1 to HB 559.

Mr. Stroud offered the following amendment to the bill:

Amend HB 559 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act revising, amplifying, and clarifying civil and criminal laws relating to general, special, and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; clarifying the eligibility requirements for public officers; providing procedures for registration and voting by persons eligible to vote for federal offices only; broadening the eligibility and revising the procedures for absentee voting; revising the eligibility requirements and procedures for voting by new residents of the state and by former residents in presidential elections; clarifying the order of party columns on the ballot; revising the provisions on rendition of assistance to voters in preparing their ballots; revising the procedure for recording votes cast on voting machines; revising the provisions relating to the method of casting write-in votes in elections where voting machines are used; revising provisions relating to the form of the ballot for electronic voting systems; providing for emergency appointment of election judges; permitting young children to accompany parents into polling places and voting booths; adding new provisions on recounts of

paper ballots in primary elections; deleting an exception to the general rule on holding senatorial district conventions in lieu of county conventions; permitting transmission of precinct convention records by certified mail; revising provisions on the application of a candidate for convention nomination; revising provisions or procedures for becoming an independent candidate; revising provisions on nominations by parties without state organization; amending the Texas Election Code as follows: amending Section 5, as amended (Article 1.05, Vernon's Texas Election Code); adding Section 34a; amending Section 37, as amended (Article 5.05), by amending Subdivisions 1, 2, 3b, and 4, Paragraph (b) of Subdivision 6, and Subdivision 15, and by adding Subdivision 19 and Paragraph (d-1) of Subdivision 6; amending Sections 37a, 37b, and 42a (Articles 5.05a, 5.05b, and 5.10a), Subsection (1) of Section 51a (Article 5.19a), Section 61b (Article 6.05b), Sections 15 and 16 of Section 79 and Subsection (c), Section 18 of Section 79 (Article 7.14); amending Section 80 (Article 7.15) by adding division (3) to Subparagraph (d), Subdivision 11, and by amending Subdivision 14; amending Sections 86, 95, and 99 (Articles 8.04, 8.13, and 8.17); amending Section 166a (Article 9.38a) by adding Subdivision 13; amending Subsections (a) and (c), Section 212 (Article 13.34), and Sections 224a, 227, 229, and 231 (Articles 13.47a, 13.50, 13.52, and 13.54); and repealing Section 16a of Section 79 (Article 7.14) and Subparagraph (c)(4), Subdivision 11, Section 80 (Article 7.15); amending Article 225, Penal Code of Texas, 1925, as amended; and declaring an emergency.

The amendment was adopted without objection.

HB 559, as amended, was passed to engrossment.

HB 559 ON THIRD READING

Mr. Stroud moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 559 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Adams	Caldwell	Dramberger	Holmes, T.
Agnich	Calhoun	Farenthold	Holmes, Z.
Allen, Joe	Carrillo	Finnell	Howard
Allen, John	Cates	Finney	Hubenak
Angly	Cavness	Foreman	Hull
Atwood	Christian	Gammage	Ingram
Baker	Clark	Garcia	Johnson
Bass, B.	Clayton	Golman	Jones, G.
Bass, T.	Coats	Hale	Jungmichel
Beckham	Cobb	Hanna, Joe	Kaster
Bigham	Cole	Hannah, John	Kilpatrick
Blanton	Craddick	Harding	Kost
Boyle	Cruz	Harris	Kubiak
Braecklein	Daniel	Hawkins	Lemmon
Braun	Davis, D.	Haynes	Lewis
Burgess	Davis, H.	Hendricks	Lombardino
Bynum	Denton	Hilliard	Longoria

McAlister	Orr	Semos	Traeger
Moncrief	Parker, C.	Shannon	Truan
Moore, A.	Parker, W.	Sherman	Tupper
Moore, G.	Patterson	Short	Uher
Moore, T.	Poerner	Silber	Vale
Moreno	Poff	Simmons	Ward
Murray	Presnal	Slack	Wayne
Nabers	Price	Smith	Wieting
Nelms	Reed	Solomon	Williams
Neugent, D.	Salem	Spurlock	Wolff
Newton	Salter	Stewart	Wyatt
Nichols	Sanchez	Stroud	
Niland	Santiesteban	Swanson	
Ogg	Schulle	Tarbox	

Nays—21

Allred	Finck	Ligarde	Slider
Blythe	Floyd	Mengden	Von Dohlen
Bowers	Grant	Nugent, J.	Williamson
Doran	Graves	Pickens	
Doyle	Head	Rodriguez	
Earthman	Jones, E.	Rosson	

Absent

Atwell	Heatly	Lee	McKissack
Hawn	Jones, D.	Lovell	

The Speaker then laid HB 559 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Stroud moved to reconsider the vote by which HB 559 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Adams and Nabers requested to be recorded as voting Nay on passage of HB 559.

HCR 175—ADOPTED

(Authorizing correction in HB 1081)

Mr. Wyatt offered the following resolution:

HCR 175

Whereas, HB 1081 has been passed by both Houses and is now in the House Enrolling Room, and certain corrections need to be made in the bill; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Enrolling Clerk of the House be directed to correct the caption of the enrolled copy of HB 1081 by striking the phrase "amending Section 1, Chapter 63, Acts of the 60th Legislature, Regular Session, 1967 (Article 2784e-8, Vernon's Texas Civil Statutes)"; and, be it further

Resolved, That the Enrolling Clerk of the House be also directed to correct Section 1 of the enrolled copy of the bill to read as follows:

"Section 1. (a) The commissioners court acting for and on behalf of any common school district having a scholastic population of 200 or less, according to the last preceding scholastic census, and lying wholly or partly within a county having a population of not less than 53,700 nor more than 53,800, according to the last preceding federal census, may levy and collect a tax, in addition to that authorized under Sections 20.01 through 20.04, Texas Education Code, not to exceed \$1 on the \$100 valuation of taxable property for the district for the maintenance and use of the schools in the district.

"(b) The limitation imposed by Subsection (d), Section 20.04, Texas Education Code, does not apply to the additional tax authorized by Subsection (a) of this section.

"(c) No tax may be levied, collected, or increased under the provisions of this Act until that action has been authorized at an election held in the district for that purpose."

The resolution was adopted by the following vote:

Yeas—141

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

Ogg	Rosson	Slack	Uher
Orr	Salem	Slider	Vale
Parker, C.	Salter	Smith	Von Dohlen
Parker, W.	Sanchez	Solomon	Ward
Patterson	Santiesteban	Spurlock	Wayne
Pickens	Schulle	Stewart	Wieting
Poerner	Semos	Stroud	Williams
Poff	Shannon	Swanson	Wolff
Presnal	Sherman	Tarbox	Wyatt
Price	Short	Traeger	
Reed	Silber	Truan	
Rodriguez	Simmons	Tupper	
Absent			
Atwell	Heatly	Lee	Neugent, D.
Hawn	Jones, D.	McKissack	Williamson

HJR 58 ON SECOND READING

Mr. Traeger moved that all necessary rules be suspended to take up and consider at this time, HJR 58.

The motion prevailed without objection.

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

HJR 58, A Joint Resolution proposing an Amendment to Article III, Section 24, and Article IV, Section 17, Constitution of the State of Texas, to provide for an annual salary of \$20,000 for the Lieutenant Governor and the Speaker of the House of Representatives and \$9,600 for Members of the Senate and House of Representatives, and to extend to 140 days of the regular session the per diem allowance of Members of the Legislature.

The resolution was read second time.

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

Committee Amendment No. 1

Amend HJR 58 as follows:

(1) In the first paragraph of quoted Section 24 in Section 1 of the resolution, substitute "the first one hundred and twenty (120) days only" for "the one hundred and forty (140) days."

(2) Strike the language at the end of Section 3 reading "and to extend to 140 days of the regular session the per diem allowance for Members of the Legislature."

The committee amendment was adopted without objection.

Mr. Hubenak offered the following amendment to the resolution:

Amend HJR 58 by omitting the words Twenty Thousand Dollars (\$20,000) on lines 25 and 26 and inserting therein Twenty-two Thousand Five Hundred (\$22,500).

The amendment was adopted without objection.

Mr. Traeger offered the following amendment to the resolution:

Amend HJR 58 by changing the figure \$20,000 on line 8 of Section 3 to \$22,500.

The amendment was adopted without objection.

Mr. Rosson offered the following amendment to the resolution:

Amend HJR 58 by striking the figure (\$9,600) on lines 21 and 23 and substituting the figure (\$7,800) on said lines 21 and 23.

Mr. Traeger moved to table the above amendment.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 817 and SB 818 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 146 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

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

SB 1036, By Hightower: Relating to the minimum tuition fee charged resident students at Texas junior colleges; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HCR 174—REFERRED TO COMMITTEE

(Proposing an Amendment to the United States Constitution)

Mr. Lee offered the following resolution:

HCR 174

Be it Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Legislature of the State of Texas makes

application, pursuant to Article V of the United States Constitution, to the Congress of the United States to call a convention for proposing an Amendment to the United States Constitution to provide that school districts in the several states shall have the power to adopt freedom of choice plans in the assignment of students to schools in the districts.

The resolution was referred to the Committee on Constitutional Amendments.

SENATE BILL ON FIRST READING

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

SB 10 to the Committee on Insurance.

RECESS

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

The motion prevailed without objection.

The House accordingly, at 6:46 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:

Banks and Banking: SB 997, SB 999, SB 1000, SB 1001, SB 1002, SB 1003, SB 1004.

Conservation and Reclamation: HB 1884.

Constitutional Amendments: HCR 119, SJR 4, SJR 42.

Counties: SB 643.

Criminal Jurisprudence: SB 915.

Engrossed and Enrolled Bills: Correctly engrossed—HB 281, HB 471, HB 587, HB 626, HB 1064, HB 1145, HB 1179, HB 1325, HB 1482, HB 1696, HB 1691, HB 1652, HB 1686, HB 1694, HB 1690, HB 1693, HB 1697, HB 1711, HB 1727, HB 1735, HB 1730, HB 1729, HB 1769, HB 1737, HB 1703, HB 1710, HB 1728, HB 1736, HB 1764, HB 1732, HB 1751, HB 1768, HB 1779, HB 1823, HB 1825, HB 1867, HCR 122, HCR 156, HCR 161, HCR 162, HCR 163, HCR 164, HCR 165, HCR 166, HCR 167, HCR 168. Correctly enrolled—HB 52, HB 144, HB 212, HB 246, HB 279, HB 297, HB 329, HB 357, HB 418, HB 459, HB 461, HB 579, HB 602, HB 606, HB 607, HB 608, HB 681, HB 637, HB 645, HB 646, HB 661, HB 663, HB 683, HB 735, HB 753, HB 764, HB 821, HB 823, HB 826, HB 827, HB 839, HB 849, HB 870, HB 885, HB 923, HB 936, HB 949, HB 999, HB 1031, HB 1041, HB 1081, HB 1068, HB 1108, HB

1119, HB 1109, HB 1117, HB 1146, HB 1147, HB 1148, HB 1149, HB 1157, HB 1184, HB 1198, HB 1381, HB 1383, HB 1387, HB 1380, HB 1386, HB 1401, HB 1406, HB 1407, HB 1409, HB 1414, HB 1418, HB 1492, HB 1436, HB 1479, HB 1435, HB 1548, HB 1535, HB 1618, HB 1654, HB 1630, HB 1607, HB 1678, HB 1688, HB 1684, HB 1705, HB 1718, HB 1766, HB 1724, HB 1752, HB 1808, HB 1827, HCR 47, HCR 67, HCR 125, HCR 152.

Governmental Affairs and Efficiency: SB 339, SB 963, SB 778, SB 886.

Higher Education: HB 1871, SB 441, SCR 102.

Judicial Districts: HB 1371.

Judiciary: HCR 32, SB 240.

Motor Transportation: HB 1408.

Parks and Wildlife: SB 949.

Public Education: SB 294, SB 549.

Resolutions and Interim Activities: HCR 153, HCR 154, HCR 155, HSR 18, HSR 247, HSR 287, HSR 432, HSR 442, HSR 445, HSR 446, HSR 447, HSR 455, HSR 466, HSR 468, HSR 513, HSR 516, HSR 517, HSR 524, HSR 526, HSR 527, HSR 529, HSR 532, HSR 535, HSR 537, HSR 538, HSR 539, HSR 540, HSR 545, HSR 547, HSR 549, HSR 553, HSR 554, HSR 555, HSR 556, HSR 559, HSR 561, SCR 64.

School Districts: HB 1878, SB 993.

State Affairs: SB 877, SB 955, SCR 8, SCR 9.

SENT TO THE GOVERNOR

May 24, 1971

HB 246

HB 279

HB 418

HB 579

HB 606

HB 607

HB 608

HB 637

HB 661

HB 663

HB 753

HB 775
HB 821
HB 823
HB 826
HB 849
HB 870
HB 885
HB 923
HB 989
HB 1041
HB 1068
HB 1146
HB 1147
HB 1148
HB 1149
HB 1198
HB 1384
HB 1387
HB 1414
HB 1548
HB 1724
HCR 47
HCR 125
HCR 152

EIGHTY-THIRD DAY (continued)—WEDNESDAY, MAY 26, 1971

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

(Mr. Joe Allen in the Chair)

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