

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:

Mr. Speaker	Denton	Johnson	Parker, C.
Adams	Doran	Jones, G.	Parker, W.
Agnich	Dramberger	Jungmichel	Poerner
Allen, Joe	Earthman	Kaster	Poff
Allen, John	Farenthold	Kost	Presnal
Baker	Finck	Kubiak	Reed
Bass, T.	Finnell	Lemmon	Rodriguez
Beckham	Finney	Lewis	Rosson
Bigham	Floyd	Lombardino	Schulle
Blanton	Foreman	Longoria	Shannon
Blythe	Grant	Lovell	Sherman
Boyle	Hale	McAlister	Short
Braecklein	Hanna, Joe	McKissack	Silber
Braun	Harding	Mengden	Slider
Burgess	Harris	Moncrief	Smith
Caldwell	Hawkins	Moore, A.	Spurlock
Carrillo	Hawn	Moore, G.	Stewart
Cates	Haynes	Murray	Swanson
Cavness	Head	Nabers	Traeger
Christian	Heatly	Nelms	Tupper
Clark	Hendricks	Neugent, D.	Vale
Clayton	Hilliard	Newton	Von Dohlen
Coats	Holmes, T.	Nichols	Ward
Cobb	Holmes, Z.	Niland	Williams
Cole	Howard	Nugent, J.	Williamson
Craddick	Hubenak	Ogg	Wolff
Davis, H.	Ingram	Orr	Wyatt

Absent

Allred	Doyle	Ligarde	Simmons
Angly	Gammage	Moore, T.	Slack
Atwell	Garcia	Moreno	Solomon
Atwood	Golman	Patterson	Stroud
Bass, B.	Graves	Pickens	Tarbox
Bowers	Hannah, John	Price	Truan
Bynum	Hull	Salem	Uher
Calhoun	Jones, D.	Salter	Wayne
Cruz	Jones, E.	Sanchez	Wieting
Daniel	Kilpatrick	Santiesteban	
Davis, D.	Lee	Semos	

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 176, by Head: Congratulating Mr. Earl Adams.

On motion of Mr. Grant, the names of all the Members of the House were added to HCR 176 as signers thereof.

HSR 580, by Johnson: Commending Mr. Nelson W. Wolff, Sr., of San Antonio.

HSR 584, by Cruz: Recognizing John E. Castillo of Houston.

Representatives Pickens, Gammage, Patterson, and Solomon entered the House and were announced present.

HSR 582—REFERRED TO COMMITTEE

(To conduct a study of the feasibility of establishing and maintaining a state park in Maverick County)

Mr. Carrillo and Mr. Doran offered the following resolution:

HSR 582

Whereas, The present recreational facilities in Maverick and surrounding counties are overcrowded; and

Whereas, There exists an immediate need for more recreational facilities for the expanding population of Maverick County and the entire surrounding area; and

Whereas, The future growth and prosperity of Maverick and the surrounding counties require adequate park facilities; and

Whereas, This region must compete with other areas to attract industry and tourists to alleviate unemployment and assure continued growth; and

Whereas, There exists in Maverick County a portion of land ideally situated with natural beauty and resources that could easily and with a minimum amount of investment be developed into a state park; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature, does hereby direct the Parks and Wildlife Commission to conduct a study of the feasibility of establishing and maintaining a state park in Maverick County.

The resolution was referred to the Committee on Parks and Wildlife.

HSR 583—REFERRED TO COMMITTEE

(Creating an interim committee to study laws on optometry)

Mr. Braecklein offered the following resolution:

HSR 583

Whereas, For some time there has been conflict among members of the optometric profession, and the 61st Legislature, after much study, attempted to resolve these differences by enacting a complete revision of the laws pertaining to the practice of optometry and related activities; and

Whereas, This revision has not been tested as to practicality, effective-

ness, and fairness in relation to optometrists, opticians, ophthalmologists, and the general public, and in view of the long-standing controversy pertaining to earlier law on the subject, it is advisable that the revised laws on the practice of optometry and related activities be given careful study and consideration; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim committee to make a thorough study of the laws on optometry and related activities which were revised by the 61st Legislature in Regular Session, looking to a determination of the effectiveness and fairness of these laws to members of the optometric profession and the general public; and, be it further

Resolved, That the committee shall consist of five Members of the House of Representatives, appointed by the Speaker of the House; the committee shall sit at such times and places between the adjournment of the Regular Session of the 62nd Legislature and the date of convening of the Regular Session of the 63rd Legislature as may to the committee seem necessary and proper; and, be it further

Resolved, That the committee shall have power to issue process to witnesses at any place in this state; to compel their attendance and the production of all books, records, and instruments; to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by either the sergeant at arms appointed by the committee or by any peace officer of this state; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it in the same manner as provided by general law. The chairman of the committee shall issue, in the name of the committee, such subpoenas as the majority of the committee may direct. In the event the chairman is absent, the vice-chairman or any designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman; and, be it further

Resolved, That the committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and to contract for such research and analysis services as the committee may find necessary; and, be it further

Resolved, That the State Board of Optometry Examiners, the Attorney General's Department, the Texas Legislative Council, and other state departments or agencies concerned with the matter, as well as certain officials of the Texas Optometric Association, the American Optical Society, the Association of Ophthalmological Dispensers, and representatives of the various segments of the optometric profession and the optical business, be requested to cooperate with the committee; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in connection with committee activities shall be paid from the Expense Fund of the House of Representatives; 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 non-budgeted expenses 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 that may be proposed, 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.

Representatives Salem and Atwell entered the House and were announced present.

SCR 104—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 104, Granting George Schaefer permission to sue the state.

The resolution was adopted without objection.

Representatives Doyle and Uher entered the House and were announced present.

SCR 105—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 105, Granting Gordon Carlson permission to sue the state.

The resolution was adopted without objection.

SCR 106—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 106, Granting William J. Moltz, Jr., permission to sue the state.

The resolution was adopted without objection.

SCR 107—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 107, Granting Fred E. Geiger permission to sue the state.

The resolution was adopted without objection.

SCR 109—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 109, Granting Howard C. Anderson permission to sue the state.

The resolution was adopted without objection.

Representative Graves entered the House and was announced present.

SCR 110—ADOPTED
(Mr. Hale—House Sponsor)

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

SCR 110, Granting Ivan Stout permission to sue the state.

The resolution was adopted without objection.

Representatives Slack, Hull, Wieting, Bowers, and Tom Moore entered the House and were announced present.

SCR 8—ADOPTED
(Mr. Murray—House Sponsor)

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

SCR 8, Directing the Interagency Natural Resources Council to provide mechanism to promote interagency cooperation and coordination with regard to land use, etc.

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

Committee Amendment No. 1

Strike all and substitute the following:

Authorizing and directing the Interagency Natural Resources Council to provide the mechanism to promote interagency cooperation and coordina-

tion with regard to land use, pollution control and other problems in the Coastal Zone; working with the appropriate agencies, to delineate the roles and responsibilities of the state agencies concerned with the protection, conservation, and development of the state's coastal resources: to work with the state agencies in solution of certain urgent problems adversely affecting those resources; and to take certain other actions.

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

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

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

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

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

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

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

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

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

Section 2. The Interagency Natural Resources Council is authorized and directed to meet in open session at least once every quarter. The time, place, and agenda of the quarterly meeting shall be made known to the public at least ten (10) days in advance of the meeting.

Section 3. The Interagency Natural Resources Council shall report acti-

vities and progress of the Coastal Resources Management Program to the Members of the Legislature at least once every three months until the final report is submitted by December 1972.

Section 4. The results of the actions of the Interagency Natural Resources Council pursuant hereto shall be incorporated in its final report on the Coastal Resources Management Program, to be submitted by December, 1972.

The committee amendment was adopted without objection.

SCR 8, as amended, was adopted without objection.

(Speaker in the Chair)

Representatives Wayne, John Hannah, Salter, Atwood, and Kilpatrick entered the House and were announced present.

COMMUNICATION FROM THE SPEAKER

May 26, 1971

Mrs. Dorothy Hallman
Chief Clerk
Texas House of Representatives
Austin, Texas 78711

Dear Mrs. Hallman:

Pursuant to the provisions of Rule 1, Section 10 of the Rules of the Texas House of Representatives of the 62nd Legislature, I hereby appoint State Representative Tommy Shannon of District 52, Place 5 of Tarrant County, Texas, to be permanent Speaker Pro Tempore of the 62nd Legislature.

Sincerely,
G. F. (Gus) MUTSCHER

ESCORT COMMITTEE APPOINTED

The Speaker announced the appointment of the following Escort Committee for the Speaker Pro Tempore:

Finney, Chairman; Sherman, Hull, Moncrief, Hilliard, Lewis, Spurlock, and Tom Holmes.

APPOINTMENT OF THE HONORABLE TOMMY SHANNON AS SPEAKER PRO TEMPORE OF THE TEXAS HOUSE OF REPRESENTATIVES

The Honorable G. F. (Gus) Mutscher, Speaker of the House of Representatives, addressed the House and appointed the Honorable Tommy Shannon as Speaker Pro Tempore of the House, speaking as follows:

My fellow Members of the Texas House:

It is with a great deal of personal pride that I announce an appointment of major significance. Pursuant to Rule I, Section 10, I take great pleasure in formally announcing the appointment of Representative Tommy Shannon of Tarrant County to the post of Speaker Pro Tempore.

I am sure this appointment comes as no surprise to any of you. My first introduction to this distinguished and veteran Member came some 14 years ago when I was in military service with his oldest son. My respect and admiration for him has steadily grown through the years. When I first became a Member of this Body in 1961 I called upon him for counsel and leadership. He has never failed to deliver.

During trying hours, his wisdom and good nature have boosted my sagging spirits. During times of frenzied activity, his cool and calm approach to the work of this Body have aided me in meeting the challenges at hand. His capability and efficiency in the performance of his duties as a Member of this House have never been questioned.

A few years ago in Fort Worth I had occasion to speak a few words in his behalf. Those words are fitting and appropriate today. They aptly summarize my personal feelings for your new Speaker Pro Tempore:

"Tommy Shannon is like no man I have ever known. I respect him like a father, I admire him as a statesman, I trust him like a brother."

The Speaker then recognized Speaker Pro Tempore Shannon who addressed the House, speaking as follows:

Mr. Speaker, Members:

I am deeply honored and moved by the confidence which you have so generously placed in me. I shall endeavor to be worthy of this trust.

Most of you know the high regard in which I hold my Membership in this Body. The last sixteen years of my life have been spent in the historical halls of this building. Some of my warmest friendships have been made here. I will carry the memory of them with me wherever my trail might lead.

In my years as a Member, I have found that the Member who is effective is the one who sticks by his word, even though it hurts.

I have tried to live by this principle. I will continue to strive to keep this personal commandment.

Mr. Speaker, I sincerely appreciate your kind remarks. Although undeserved, they did not go unnoticed. I have enjoyed tremendously serving under your stewardship and I look forward to having the privilege of doing so in the years ahead.

Thank you.

ADDRESSES ORDERED PRINTED
IN THE JOURNAL

On motion of Mr. Hale, the remarks of Speaker Mutscher and Speaker

Pro Tempore Shannon addressed to the House on today were ordered printed in the Journal.

VOTE RECORDED

Mr. Graves requested to be recorded as voting Nay on the motion to print in the Journal the remarks made by Speaker Mutscher and Mr. Shannon.

Representatives D. Davis, Golman, Stroud, Price, and Bynum entered the House and were announced present.

HOUSE BILLS ON FIRST
READING

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

By Swanson:

HB 1886, A bill to be entitled An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Myrtle Glen Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Swanson:

HB 1887, A bill to be entitled An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Garth Road Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by

reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

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.

Representatives B. Bass, Calhoun, Allred, Tarbox, Truan, Edmund Jones, Garcia, Ligarde, Lee, Angly, Sanchez, and Semos entered the House and were announced present.

RULES SUSPENDED CONCERNING DAILY CALENDAR

Mr. Doran moved to suspend Rule IX, Section 14, providing that calendars shall be printed daily when the House is in Session and distribution thereof made to Members no later than two hours preceding the time the House convenes.

The motion prevailed without objection.

HB 1722—VOTE RECONSIDERED

Mr. Craddick moved to suspend all necessary rules and reconsider the vote by which HB 1722 was passed on May 24.

The motion prevailed without objection.

The Speaker then laid before the House on final passage,

HB 1722, Relating to the compensation of the district attorney of the 142nd Judicial District.

Mr. Craddick offered the following amendments to the bill:

Amend HB 1722 by striking all below the enacting clause and substituting the following:

Section 1. Section 8, Chapter 394, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-30a, Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 8. The District Attorney of the 142nd Judicial District shall

be compensated for his services in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the Commissioners Court of Midland County. The Commissioners Court of Midland County in its discretion is authorized to pay the supplemental salary in such amount as it may determine."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend HB 1732 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the compensation of the District Attorney of the 142nd Judicial District; amending Section 8, Chapter 394, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-30a, Vernon's Texas Civil Statutes); and declaring an emergency.

The amendments were severally adopted without objection.

HB 1722, as amended, was passed by the following vote:

Yeas—146

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

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

Absent

Daniel	Doran	Santiesteban
--------	-------	--------------

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 1036 to the Committee on Higher Education.

HSR 586—ADOPTED

(Proclaiming Wednesday, May 26, as Czech Day in the House)

Mr. Wieting and Mr. Uher offered the following resolution:

HSR 586

Whereas, Wednesday, May 26, 1971, will be particularly festive as the Members of this House join their friends and colleagues of Czech descent, at a party hosted by the citizens of Fort Bend County, the Richmond-Rosenberg Chamber of Commerce, and good old Joe Hubenak, representing Fort Bend and Brazoria Counties; and

Whereas, The reception, to be held at Zilker Park Club House, will bring a touch of Bohemia to the legislative family as the light of foot and fancy tap their feet to live polka music, while munching real Czech sausage and kolaches, and quaffing good Czech beer; and

Whereas, It is appropriate that the House of Representatives of the 62nd Legislature, in honor of this day made memorable by Czech hosts and friends from Richmond-Rosenberg and all Fort Bend County, honor all of those of Czech descent giving special recognition to them; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas, by this resolution, proclaim this day, Wednesday, May 26, 1971, as Czech Day in the House; and, be it further

Resolved, That the Members of this House take this opportunity to hail our fellow Member, the Honorable Joe A. Hubenak, for his part in making this great day and its celebration a high point in this session.

The resolution was read and was unanimously adopted.

COMMITTEE MEETING

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

There was no objection offered.

Representative Daniel entered the House and was announced present.

SB 814 ON SECOND READING
(Mr. Harris—House Sponsor)

Mr. Harris moved that all necessary rules be suspended and to call from the table at this time, SB 814.

The motion prevailed without objection.

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

SB 814, A bill to be entitled An Act relating to the salaries of certain officials in certain counties; amending Sections 2 and 3, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 814 by striking all below the Enacting Clause and substituting therefor the following:

"Section 1. Section 1, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

'Section 1. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the district clerk, the county clerk, the assessor and collector of taxes, and the sheriff shall be paid a salary of not less than 15,000 per annum as determined by the commissioners court of such county.'

"Sec. 2. Section 2, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

'Sec. 2. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the chief deputy district clerk, the chief deputy county clerk, the chief deputy sheriff, and the deputy assessor and collectors of taxes shall be paid a salary of not more than \$15,000 per annum as determined by the commissioners court of such county.'

"Sec. 3. Section 3, Chapter 34, Acts of the 61st Legislature, Second

Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

'Sec. 3. In any county having a population of not less than 160,000 and not more than 170,000, according to the last preceding Federal Census, the commissioners court may employ and fix the salary of the deputies, administrative assistants, and clerks of any district, county, or precinct officer, including any member of the commissioners court, in an amount not to exceed \$15,000 per year.'

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

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

Amend SB 814 at line 36 and line 46 of the Second House Printing of said bill as follows:

Delete "\$15,000" and insert in lieu thereof: "\$14,000."

The amendment was adopted without objection.

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

SB 814, as amended, was passed to third reading by the following vote:

Yeas—146

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

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

Absent

Ligarde	McAlister	Vale
---------	-----------	------

SB 814 ON THIRD READING

Mr. Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 814 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135

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

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

Nays—5

Doran	Graves	Kubiak	Nugent, J.
Floyd			

Absent

Hawn	Ligarde	McKissack	Smith
Jones, D.	McAlister	Patterson	Stroud
Jones, G.			

The Speaker then laid SB 814 before the House on third reading and final passage.

(Mr. Shannon in the Chair)

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

Yeas—146

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

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

Absent

Allen, John	Jones, D.	Ligarde
-------------	-----------	---------

Mr. Harris moved to reconsider the vote by which SB 814 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 1042—NOTICE GIVEN

Mr. Howard gave notice that he would on the next legislative day call from the Journal the motion to reconsider the vote by which HB 1042 failed to pass to engrossment on May 22.

MEMORIAL RESOLUTION ADOPTED

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

HSR 589, by Stewart and Allred: In memory of Mrs. L. T. Burns.

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

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 585, by Blythe, Jungmichel, Bowers, Salem, Hale, Moreno, H. Davis, Earthman, Mengden, Vale, Clark, Lemmon, Stewart, E. Jones, Kaster, Simmons, Calhoun, Cavness, Silber, Nichols, Gammage, Swanson, Farenthold, Truan, Braun, Finck, Allred, Ogg, Sanchez, Hendricks, G. Moore, Garcia, G. Jones, Dramberger, T. Moore, Blanton, Lee, Foreman, Johnson, Kost, Boyle, Nabers, Hawn, Longoria, Santiesteban, Denton, Floyd, Baker, Murray, Howard, Stroud, Cruz, Nelms, Semos, Salter, Golman, Williams, Coats, Lombardino, Wolff, Ligarde, McKissack, Solomon, Angly, Reed, T. Bass, John Ailen, Orr, Niland, Zan Holmes, Hilliard, Shannon, Joe Allen, Agnich, Graves, Harding, Braecklein, and Tupper: Commending the Royal Crown Cola Bottling Companies of Texas.

On motion of Mr. Mengden, the names of all the Members of the House were added to HSR 585 as signers thereof.

COMMITTEE MEETING

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

There was no objection offered.

HB 955 WITH SENATE AMENDMENTS

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

HB 955, A bill to be entitled An Act relating to the membership of the board of directors of the Texas Turnpike Authority and the requirement of an annual report; amending Sections 3 and 21, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

Mr. Moncrief 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 955—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 955:

Representatives Shannon, Chairman; Moncrief, Sherman, McKissack, and Slack.

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 314—ADOPTION OF CONFERENCE COMMITTEE REPORT

Mr. Cobb submitted the following Conference Committee Report on HB 314:

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 314, have met and adjusted our

differences and beg leave to recommend that HB 314 be passed in the form attached hereto.

Respectfully submitted,

On the part of the Senate: Moore
 Sherman
 Harris
 Creighton

On the part of the House: Cobb
 Coats
 Rosson
 Uher
 Calhoun

HB 314, A bill to be entitled An Act relating to maintaining order on the campuses or facilities of state-supported institutions of higher education; authorizing the chief administrative officer of a state-supported institution of higher education, or his delegate, to demand from any person on the campus or facility certain identification, when the circumstances reasonably indicate that a period of disruption exists, and authorizing ejection from the campus or facility of certain persons not complying; relating to the withdrawal of consent for any student or nonstudent to remain on the campus or facility of a state-supported institution of higher education; authorizing a bar from the campus or facility to be imposed upon a student or employee of a state-supported institution of higher education who has been suspended or dismissed from the institution according to established procedures; prohibiting persons from refusing to leave a building under the control and management of a public agency, including a state-supported institution of higher education, under certain circumstances; requiring certain hearing procedures; providing penalties; providing for severability; and declaring an emergency.

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

Section 1. Identification. (a) During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education in accordance with the definition set out in Subsection (b) of this section, the chief administrative officer, or an officer or employee of the institution designated by him to maintain order on the campus or facility of the institution, is authorized to require that any person on the campus or facility present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official institutional identification card, or other evidence of his relationship with the institution. If any person refuses or fails upon request to present evidence of his identification, or if the person is a student or employee of the institution, his student or employee official identification card, or other evidence of his relationship with the institution, and if it reasonably appears that any such person has no legitimate reason to be on the campus or facility, any such person may be ejected from the campus or facility.

(b) A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat to the willful disruption of the orderly operation of the campus or facility.

Sec. 2. Students and Nonstudents—14-Day Withdrawal of Consent. (a) During periods of disruption as determined and defined in Section 1 of this Act, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or facility under the control of the chief administrative officer has been withdrawn whenever there is a reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility and that his presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Such notification shall be in accordance with procedures set out in Subsection (b) of this section.

(b) When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on such campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. Such written notice shall contain all of the following:

(1) that consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;

(2) the name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;

(3) a brief statement of the activity or activities resulting in the withdrawal of consent; and

(4) notification that the person from whom consent has been withdrawn is entitled to a hearing on such withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

(c) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall within 24 hours submit a written report to the chief administrative officer, unless the authorized officer or employee has reinstated consent for such person to remain on the campus. Such report shall contain all of the following:

(1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and

(2) a statement of the facts giving rise to the withdrawal of consent.

(d) If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the written report described in subsection (c) of this section, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, and that his presence on the campus or facility will constitute a substantial and material threat to the orderly

operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer, or in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(e) The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than three days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person. Such hearing shall be held before a duly designated discipline committee or authorized hearing officer of such institution in accordance with Section 5 of this Act. In no instance shall the person issuing such withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

(f) The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

(g) Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Subsection (a) of this section, who has not had such consent reinstated, and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Section 6 of this Act. This subsection does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(h) This section shall not affect the power of the duly constituted authorities of a state-supported institution of higher education to suspend, dismiss, or expel any student or employee at such university or college.

Sec. 3. Students and Employees—Barred from Campus During Suspension or Dismissal. (a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of such institution, as a condition of such suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of

such suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 6 of this Act.

(b) Knowledge shall be presumed if personal service has been given as prescribed in Subsection (a) of this section.

Sec. 4. Refusing or Failing to Leave Building. No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that such individual or individuals have no apparent lawful business to pursue.

Sec. 5. Required Hearing Procedures. A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn in accordance with Section 2 of this Act is entitled, in addition to the procedures set out in Subsection (b) of Section 2 of this Act, to the following:

(1) to be represented by counsel;

(2) to the right to call and examine witnesses and to cross-examine adverse witnesses;

(3) to have all matters upon which the decision may be based introduced into evidence at the hearing in his presence;

(4) to have the decision based solely on the evidence presented at the hearing;

(5) to prohibit the introduction of statements made against him unless he has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable references that might otherwise be drawn; and

(6) to have all findings made at the hearing be final, subject only to his right to appeal to the president and the governing board of the institution.

Sec. 6. Penalty. A person who violates Subsection (g) of Section 2, Subsection (a) of Section 3, or Section 4 of this Act is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$500 or imprisonment in the county jail for not more than six months, or both.

Sec. 7. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are declared to be severable.

Sec. 8. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the 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. Cobb moved to adopt the Conference Committee Report on HB 314.

(Speaker in the Chair)

Mr. Graves moved, as a substitute motion, that the House not adopt the Conference Committee Report on HB 314 and that a new Conference Committee be appointed.

Mr. Cobb moved to table the substitute motion.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—115

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

Nays—26

Allen, Joe	Farenthold	Johnson	Silber
Atwood	Finck	Ligarde	Truan
Bass, T.	Floyd	Moore, T.	Vale
Braun	Gammage	Nichols	Wolff
Caldwell	Graves	Patterson	Wyatt
Denton	Harris	Reed	
Doyle	Holmes, Z.	Rodriguez	

Present—Not Voting

Hannah, John

Absent

Boyle	Daniel	Moreno	Stroud
Cruz	Jones, G.	Santiesteban	

The motion to adopt the Conference Committee Report on HB 314 prevailed by the following vote:

Yeas—118

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

Nays—23

Allen, Joe	Doyle	Ligarde	Reed
Atwood	Farenthold	Longoria	Rodriguez
Bass, T.	Gammage	Moore, T.	Silber
Braun	Graves	Murray	Truan
Caldwell	Harris	Nichols	Wyatt
Denton	Holmes, Z.	Patterson	

Absent

Boyle	Daniel	Haynes	Moreno
Carrillo	Hannah, John	Lee	Santiesteban

Mr. Cobb moved to reconsider the vote by which the House adopted the Conference Committee Report on HB 314 and to table the motion to reconsider.

The motion to table prevailed.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 588, by Wayne: Congratulating Randy Lightfoot.

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

INTRODUCTION OF GUESTS

The Speaker recognized the Honorable Ralph Wayne who introduced the following guests pursuant to HSR 588:

Randy Lightfoot, outstanding high school athlete who set a new state and Class AAAA record and tied the national schoolboy record in running high hurdles; Coach Cleburne Price, Head Track Coach, University of Texas, and Coach Bill Miller of the University of Texas.

INTRODUCTION OF MRS. CERI WYNN POWELL

The Speaker recognized the Honorable Wilson Foreman who introduced Mrs. Ceri Wynn Powell to the House. Mrs. Powell is from Bungay, Suffolk, England and had provided a home-away-from-home for many American servicemen during World War II.

HCR 146 had previously been adopted expressing appreciation to Mrs. Powell.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SB 294, Relating to a program for education of deaf adults.

SCR 115, Commending Mr. and Mrs. J. E. Smith and Miss Annie M. Smith on their gift of land to the state.

SCR 117, Authorizing the House Enrolling and Engrossing Clerk to make certain corrections in the Conference Committee Report on HB 43.

COMMITTEE MEETING

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

There was no objection offered.

HB 893 WITH SENATE AMENDMENTS

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

HB 893, A bill to be entitled An Act relating to the creation, administration, powers, duties, and financing of Van Zandt County Hospital District of Van Zandt County, Texas, by authority of Article IX, Section 9, Constitution of the State of Texas; and declaring an emergency.

On motion of Mr. Bill Bass, and by unanimous consent, the House concurred in the Senate Amendments to HB 893.

Mr. Bill Bass moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 893 and to table the motion to reconsider.

The motion to table prevailed.

HB 893—TEXT OF SENATE AMENDMENTS

Amend HB 893 as follows:

1. Amend Section 8(d) by striking in the first sentence the words "to exceed 6½% a year" and inserting in lieu thereof the following: "to exceed the maximum prescribed by Article 717k-2, Vernon's Texas Civil Statutes."
2. Amend Section 8(c) by striking in the second sentence the words "if refunding bonds are to be exchanged" down through and including the words "to be paid on said refunding bonds" and inserting in lieu thereof the following: "the interest rate on any refunding bonds shall not exceed the maximum prescribed by Article 717k-3, Vernon's Texas Civil Statutes."

Amend caption to conform to body of bill.

HB 1787 WITH SENATE AMENDMENTS

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

HB 1787, A bill to be entitled An Act providing for the creation of the Henderson County Hospital District over all of Henderson County, Texas;

providing that the district shall assume any outstanding debt of Henderson County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

On motion of Mr. Bill Bass, the House concurred in the Senate Amendments to HB 1787 by the following vote:

Yeas—144

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

Absent

Bowers	Doran	Hale	Ligarde
Daniel			

HB 1787—TEXT OF SENATE AMENDMENTS

Amend HB 1787 by deleting the last sentence of Section 5 and substituting therefor the following:

“Such board shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory and other services as to the hospital or welfare needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality outside its boundaries for the hospitalization of the sick, diseased, or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the federal government for the hospitalization of sick, diseased, or injured persons.”

Amend caption to conform to body of bill.

HSR 587—ADOPTED

(Commending the Citizens of Fort Bend County, the Richmond-Rosenberg Chamber of Commerce and the Honorable Joe A. Hubenak)

Mr. Wieting and Mr. Uher offered the following resolution:

HSR 587

Whereas, Lovely homes shaded by giant oaks shelter the genial, hospitable people, who call the twin-city community of Richmond-Rosenberg their home; it is no wonder that history records the friendliness and graciousness of the residents of this area and that these attributes of the early settlers are still manifest in their descendants today; and

Whereas, Rosenberg, with a population of just under 10,000 and Richmond, having nearly 4,000 inhabitants, are without the unfriendly rivalry that characterizes so many small cities and communities similarly situated: where else but in Fort Bend County would you find two such cities joining their efforts toward progress and development under the leadership of a single chamber of commerce like the Richmond-Rosenberg Chamber of Commerce; and

Whereas, The two cities share the growth of present day industrial activity and, at the same time, speak with pride of the fascinating old structures in Richmond that are reminders of a rich heritage and the colorful history of Fort Bend County; here was the home of Jane Long, “the Mother of Texas,” of Mirabeau B. Lamar, president of the Republic of Texas and father of the public education system; here occurred the famous Woodpecker-Jaybird feud of the post-Civil War era; here Carrie Nations, adversary of the saloon, made forays that will forever live in area legend; and

Whereas, The latest example of Fort Bend County and Richmond-Rosenberg hospitality is the Czech reception in honor of Members of the Texas Legislature, which is being held in Austin on Wednesday evening, May 26, 1971, where Bohemian music, good drinks, plenty of kolaches and sausage, will give folks in Austin a real taste of entertainment from the heart; and

Whereas, It is a great opportunity for the House of Representatives of the 62nd Legislature to use this occasion in honoring the citizens of Fort Bend County, the Richmond-Rosenberg Chamber of Commerce, and our good friend and colleague, the Honorable Joe Hubenak, a man these thoughtful people have returned to the House of Representatives for two terms in recognition of his worth to them and to the State of Texas; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas hereby commend the citizens of Fort Bend County, the Richmond-Rosenberg Chamber of Commerce, and Representative Joe A. Hubenak for their contributions to the entire State of Texas and for their many courtesies extended to the Members of the 62nd Legislature; and, be it further

Resolved, That official copies of this Resolution be prepared for the Commissioners Court of Fort Bend County, on behalf of the citizens, for the Richmond-Rosenberg Chamber of Commerce, and for Representative Joe A. Hubenak as a small token of the great appreciation which this House holds for Fort Bend County and all its citizens.

The resolution was unanimously adopted.

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

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 177, by Harold Davis and Heatly: Expressing appreciation to Frank C. Erwin, Jr.

On motion of Mr. McAlister, the names of all the Members of the House were added to HCR 177 as signers thereof.

HSR 592, by Cruz: Congratulating Mr. Robert Medrano of Dallas.

SCR 9—ADOPTED (Mr. Murray—House Sponsor)

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

SCR 9, Authorizing Interagency Natural Resources Council in its Coastal Resources Management Program to conduct certain investigations.

Mr. Clayton offered the following committee amendment to the resolution.

Committee Amendment No. 1

Strike all and substitute the following:

Authorizing and directing the Interagency Natural Resources Council in its Coastal Resources Management Program to conduct certain important environmental, legal and economic investigations relating to the protection, conservation and development of Texas' coastal resources and the coastal environment.

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

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

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

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

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

1. Existing pollution and environmental problems including those unrelated to waste disposal, including information concerning their sources, long-term effects and solutions;
2. The environmental effects of proposed hurricane protection measures and other man-made additions to and modifications of our Coastal Zone;
3. A legal analysis of institutional authority and responsibility necessary for the proper implementation of a Coastal Resources Management Program;
4. An inventory of remaining mineral resources, replenishable or alternative substitutes for those resources, and means by which to extract those resources with minimal environmental losses;
5. The long-term effects of man-made substances such as oils, farm chemicals and pesticides upon the natural environment;
6. The use of a multidisciplinary approach in developing a practical and usable method for evaluating the consequences of alternative environmental management proposals including the assessment of consequences of varying land use patterns;
7. Means of supporting research leading to a better understanding of

natural meteorological and geological phenomena such as hurricanes, northers, subsidence, erosion, etc., with a view toward minimizing destructive effects.

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

9. The Tektite program of the Marine Biomedical Institute of The University of Texas Medical Branch at Galveston, and various research programs related to coastal zone resources with a view toward encouragement and support of marine-oriented research.

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

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

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

The committee amendment was adopted without objection.

SCR 9, as amended, was adopted without objection.

Mr. Murray moved to reconsider the vote by which SCR 9 was adopted and to table the motion to reconsider.

The motion to table prevailed.

SCR 102—ADOPTED
(Mr. Murray—House Sponsor)

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

SCR 102, Concerning insurance on The University of Texas Systems buildings.

The resolution was adopted.

Mr. Murray moved to reconsider the vote by which SCR 102 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HSR 593—REFERRED TO COMMITTEE

(Regarding competitive bids for panel of photographs of House Members)

Mr. Jim Nugent offered the following resolution:

HSR 593

Whereas, State departments and agencies are required by law to receive and consider competitive bids before arriving at contracts for the purchase of services and supplies; and

Whereas, The Texas House of Representatives, through the House Administration Committee, biennially authorizes a photographer or studio to produce a panel of photographs of House Members; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas instruct the House Administration Committee to receive and consider competitive bids before commissioning any photographer or studio to produce a panel of photographs of House Members.

The resolution was referred to the Committee on House Administration.

HJR 28 ON SECOND READING

Mr. Hubenak moved that all necessary rules be suspended to take up and consider at this time, HJR 28.

The motion prevailed without objection.

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

HJR 28, A Joint Resolution proposing a Constitutional Amendment to exempt personal automobiles from property taxes.

The resolution was read second time.

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

Committee Amendment No. 1

Amend HJR 28 by striking all below the resolving clause and substituting the following:

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-f, to read as follows:

"Section 1-f. From or after January 1, 1973, all personal automobiles are exempt from ad valorem taxation by cities, counties, school districts, and other political subdivisions of the state, but shall be taxed by the state in an amount equal to one percent of their full value at the time of annual registration; and the amount of such tax may be increased, but may not be decreased by the Legislature. The tax imposed by this section does not apply to any automobile six years old or older according to the model year in which the automobile is manufactured. The Texas Highway Department shall compile and furnish to each county tax collector in the state, annually on or before January first, a complete and detailed schedule of values on the various makes, models, and types of personal automobiles required to be

taxed hereunder. The annual tax shall be collected by the county tax collector before accepting annual registration fees from personal automobile owners or issuing annual registration certificates to them. The funds derived from the tax levied herein shall be distributed to counties, school districts, and the incorporated cities, towns, and villages of this state in proportion to their respective property tax levies which shall be defined as the total assessed valuation of property within each taxing district multiplied by the tax rate approved by its governing body in the preceding calendar year. The amount allocated for each county, school district, and incorporated city, town, and village shall be computed according to its percentage of the total levy of all participating counties, school districts, and incorporated cities, towns, and villages in the state. The comptroller of public accounts is authorized to establish procedures for the administration of the tax and the allocation of funds derived from the tax levied herein. The comptroller of public accounts shall disburse to each county for expenses in administering the tax, an amount equal to two percent of the proceeds from the tax in that county, and the comptroller of public accounts shall retain two percent of the proceeds from the tax as reimbursement for state expenses in administering the tax. This section shall be self-executing."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election all ballots shall be printed to provide for voting for or against the proposition: "The Constitutional Amendment exempting personal automobiles from ad valorem taxation by political subdivisions of the state on or after January 1, 1973, but authorizing the state to tax personal automobiles at one percent of value or such higher amount as may be established by statute, the proceeds of this tax to be divided among the counties, school districts, and the incorporated cities, towns, and villages of this state."

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

Amend Committee Amendment No. 1 to HJR 28, Section 1, by deleting the word "six" from line 20 and inserting in lieu thereof the word "four".

Substitute a period for the comma after the word "county" at the end of line 44, and delete all language after line 44, then insert in lieu thereof the following: "As reimbursement for state expenses in administering the tax, the comptroller of public accounts shall disburse to the Texas Highway Department an amount equal to one percent of all proceeds from the tax, and shall retain for the office of the State Comptroller of Public Accounts an amount equal to one percent of all proceeds from the tax. This subsection shall be self-executing."

The amendment was adopted.

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

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

Committee Amendment No. 2

Amend HJR 28 by striking all above the resolving clause and substituting the following:

A Joint Resolution proposing an Amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-f exempting personal automobiles from ad valorem taxation by political subdivisions of the state on or after January 1, 1973, but authorizing the state to tax personal automobiles at one percent of full value or such higher amount as may be established by statute, the proceeds of the tax to be divided among the counties, the school districts, and the incorporated cities, towns, and villages of this state.

The committee amendment was adopted without objection.

Mr. Hubenak moved that consideration of HJR 28 be postponed until 1:00 p.m., May 27, 1971.

The motion prevailed.

SB 915 ON SECOND READING
(Mr. Sherman—House Sponsor)

Mr. Sherman moved that all necessary rules be suspended to take up and consider at this time, SB 915.

The motion prevailed without objection.

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

SB 915, A bill to be entitled An Act making it a felony to transport more than a certain amount of copper pipe, copper wire, or copper cable in certain situations, and prescribing the penalty for violation; amending Sections 2 and 3, Chapter 457, Acts of the 60th Legislature, Regular Session, 1967 (Article 1436g, Vernon's Texas Penal Code); and declaring an emergency.

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

SB 915 ON THIRD READING

Mr. Sherman moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 915 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

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

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

Nays—17

Caldwell	Graves	Ligarde	Nugent, J.
Denton	Holmes, Z.	Moore, T.	Reed
Farenthold	Jones, D.	Moreno	Truan
Floyd	Kaster	Nichols	Vale
Grant			

Absent

Agnich	Burgess	Johnson	Rodriguez
Allen, John	Cruz	McAlister	Stroud
Bigham	Doran		

The Speaker then laid SB 915 before the House on third reading and final passage.

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

Yeas—144

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

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

Absent

Agnich	McAlister	Moore, T.	Salter
Doran			

Mr. Sherman moved to reconsider the vote by which SB 915 was passed and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Jim Nugent in the Chair)

HB 1115 ON SECOND READING

Mr. Tupper moved that all necessary rules be suspended to take up and consider at this time, HB 1115.

The motion prevailed.

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

HB 1115, A bill to be entitled An Act relating to the issuance of license plates by the State Highway Department; amending Section 13, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-13, Vernon's Texas Civil Statutes); amending Sections 5, 6, and 7, Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934, as amended (Article 807b, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1115 by deleting all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 13, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-13, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. (a) The Department shall issue upon the payment of the required fee to applicants for a motor vehicle registration a plate or plates, symbols, tabs, or other devices which when attached to a vehicle as prescribed by the Department are the legal registration insignia for the year issued.

"(b) The Department shall issue only one license plate or set of license plates for each vehicle during any five-year period, unless a replacement plate or set of plates is applied for under the provisions of Section 13a of this Act.

"(c) Upon the application and payment of the prescribed fee for reregistration of a vehicle for the first, second, third, or fourth registration year following the issuance of a plate or set of plates for the vehicle, the Department shall issue a symbol, tab, or other device to be attached by the applicant to the plate or plates as prescribed by the Department.

"(d) Replacement plates issued under the provisions of Section 13a of this Act may be used during the registration year of issue and during the succeeding four years if the proper symbol, tab, or other device is properly attached.

"(e) The provisions of Subsections (b), (c), and (d) of this section do not apply to the issuance of special personalized prestige plates, State Official license plates, exempt plates for governmental entities, antique auto plates issued under the provisions of Section 5a of this Act, or any vehicle having a temporary registration.

"(f) The Department shall make and publish rules and regulations for the issuance and use of license plates, symbols, tabs, and other devices issued under the provisions of this Act."

Section 2. Section 2, Subsection (b), Chapter 178, Acts of the 43rd Legislature, Regular Session, 1933, as last amended by Chapter 461, Acts of the 60th Legislature, Regular Session, 1967 (Article 6675a-13½ (b), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. (b) Thirty cents (30¢) shall be added to the cost of each license plate or set of plates, symbol, tab or other device issued as the legal registration insignia, purchased for 1968 licenses, and licenses for each year thereafter. Such funds collected shall be used by the State Highway Department for the purpose of purchasing equipment and material for the production and manufacturing of reflectorized license plates, as provided in Subsection (a) of this Act for the calendar year 1969 and thereafter. The purchase of such reflective material shall be submitted to the State Board of Control for approval."

Section 3. Section 5, Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934, as amended (Article 807b, Vernon's Texas Penal Code), is amended to read as follows:

"Section 5. Any person who operates a passenger car or a commercial motor vehicle upon the public highways of this state any time during any month of a motor vehicle registration year without having displayed thereon, and attached thereto, two (2) license number plates, one (1) plate at the front and one (1) at the rear, which have been duly and lawfully assigned for said vehicle for the current registration year or have been validated by the attachment of a symbol, tab, or other device for the current registration year, shall be guilty of a misdemeanor; this shall not apply to dealers operating vehicles under present provisions of the law, and provided, however, license number plates may be purchased during the months of February and March and beginning February first, or if this date falls on Sunday they may be purchased February second, for registration and when purchased may be used from and after date of purchase preceding and during the registration year for which they are issued upon the motor vehicle for which they are issued."

Section 4. Sections 6 and 7, Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934 (Article 807b, Vernon's Texas Penal Code), is amended to read as follows:

"Section 6. Any person who operates a road-tractor, motorcycle, trailer or semitrailer upon the public highways of this state any time during any month of a motor vehicle registration year without having attached thereto and displayed on the rear thereof, a license number plate duly and lawfully assigned therefor for the current year or validated by the attachment of a symbol, tab or other device for the current registration year, shall be guilty of a misdemeanor.

"Nothing herein contained shall be construed as changing or repealing any law with reference to any requirement to pay or not to pay a license or registration fee or the amount thereof not expressly enumerated in Sections 1, 2 and 3 hereof.

"Section 7. Any person operating any motor vehicle, trailer or semi-trailer upon the highways of this state on and after April 1 of any motor vehicle registration year with a license plate or plates for any preceding year which have not been validated by the attachment of a symbol, tab, or other device for the current registration year, shall be deemed guilty of a misdemeanor."

Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

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

Committee Amendment No. 2

Amend HB 1115 by deleting all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act relating to the issuance of license plates by the State Highway Department; amending Section 13, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-13, Vernon's Texas Civil Statutes); amending Subsection (b) of Section 2, Chapter 178, Acts of the 43rd Legislature, Regular Session, 1933, as last amended by Chapter 461, Acts of the 60th Legislature Regular Session, 1967 (Article 6675a-13½, Vernon's Texas Civil Statutes); amending Sections 5, 6, and 7, Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934, as amended (Article 807b, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendment was adopted without objection.

HB 1115, as amended, was passed to engrossment.

Mr. Tupper moved to reconsider the vote by which HB 1115 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Clayton requested to be recorded as voting Nay on the passage to engrossment of HB 1115.

STATEMENT CONCERNING HB 1115

I supported HB 1115.

Signed: Will Lee

MOTION TO PLACE HB 1115 ON THIRD READING

Mr. Tupper moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1115 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—110

Adams	Bynum	Floyd	Howard
Agnich	Caldwell	Gammage	Hubenak
Allen, Joe	Carrillo	Golman	Hull
Allred	Clark	Grant	Ingram
Atwood	Coats	Hale	Johnson
Bass, B.	Cobb	Hannah, John	Jones, E.
Bass, T.	Cole	Harding	Jones, G.
Beckham	Craddick	Harris	Jungmichel
Bigham	Cruz	Hawkins	Kaster
Blanton	Daniel	Haynes	Kost
Blythe	Denton	Head	Kubiak
Bowers	Earthman	Hendricks	Lemmon
Boyle	Farenthold	Hilliard	Lewis
Braun	Finck	Holmes, T.	Ligarde
Burgess	Finney	Holmes, Z.	Lombardino

Longoria	Niland	Salem	Swanson
Mengden	Ogg	Salter	Tarbox
Moncrief	Orr	Sanchez	Traeger
Moore, A.	Parker, C.	Santiesteban	Truan
Moore, G.	Parker, W.	Shannon	Tupper
Moore, T.	Patterson	Sherman	Vale
Moreno	Poerner	Silber	Von Dohlen
Murray	Poff	Simmons	Wieting
Nabers	Presnal	Slack	Williams
Nelms	Price	Smith	Wolff
Neugent, D.	Reed	Solomon	Wyatt
Newton	Rodriguez	Spurlock	
Nichols	Rosson	Stewart	

Nays—37

Allen, John	Davis, H.	Jones, D.	Short
Angly	Doyle	Kilpatrick	Slider
Atwell	Dramberger	Lee	Stroud
Baker	Finnell	Lovell	Uher
Braecklein	Foreman	McAlister	Ward
Calhoun	Garcia	McKissack	Wayne
Cates	Graves	Nugent, J.	Williamson
Cavness	Hanna, Joe	Pickens	
Clayton	Hawn	Schulle	
Davis, D.	Heatly	Semos	

Absent

Christian	Doran
-----------	-------

HJR 58—ON PASSAGE TO ENGROSSMENT

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

HJR 58, Proposing an Amendment to the Constitution concerning salaries of the Lieutenant Governor, Speaker of the House of Representatives, Senators, and Representatives.

The resolution was read second time on May 25.

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 (\$8,400) on said lines 21 and 23 thereof.

Mr. Traeger moved to table the above amendment.

The motion to table was lost.

A record vote was requested on adoption of the amendment.

The Rosson amendment was then adopted by the following vote:

Yeas—75

Adams	Davis, D.	Ingram	Poerner
Allen, John	Denton	Jones, D.	Poff
Allred	Dramberger	Jones, E.	Rodriguez
Atwell	Finck	Jungmichel	Rosson
Atwood	Finnell	Kilpatrick	Salem
Baker	Finney	Lee	Salter
Bass, B.	Floyd	Lombardino	Schulle
Beckham	Garcia	Longoria	Semos
Bigham	Hale	Lovell	Short
Bowers	Hannah, John	McKissack	Slack
Braecklein	Hawkins	Moncrief	Smith
Bynum	Hawn	Murray	Solomon
Caldwell	Head	Nabers	Spurlock
Cates	Heatly	Neugent, D.	Tarbox
Cavness	Hilliard	Newton	Ward
Christian	Holmes, T.	Orr	Wayne
Cobb	Holmes, Z.	Parker, W.	Wieting
Craddick	Howard	Patterson	Williamson
Daniel	Hull	Pickens	

Nays—66

Agnich	Foreman	Ligarde	Silber
Allen, Joe	Gammage	McAlister	Simmons
Angly	Golman	Mengden	Slider
Blythe	Grant	Moore, A.	Stewart
Boyle	Graves	Moore, G.	Stroud
Braun	Harding	Moore, T.	Swanson
Burgess	Harris	Nelms	Traeger
Calhoun	Haynes	Nichols	Truan
Carrillo	Hendricks	Niland	Tupper
Clark	Hubenak	Ogg	Uher
Clayton	Johnson	Parker, C.	Vale
Coats	Jones, G.	Presnal	Von Dohlen
Cole	Kaster	Price	Williams
Cruz	Kost	Sanchez	Wolff
Davis, H.	Kubiak	Santiesteban	Wyatt
Doyle	Lemmon	Shannon	
Earthman	Lewis	Sherman	

Present—Not Voting

Bass, T.	Hanna, Joe	Moreno	Reed
Farenthold-			

In The Chair

Nugent, J.

Absent

Blanton Doran

COMMITTEE MEETING

Mr. Atwell asked unanimous consent of the House that the Committee on Revenue and Taxation be permitted to meet at this time.

There was no objection offered.

HJR 58—(Consideration continued)

Mr. Graves offered the following amendment to the resolution:

Amend HJR 58, Sec. 1 quoted Section 24 by striking out the second sentence.

Mr. Traeger moved to table the above amendment.

The motion to table was lost.

A record vote was requested.

The vote of the House was taken on adoption of the Graves amendment.

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—69

Adams	Christian	Head	Patterson
Agnich	Clark	Holmes, Z.	Pickens
Allen, Joe	Craddick	Howard	Price
Allred	Cruz	Ingram	Reed
Angly	Daniel	Jones, E.	Rodriguez
Atwood	Denton	Kaster	Salter
Baker	Dramberger	Kubiak	Santiesteban
Bass, B.	Earthman	Lee	Semos
Bass, T.	Farenthold	Ligarde	Spurlock
Beckham	Finck	Lombardino	Stewart
Bigham	Finnell	McAlister	Stroud
Blanton	Finney	Mengden	Truan
Blythe	Floyd	Moore, G.	Vale
Boyle	Gammage	Moore, T.	Williamson
Braecklein	Garcia	Moreno	Wolff
Braun	Grant	Nelms	
Caldwell	Graves	Nichols	
Cates	Hannah, John	Orr	

Nays—67

Allen, John	Cole	Haynes	Kilpatrick
Atwell	Davis, D.	Heatly	Kost
Bowers	Davis, H.	Hendricks	Lemmon
Burgess	Doran	Hilliard	Longoria
Bynum	Doyle	Holmes, T.	Moncrief
Calhoun	Foreman	Hubenak	Moore, A.
Carrillo	Hale	Hull	Murray
Cavness	Harding	Johnson	Nabers
Clayton	Harris	Jones, D.	Neugent, D.
Coats	Hawkins	Jones, G.	Newton
Cobb	Hawn	Jungmichel	Niland

Ogg	Rosson	Slider	Von Dohlen
Parker, C.	Salem	Solomon	Ward
Parker, W.	Schulle	Swanson	Wieting
Poerner	Shannon	Tarbox	Williams
Poff	Silber	Traeger	Wyatt
Presnal	Simmons	Tupper	

Present—Not Voting

Golman	Hanna, Joe	Lewis
--------	------------	-------

In The Chair

Nugent, J.

Absent

Lovell	Sherman	Slack	Uher
McKissack	Short	Smith	Wayne
Sanchez			

By unanimous consent, the House dispensed with the verification of those voting Present—Not Voting.

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

Mr. Hale offered the following amendment to the resolution:

Amend HJR 58, lines 31, 32, and 33 by deleting the sentence:

“No Regular Session shall be of longer duration than One Hundred and Forty (140) days.”

Mr. Traeger moved to table the above amendment.

The motion to table prevailed.

Mr. Graves offered the following amendment to the resolution:

Amend HJR 58, Sec. 3 by striking out “\$20,000 for the Lieutenant Governor and the Speaker of the House of Representatives and”.

The amendment was adopted without objection.

Mr. Finney offered the following amendment to the resolution:

Amend HJR 58 by striking all of Section 1 of the second printing and inserting in lieu thereof the following:

“Section 24. Members of the Legislature shall receive from the State Treasury an annual salary not exceeding Six Thousand Dollars (\$6,000) per year and a per diem not exceeding Twenty-four Dollars (\$24) per day for the first one hundred and fifty (150) days of each Regular Session and for each thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than two hundred (200) days. Provided that during the last fifty (50) days of the Regular Session no bill can be considered within ten (10) days after it has been reported from a regular, special, or conference committee. This provision cannot be suspended by the Legislature.

Mr. Braun offered the following amendment to the Finney amendment:

Amend the Finney Amendment by striking out the figures and words "Six Thousand Dollars (\$6,000.00)" and insert the words and figures "Nine Thousand Dollars (\$9,000.00)".

The Braun amendment failed of adoption.

Mr. Traeger moved to table the amendment offered by Mr. Finney.

The motion to table prevailed.

Mr. Hull offered the following amendment to the resolution:

Amend HJR 58 by striking out the Resolving Clause.

Signed: Hull, Coats, and Spurlock

Mr. Traeger moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—92

Adams	Foreman	Lombardino	Sanchez
Allred	Gammage	Longoria	Santiesteban
Atwell	Graves	Lovell	Schulle
Atwood	Hannah, John	McAlister	Shannon
Baker	Harding	Moore, A.	Sherman
Bigham	Harris	Moore, G.	Short
Blythe	Hawkins	Murray	Silber
Boyle	Hawn	Nabers	Slack
Braun	Haynes	Nelms	Slider
Burgess	Heatly	Neugent, D.	Solomon
Bynum	Hendricks	Newton	Stewart
Calhoun	Hubenak	Nichols	Swanson
Cavness	Ingram	Niland	Tarbox
Clark	Johnson	Ogg	Traeger
Clayton	Jones, D.	Parker, W.	Tupper
Cole	Jones, E.	Patterson	Uher
Cruz	Jones, G.	Pickens	Von Dohlen
Davis, D.	Jungmichel	Poerner	Ward
Davis, H.	Kaster	Presnal	Wayne
Doyle	Kilpatrick	Price	Wieting
Finck	Kost	Rodriguez	Williams
Finnell	Lemmon	Rosson	Williamson
Floyd	Ligarde	Salter	Wyatt

Nays—50

Agnich	Braecklein	Daniel	Hale
Allen, Joe	Caldwell	Denton	Head
Allen, John	Carrillo	Dramberger	Hilliard
Angly	Cates	Earthman	Holmes, T.
Bass, B.	Christian	Farenthold	Holmes, Z.
Bass, T.	Coats	Finney	Howard
Beckham	Cobb	Garcia	Hull
Bowers	Craddick	Grant	Kubiak

Lee	Moreno	Salem	Truan
McKissack	Orr	Semos	Vale
Mengden	Parker, C.	Simmons	Wolff
Moncrief	Poff	Smith	
Moore, T.	Reed	Spurlock	

Present—Not Voting

Golman	Hanna, Joe	Lewis
--------	------------	-------

In The Chair

Nugent, J.

Absent

Blanton	Doran	Stroud
---------	-------	--------

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.

HJR 58—(Consideration continued)

Mr. Finney offered the following amendment to the resolution:

Amend HJR 58 by striking all of Section 1 of the second printing and inserting in lieu thereof the following:

"Section 24. Members of the Legislature shall receive from the State Treasury an annual salary not exceeding \$4,800 per year and a per diem not exceeding Twenty-four Dollars (\$24) per day for the first one hundred fifty (150) days of each Regular Session and for each thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than (180) days. Provided that during the last fifty (50) days of the Regular Session no bill can be considered within ten (10) days after it has been reported from a regular, special, or conference committee. This provision cannot be suspended by the Legislature.

(Speaker in the Chair)

Mr. Traeger moved to table the above amendment.

The motion to table prevailed.

Mr. Patterson offered the following amendment to the resolution:

Amend HJR 58, Second Printing, as follows:

Delete all new and underlined language on page one commencing on line 21 through 29 and insert in lieu thereof the following:

One hundred and fifty dollars per week (\$150). Senators shall receive from the public treasury a weekly salary of not more than one hundred and fifty (\$150) per week. The Lieutenant Governor and the Speaker of

the House shall receive the same compensation from the public treasury as the Representatives and Senators. All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives also shall receive from the public treasury a per diem of not exceeding Twelve Dollars (\$12) per day for the one hundred and forty (140) days.

And delete the underlined new language appearing in lines (54) and (55) of the same page.

Mr. Traeger moved to table the above amendment.

The motion to table prevailed.

Mr. Wyatt offered the following amendment to the resolution:

Amend HJR 58 by striking all below the resolving clause and substituting the following:

Section 1. That Article III, Section 24, of the Texas Constitution, be amended to read as follows:

"Section 24. Representatives and Senators shall receive from the Public Treasury an annual salary of \$9,000. The Lieutenant Governor and the Speaker of the House of Representatives shall each receive from the Public Treasury an annual salary of \$22,500. All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives, shall also receive from the Public Treasury a per diem of \$18 per day for each day the Legislature is in regular or special session, plus reimbursement for traveling expenses as provided by legislative appropriation. This amendment is self-enacting, effective with the convening of the 63rd Legislature, and appropriations made for the purpose shall not be invalid because of their anticipatory nature."

Sec. 2. That Article IV, Section 17, of the Texas Constitution, be amended to read as follows:

"Section 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the state, the President of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services a salary, per diem, and reimbursement for traveling expenses as provided by Article III, Section 24, of this Constitution; and during the time he administers the government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office."

Sec. 3. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: "The Constitutional Amendment to provide annual salaries of \$9,000 for Members of the Legislature and \$22,500 each for the Lieutenant Governor and the Speaker of the House of Representatives, to increase the per diem to \$18, and to authorize reimbursement for traveling expenses as provided by law."

Mr. Traeger moved to table the above amendment.

The motion to table prevailed.

Mr. Rodriguez offered the following amendment to the resolution:

Amend HJR 58 by striking all below the enacting clause and substituting the following:

Section 1. That Section 24, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 24. (a) Each Member of the Legislature shall receive from the state treasury an annual salary in an amount determined at a referendum election held in each district at the first general election following each decennial reapportionment of the legislative districts. The salary shall not be less than \$4,000 and shall not be more than the annual salary being paid by the state to district judges at the time of the election. All qualified electors of the district are entitled to vote at the election. The question on the amount of salary to be paid shall be submitted in a manner to permit each voter to choose one of several rates, the highest of which shall be the amount paid to the district judges and the lowest of which shall be \$4,000. If one-fourth of the salary of the district judges is as much as \$5,000, the intermediate rates listed on the ballot shall be three-fourths, one-half, and one-fourth of that salary. If any intermediate rate under this formula is less than \$5,000, it shall be omitted on the ballot.

"(b) In each legislative district the salary set at the last preceding referendum election may be changed for the remainder of the interval between the regular decennial elections by a referendum election held at a general election, called upon the petition of qualified electors of the district equalling at least 10 percent of the number of votes cast for Governor in that district at the last preceding general election. The question on the amount of the salary shall be submitted in the manner described in Subsection (a) of this section. A referendum election may not be called under this subsection for a date earlier than the general election held in the fourth year after the last preceding referendum election.

"(c) The salary paid to each Member shall be at the highest salary rate for which the combined votes for that rate and all higher rates constitute a majority of the votes cast in the referendum election. The salary rate becomes effective on the first day of January following the election. The Legislature shall enact legislation prescribing the procedures for calling and conducting the election and declaring the results. If the Legislature enacts any enabling laws in anticipation of the adoption of this amendment, no such law is void by reason of its anticipatory nature. The Legislature may provide that the first referendum election will be held at the general election in 1972; and if this amendment is adopted, rates fixed at that election become effective on January 1, 1973.

“(d) In addition to the annual salary, each Member shall receive a per diem of not exceeding \$14 per day for the first 120 days only of each regular session and for 30 days of each special session of the Legislature. No regular session shall be of longer duration than 140 days.

“(e) In addition to the salary and per diem, the Members of each House are entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed \$2.50 for every 25 miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller, to each county seat now or hereafter to be established. Each Member is intitled to mileage for not exceeding five trips to and from the seat of government for a regular session and for one trip to and from the seat of government for a special session, except that no Member is entitled to mileage for any special session that is called within one day after the adjournment of a regular or called session.

“(f) The Legislature shall set the rates for the per diem and mileage payments, within the limits stated in Subsections (d) and (e).”

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: “The Constitutional Amendment to provide for setting the salaries of Members of the Legislature by referendum elections and to change the provisions relating to per diem and mileage payable to the Members.”

Mr. Traeger moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—108

Adams	Cobb	Hendricks	Murray
Allen, John	Cole	Hilliard	Nabers
Allred	Craddick	Holmes, T.	Nelms
Atwell	Cruz	Holmes, Z.	Neugent, D.
Atwood	Daniel	Howard	Newton
Baker	Davis, D.	Hubenak	Niland
Bass, B.	Davis, H.	Ingram	Nugent, J.
Beckham	Doyle	Johnson	Ogg
Bigham	Earthman	Jones, G.	Orr
Blanton	Finnell	Jungmichel	Parker, C.
Bowers	Floyd	Kaster	Parker, W.
Boyle	Foreman	Kilpatrick	Pickens
Braecklein	Garcia	Kost	Poerner
Burgess	Graves	Lee	Presnal
Bynum	Hale	Lemmon	Price
Caldwell	Hannah, John	Lombardino	Rosson
Calhoun	Harding	Longoria	Salem
Cates	Hawkins	Lovell	Salter
Cavness	Hawn	McAlister	Sanchez
Christian	Haynes	Mengden	Santiesteban
Clark	Head	Moore, A.	Schulle
Clayton	Heatly	Moore, G.	Semos

Shannon	Solomon	Truan	Wayne
Sherman	Stewart	Tupper	Wieting
Short	Swanson	Uher	Williams
Slack	Tarbox	Von Dohlen	Williamson
Slider	Traeger	Ward	Wyatt

Nays—30

Agnich	Dramberger	Ligarde	Rodriguez
Allen, Joe	Finney	Moncrief	Silber
Angly	Gammage	Moore, T.	Simmons
Blythe	Grant	Moreno	Spurlock
Braun	Harris	Nichols	Vale
Carrillo	Hull	Patterson	Wolff
Coats	Jones, E.	Poff	
Denton	Kubiak	Reed	

Present—Not Voting

Bass, T.	Golman	Hanna, Joe	Lewis
Farenthold			

Absent

Doran	Jones, D.	Smith	Stroud
Finck	McKissack		

HJR 58, as amended, was passed to engrossment by the following vote:

Yeas—93

Adams	Finck	Lemmon	Santiesteban
Agnich	Floyd	Lombardino	Schulle
Allred	Foreman	Longoria	Shannon
Atwell	Gammage	Lovell	Sherman
Atwood	Grant	McAlister	Silber
Baker	Graves	McKissack	Simmons
Bigham	Hannah, John	Mengden	Slack
Blanton	Harding	Moore, A.	Slider
Blythe	Harris	Moore, G.	Stewart
Bowers	Hawkins	Murray	Stroud
Braun	Hawn	Nabers	Swanson
Burgess	Haynes	Nelms	Tarbox
Bynum	Heatly	Newton	Traeger
Calhoun	Hendricks	Niland	Truan
Cavness	Hubenak	Ogg	Tupper
Clark	Johnson	Parker, C.	Uher
Cobb	Jones, D.	Parker, W.	Von Dohlen
Cole	Jones, E.	Pickens	Wayne
Cruz	Jones, G.	Poerner	Wieting
Davis, D.	Jungmichel	Presnal	Williams
Davis, H.	Kaster	Price	Williamson
Denton	Kilpatrick	Rodriguez	
Doyle	Kost	Rosson	
Earthman	Lee	Sanchez	

Nays—47

Allen, Joe	Daniel	Howard	Poff
Allen, John	Dramberger	Hull	Salem
Angly	Finnell	Ingram	Salter
Bass, B.	Finney	Kubiak	Semos
Beckham	Garcia	Lewis	Short
Braecklein	Golman	Ligarde	Solomon
Carrillo	Hale	Moncrief	Spurlock
Cates	Hanna, Joe	Moore, T.	Vale
Christian	Head	Nichols	Ward
Clayton	Hilliard	Nugent, J.	Wolff
Coats	Holmes, T.	Orr	Wyatt
Craddick	Holmes, Z.	Patterson	

Present—Not Voting

Bass, T.	Farenthold	Moreno	Reed
Caldwell			

Absent

Boyle	Doran	Neugent, D.	Smith
-------	-------	-------------	-------

MESSAGE FROM THE SENATE

Austin, Texas, May 26, 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 26, By Hawn: Providing for the regulation of the servicing of portable fire extinguishers and the installation and servicing of fixed fire extinguisher systems; and declaring an emergency.

HB 335, By G. Jones: Relating to the treatment as principal or income of corporate distributions to a trust; and declaring an emergency. (with amendments)

HB 690, By Cole: Relating to the exemption of land owned by East Texas State University in Hunt County and land owned by Pan American University from the computation of local fund assignments under the Foundation School Program; and declaring an emergency. (with amendments)

HB 733, By Grant, et al: Relating to inclusion of kinds of radiation not presently covered by the Radiation Control Act of 1961, by generally substituting the term "radiation" for the frequent phrase "ionizing radiation," used in the 1961 Act, and by defining "radiation"; and declaring an emergency.

HB 883, By Craddick: Relating to the use of state park facilities by persons 18 years of age or older; and declaring an emergency.

HB 1391, By Ogg: Changing the manner of payment of construction contracts by water control and preservation districts; and declaring an emergency.

HB 1541, By Braun: Relating to the audit of accounts, books, and other financial records of river authorities; and declaring an emergency.

HB 626, By Hendricks: Validating the incorporation of all cities and towns of not more than 750 inhabitants, nor less than 300 inhabitants, heretofore incorporated or attempted to be incorporated under the General Laws of Texas; and declaring an emergency.

HB 426, By G. Jones: Prohibiting certain activities relating to the counterfeiting or forging of out-of-state drivers' licenses and related instruments; and declaring an emergency.

HB 1006, By Hale: Correcting the Texas Education Code by codifying various committed provisions, amending various provisions to correct errors, and expressly repealing various provisions that are replaced by the code; and declaring an emergency.

HB 1152, By Daniel: Creating and establishing Montgomery County Utility District No. 3; and declaring an emergency.

HB 1154, By Daniel: Creating and establishing Montgomery County Utility District No. 2; and declaring an emergency.

HB 1489, By Slider: Adding a provision making the possession of an illegally killed game bird or game animal a violation; and declaring an emergency.

HB 1609, By Daniel: Creating and establishing Roman Forest Public Utility District No. 1; and declaring an emergency.

HB 1640, By Williams: Creating and establishing El Dorado Utility District of Harris County, Texas; and declaring an emergency.

HB 1725, By Daniel: Creating and establishing Roman Forest Public Utility District No. 2; and declaring an emergency.

HB 1726, By Daniel: Creating and establishing Roman Forest Public Utility District No. 3; and declaring an emergency.

HB 202, By Allred: Prohibiting the barter, sale, offer for barter or sale, or purchase of certain fish from the waters of Lake Arrowhead, Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake; and declaring an emergency.

HB 918, By Harding: Relating to allowing the commissioners courts of certain counties to provide for emergency ambulance service within those counties; and declaring an emergency.

HB 1002, By Hull: Relating to the fees and licenses for nursing home administrators; and declaring an emergency.

HB 1019, By Blanton, G. Moore: Concerning the location and/or change of textbook depository(ies) and the approval thereof by the State Board of Education as the shipping point for a textbooks supply; and declaring an emergency.

HB 1053, By D. Davis: Relating to the salaries of certain county and district officials in certain counties; and declaring an emergency.

HB 1069, By Clayton: Relating to the liability of the surety on bonds for licensed warehousemen; and declaring an emergency.

HB 1287, By Rosson: Relating to false statements in written instruments and prescribing penalties therefor; and declaring an emergency.

HB 1390, By Ogg: Changing the manner of payment of construction contracts by water control and improvement districts; and declaring an emergency.

HB 40, By Salem: Creating a Consumer Protection Division within the Consumer Credit Commission; and declaring an emergency.

HB 339, By Finney: Relating to the creation, organization, operation, powers, and duties of a business development corporation; and declaring an emergency.

HB 458, By Joe Allen: Ratifying, confirming, approving and validating the creation and organization of conservation and reclamation districts created under the provisions of Article XVI, Section 59 of the Constitution of Texas, including districts created by special legislative acts which adopted in part the general laws applicable to such conservation and reclamation districts, all proceedings and actions taken by the board of directors or governing bodies of such districts in organizing, selecting officers, adding or annexing land or excluding land, authorizing, selling or issuing bonds of such districts; and declaring an emergency.

HB 862, By Niland: Relating to creditable service under the Employees Retirement System in certain circumstances; and declaring an emergency.

HB 967, By Poerner: Relating to the information to be included in an abstract of judgment by the clerk of the court; and declaring an emergency.

HB 968, By Lemmon: Relating to certain insurers giving policy holders credit for any or all hazards that have been reduced or removed; and declaring an emergency.

HB 1846, By C. Parker: Creating and establishing Gulf Coast Water Control and Improvement District of Jefferson County; and declaring an emergency.

HB 1700, By Ogg: Creating and establishing Prestonwood Public Utility District; and declaring an emergency.

HB 1771, By Ingram: Relating to the salaries of county officers and employees in certain counties; and declaring an emergency.

HB 1774, By Ogg: Creating and establishing Windfern Forest Utility District of Harris County, Texas; and declaring an emergency.

HB 519, By Atwood: To authorize abolishment of certain common school districts under certain conditions and the annexation or subdivision of the territory thereof; and declaring an emergency.

HB 703, By Murray: Prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, or order pro-

mulgated by the Texas Water Rights Commission which is not in conflict with this Chapter and any term or condition contained in declarations of appropriation and permits heretofore or hereafter granted by the Commission which is not in conflict with this Chapter; and declaring an emergency.

HB 842, By Traeger: Authorizing districts created under Article XVI, Section 59, Constitution of Texas to develop water resources and/or to acquire and improve water-related land areas for public recreation purposes; and declaring an emergency.

HB 1064, By Solomon: Authorizing the establishment of a program of financial support for basic administrative costs for regional education service centers and for cooperative regional educational services that are approved by the State Board of Education; and declaring an emergency.

HB 653, By Short: Relating to authorizing the county judge of certain counties to appoint a county industrial commission; and declaring an emergency.

HB 887, By Wolff, Johnson: Permitting courts to order the payment of fines and costs in installments or at a later date; and declaring an emergency.

HB 910, By Hale, et al: To further enumerate, without limitation, notice requirements of ordinances; and declaring an emergency.

HB 995, By Floyd: Changing the title of the presiding officer of corporation courts from recorder to judge of the municipal court; and declaring an emergency.

HB 1385, By Ogg: Creating Harris County Utility District No. 15; and declaring an emergency.

HB 1661, By Gammage: Creating the LaPorte Utility District of Harris County, Texas; and declaring an emergency.

HB 1708, By Hale: Relating to allowances for traveling expenses and automobile depreciation of members of the commissioners court in connection with the use of privately owned automobiles for traveling on official business within the county; and declaring an emergency.

HB 1792, By Doran: Relating to the compensation to be paid counsel appointed to defend an indigent; and declaring an emergency.

HB 1831, By B. Bass: Relating to the open season for the taking of quail in Van Zandt County; and declaring an emergency.

HB 1702, By Ogg: Creating Mason Creek Utility District of Harris County, Texas; and declaring an emergency.

HB 1832, By Poerner, Finck: Relating to the name and the board of directors of the Nueces River Conservation and Reclamation District; and declaring an emergency.

HB 1799, By Doran: Excluding from the boundaries of Maverick County Water Control and Improvement District No. 1 all territory and land

situated within the corporate limits of the City of Eagle Pass, Texas; and declaring an emergency.

HB 1836, By Clark: Creating North Park Public Utility District; and declaring an emergency.

HB 1837, By Clark: Creating and establishing Dowdell Public Utility District; and declaring an emergency.

HB 1842, By Swanson: Creating and establishing Spencer Road Public Utility District; and declaring an emergency.

HB 1412, By Clayton: Relating to interest rates on bonds purchased by the Texas Water Development Board; and declaring an emergency.

HB 1254, By Cruz: Relating to the State Department of Health; requiring the licensing of migrant labor camps; and declaring an emergency.

HB 1635, By Newton: Authorizing the annexation of streets, highways, and alleys by the governing bodies of certain cities; and declaring an emergency.

HB 1731, By Lovell: Creating and establishing Knollwood Public Utility District; and declaring an emergency.

HB 1757, By Lovell: Creating and establishing Windswept Utility District of Walker County, Texas; and declaring an emergency.

HB 1777, By C. Parker: Authorizing notaries public who are stockholders of corporations owning less than 1/10 of one percent of the stock of a corporation of which there are more than 1,000 shareholders, or employees of such a corporation, to take acknowledgements of instruments in which such corporation is interested; and declaring an emergency.

HB 1860, By Jungmichel: Creating and establishing Burleson County Municipal Utility District No. 1 of Burleson County, Texas; and declaring an emergency.

HB 1782, By Harding: Authorizing the Board of Regents, State Senior Colleges, to sell certain state-owned land located in Tom Green County, Texas, by sealed bids, and to execute and deliver a proper deed of conveyance for the land so sold; and declaring an emergency.

HB 1796, By Price: Relating to branch offices for tax assessors and collectors in certain counties; and declaring an emergency.

HB 1798, By Price: Relating to the employment of a probation officer in Anderson County; and declaring an emergency.

HB 1867, By Baker: Relating to the salaries of district and county officials in certain counties; and declaring an emergency.

HCR 31, By Beckham: Granting permission to James Larry Key to sue the State of Texas and the State Highway Department.

HCR 73, By Atwood: Granting permission to Robert Truxell and wife, Betty Truxell, their heirs, executors, or successors, to sue the State of Texas.

HCR 85, By D. Jones: Granting permission to H. C. Lewis to bring suit or cross-action against Midwestern University in any court of competent jurisdiction in Travis County, Texas, to recover judgment against Midwestern University for the balance owing by Midwestern University to H. C. Lewis.

HCR 134, By C. Parker: Granting National Marine Service, Inc., permission to sue the state. (with amendments)

HCR 141, By Price: Authorizing R. Jack Wade and wife Jackie Wade to bring suit against the State of Texas.

HCR 145, By Simmons: Granting permission to Andrea Louise West to bring suit against the State of Texas and The University of Texas at Austin.

HCR 147, By Schulle: Granting permission to the Austin Bridge Company and M. C. Winters, Inc., to sue the State of Texas and the State Highway Department.

HB 1297, By Ingram: Extending the deer seasons in Wood and Upshur Counties by 15 days; and declaring an emergency.

HB 1605, By Burgess: Relating to the use of the county available school fund and eligibility for minimum foundation school program funds in certain counties; and declaring an emergency.

HB 243, By Sanchez: Relating to providing for impounding by the Department of Public Safety of the motor vehicles operated by persons not domiciled within the United States in certain instances following certain accidents; and declaring an emergency.

HB 840, By Floyd: Providing that certain communications by a patient who has voluntarily submitted to treatment or is being examined for admission to voluntary treatment for drug abuse shall be privileged; and declaring an emergency.

HB 857, By Heatly: Amending Sections 9.403, 9.404, 9.405, and 9.406 of the Business and Commerce Code; and declaring an emergency.

HB 1325, By Longoria: Permitting a peace officer to take bail in misdemeanor cases; and declaring an emergency.

HB 1472, By Doyle: Relating to priority of a lien of a warehouseman; and declaring an emergency.

HB 1510, By Rodriguez: Relating to the placing of serial numbers on motorcycles and their engines; and declaring an emergency.

HB 1734, By Ogg: Creating Jackrabbit Road Public Utility District; and declaring an emergency.

HB 1772, By Ingram: Relating to the jurisdiction of the County Court

of Camp County and the 76th District Court in Camp County over certain matters of eminent domain; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HCR 178—REFERRED TO COMMITTEE

(Creating an interim committee known as the Rio Grande River Water Study Committee)

Mr. Carrillo offered the following resolution:

HCR 178

Whereas, The Texas Supreme Court has recently ruled in the case of Valmont Plantations, et al, vs. The State of Texas, that the Spanish and Mexican grants did not have appurtenant rights in the absence of specific grants of irrigation water; and

Whereas, The Water Rights Commission has, as a result of this decision, refused to grant permits to several farmers along the lower Rio Grande River who have for many years rebid on water from the Rio Grande River to raise their crops; and

Whereas, Some new solution is desirable in the allocation of water from the Rio Grande to these areas which have been suddenly deprived of water; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That an interim committee of the Legislature be created known as the Rio Grande River Water Study and that the Lieutenant Governor and the Speaker of the House of Representatives each be authorized to appoint three Members of the Senate and the House respectively and each appoint two citizen Members to study the allocation of water on the lower Rio Grande River; and, be it further

Resolved, That the Members shall select a chairman of the Committee by majority vote, and the Committee shall meet at such times and places as may be necessary and that the Water Rights Commission and the Texas Legislative Council be requested to cooperate with the committee in the conduct of the study; and, be it further

Resolved, That both legislative and public members of the Committee shall be reimbursed for actual and necessary expenses incurred in carrying out the purposes and duties of this resolution in equal proportions from the Expense Fund of the House and the Contingent Expense Fund of the Senate; other necessary expenses for the operation of the Committee shall also be paid from these funds of the House and Senate equally; and further that the Committee shall prepare a budget for the operating expenses of the Committee, which shall be submitted to the Administration Committee of the Senate and the House Administration Committee, and no expenditures shall be made until the budget has been approved; prior approval of nonbudgeted expenditures, if any, must also be obtained from the Administration Committee of the Senate and the House Administration Committee; and, be it further

Resolved, That the Committee shall make its complete report, including findings, recommendations, and drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library, and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

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

HSR 590—REFERRED TO COMMITTEE

(Creating a special interim committee on the Structure of Local Government in Texas)

Mr. Niland and Mr. Floyd offered the following resolution:

HSR 590

Whereas, The rapid growth of metropolitan areas in many parts of Texas has presented great problems for local governments; and

Whereas, The Texas Constitution provides for little flexibility in the structure of local government, and all metropolitan areas are forced to fit into the city-county structure specified in the Texas Constitution; and

Whereas, The needs and demands of local government have changed drastically since the city-county structure of local government was constitutionally established many years ago; and

Whereas, It is the duty and responsibility of the state legislature to explore possible new means of restructuring local government to restore its vitality in the overall structure of Texas government and to eliminate the duplication and inefficiency which has resulted from the inflexible system of local government under the city-county structure; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on the Structure of Local Government in Texas; the committee shall study (1) various proposals to restructure the local government of Texas, including proposals to constitutionally allow for city-county consolidation or for county home-rule charters, (2) the need and desirability of adopting new legislation or of proposing new state Constitutional Amendments to achieve greater flexibility in the structure of local government, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the legislature upon the problems mentioned in this resolution; and, be it further

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

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in

carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

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

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

HSR 591—REFERRED TO COMMITTEE

(Creating an interim committee to study the upper level two-year and master's degree senior college program)

Mr. Slack and Mr. Pickens offered the following resolution:

HSR 591

Whereas, The rising costs of public higher education and the ever-increasing enrollment in state-supported four-year colleges and universities have become matters of great concern to the people of Texas and to the Texas Legislature; and

Whereas, In some areas of this state and of the nation, a two-year upper level and master's degree concept for institutions of higher learning is deemed a solution to the problem in both rural and urban areas of the state; and

Whereas, In view of anticipated enrollment increases, it is important to the economy of Texas and to the entire higher education system that every avenue of possible improvement be explored in order that the best possible educational opportunities may be provided for the funds expended; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas hereby create a special interim committee to study the advisability and feasibility of considering for Texas the upper level two-year and master's degree senior college program; and, be it further

Resolved, That the investigations of the committee include, but not be limited to, the experience with this concept in other states, and that particular attention be directed to the success, or difficulties, experienced by such colleges that have already been established with the view of determining whether this concept of higher education is efficient and economical and, more important, whether it makes available to the student the type of superior education which the Texas Legislature desires for Texas citizens; 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 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 non-budgeted 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 594—REFERRED TO COMMITTEE

(Urging the United States Department of Agriculture to obtain reciprocity on cattle import quotas)

Mr. Rosson offered the following resolution:

HSR 594

Whereas, The cattle industry represents a very important sector in the overall agricultural economy of the United States; and

Whereas, Cattlemen in Texas and the Southwest are in the forefront in applying modern science and technology in producing superior cattle; and

Whereas, Texas stands very high in the production of beef cattle which has been accomplished through the use of superior sires developed through years of scientific breeding; and

Whereas, Almost no cattle are exported from the United States because of arbitrary import restrictions of foreign countries; and

Whereas, The United States Department of Agriculture has been unable to exert the necessary influence to bring about the modification or removal of said arbitrary import restrictions; and

Whereas, The officials of these countries should understand that United States cattlemen are not willing to continue to accept foreign meat shipments into this country while being unable to export breeding cattle to those countries; and

Whereas, The United States Department of Agriculture should insist upon reciprocity with countries exporting beef to this country; and

Whereas, Having reached a high degree of excellence in breeding superior cattle, the Texas cattle industry wishes to share this superiority with other countries by exporting breeding stock thereto; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the United States Department of Agriculture is hereby urged to take the necessary steps to obtain reciprocity agreements with those countries exporting beef to the United States, and in connection therewith, that import quotas on breeding cattle from such countries be substantially reduced or suspended until such time as such agreements are obtained; and, be it further

Resolved, That the United States Department of Agriculture take immediate steps to establish an export station including all facilities required or desirable in connection therewith; and, be it further

Resolved, That the Enrolling Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this resolution to the Honorable Richard M. Nixon, President of the United States; the Honorable Clifford Hardin, United States Secretary of Agriculture; the Honorable Phil Campbell, Undersecretary of Agriculture; and to each member of the Texas delegation to the United States Congress.

Signed: Rosson, Jim Nugent, Short, Baker, Joe Hanna, and Poerner.

The resolution was referred to the Committee on Livestock.

RECESS

Mr. Cruz moved that the House recess until 2:45 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:25 p.m., recessed until 2:45 p.m. today.

AFTERNOON SESSION

The House met at 2:45 p.m. and was called to order by the Speaker Pro Tempore, the Honorable Tommy Shannon.

MEMORIAL RESOLUTION ADOPTED

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

HSR 595, by Patterson: In memory of Elmore Rural Torn.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HCR 179, by Head: Commending Joseph (Joe) Zeppa of Tyler, Texas.

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

(Speaker in the Chair)

SB 362 ON PASSAGE TO THIRD READING
(Mr. Cruz—House Sponsor)

The Speaker laid before the House, as postponed business, on its 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 on yesterday and further consideration was postponed until 11:00 a.m. today.

Mr. Cruz and Mr. Smith offered the following amendment to the bill:

Amend SB 362 by striking all below the enacting clause and substituting therefor the following:

Section 1. Definitions. When used in this Act, unless the context requires a different definition:

- (1) "Department" means the Department of Health.
- (2) "Person" includes any individual, partnership, corporation or association, or legal representative or agent.
- (3) "Commerce" means any and all commerce within the State of Texas and subject to the jurisdiction thereof; and includes the operation of any business or service establishment.
- (4) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat, or other means, if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; and any radioactive substance if, with respect to the substance as used in a particular class of article or as packaged, the department finds by regulation that the substance is sufficiently hazardous to require labeling in accordance with the provisions of this Act in order to protect the public health. The term "hazardous substance" does not apply to economic pesticides subject to the State or Federal Insecticide, Fungicide, and Rodenticide Act, nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act or to the Texas Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a private residence, nor does it apply to or include any source material, special nuclear material, or by-product material as defined in the Federal Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.
- (5) "Toxic" means any substance other than a radioactive substance which has the capacity to produce personal injury or illness to any person through ingestion, inhalation, or absorption through any body surface.

(6) "Highly toxic" means any substance which produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight; when orally administered, or when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, if the inhaled concentration is likely to be encountered by any person when the substance is used in any reasonably foreseeable manner; or which produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. However, if the department finds that available data based on human experience indicate results different from those obtained on animals, the human data shall take precedence.

(7) "Corrosive" means any substance which in contact with living tissue will cause destruction of that tissue by chemical action. It does not refer to chemical action on inanimate surfaces.

(8) "Irritant" means any noncorrosive substance which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(9) "Strong sensitizer" means any substance which will cause on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substances. Before designating any substance as a strong sensitizer, the department upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(10) "Flammable" applies to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester. Any substance which has a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester shall be designated "extremely flammable." However, the flammability of solids, children's clothing, and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to these materials or containers, and shall be established by regulations issued by the department.

(11) "Radioactive substance" means a substance which emits ionizing radiation.

(12) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance, or in the case of an article which is unpackaged or is not packaged, in an immediate container intended or suitable for delivery to the ultimate consumer, a display of this matter directly on the article involved or on a tag or other suitable material affixed thereto.

(13) "Immediate container" does not include package liners.

(14) "Misbranded hazardous substance" means a hazardous substance

(including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner which is susceptible of access by a child to whom the toy or other article is entrusted, intended or packaged in a form suitable for use in the household or by children), which fails to bear a proper label as required by this Act.

Sec. 2. Labeling. (a) It shall be the responsibility of the department to see that hazardous substances are labeled sufficiently to inform users of dangers involved in the use, storage, or handling of such substances, together with instructions for actions to be followed or avoided and instructions where necessary for proper first aid treatment. The department shall develop labeling instructions consistent with and in conformity with federal requirements.

(b) Any statement required by the provisions of Subsection (a) of this section shall be located prominently and shall be written in the English language in conspicuous and legible type which contrasts in typography, layout, or color with other printed matter on the label. The department may also require any such statement to be written in the Spanish language in addition to the English language.

(c) Any statement required by the provisions of Subsection (a) of this section shall also appear on the outside container or wrapper of any substance, and on any container sold separately and intended for the storage of a hazardous substance, unless the statement is easily legible through the outside container or wrapper, and on all accompanying literature where there are directions for use, written or otherwise.

Sec. 3. Banned Hazardous Substances. (a) Any article of clothing (other than diapers) intended for the use of children which is not in compliance with flammability standards for such clothing established by the department shall be declared to be a banned hazardous substance by the department. The determination by the department that articles of clothing of a specified range of sizes are intended for the use of a child 14 years or younger shall be conclusive.

(b) Any toy or other article other than clothing intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner susceptible of access by a child to whom the toy or other article is entrusted, shall be declared to be a banned hazardous substance by the department.

(c) Any hazardous substance intended, or packaged in a form suitable for use in a household, which, notwithstanding cautionary labeling required by this Act, is potentially so dangerous or hazardous when present or used in a household, that the protection of the public health and safety can be adequately served only by keeping the substance out of the channels of commerce, shall be declared to be a banned hazardous substance by the department.

(d) Any article subject to the provisions of this Act which cannot be labeled adequately to protect the public health and safety, or which presents an imminent danger to the public health and safety, shall be declared a banned hazardous substance by the department.

(e) The provisions of this section do not apply to any toy or article such as chemical sets which by reason of functional purpose requires the inclusion of hazardous substance, and which bears labeling which in the judgment of the department gives adequate directions and warnings for safe use, and is intended for use by children who have attained sufficient maturity and may reasonably be expected to read and heed these directions and warnings; nor do the provisions of this section apply to the manufacture, sale, distribution, or use of fireworks of any class.

Sec. 4. Examinations and Investigations. (a) In order to enforce the provisions of this Act, any officer, employee, or agent of the department may, upon the presentation of appropriate credentials to the owner, operator, or agent, enter at reasonable times any factory, warehouse, or establishment in which any hazardous substance is manufactured, processed, packaged, or held for introduction into commerce or is held after introduction into commerce, or any vehicle used to transport or hold any hazardous substance in commerce, for the purpose of inspecting within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein.

(b) The officer, employee, or agent may obtain samples of any materials, packaging, and labeling; however, he shall pay or offer to pay the owner, operator, or agent in charge for any sample and shall give a receipt describing the samples obtained.

Sec. 5. Rules and Regulations; Hearings; Appeals. (a) The department may, after public hearing following due notice, issue reasonable rules and regulations necessary for the efficient enforcement of this Act. The rules and regulations shall conform with regulations established pursuant to the Federal Hazardous Substances Act, where applicable.

(b) If any person affected by any rule or regulation adopted and established by the department should take exception to the adoption and issuance of any rule or regulation, such person may request a hearing before the department, in which event the department shall not enforce such rule or regulation except as hereafter provided. Within thirty days after receipt of such request, the hearing must be held. The complaining person shall be given at least ten days notice of the place, date and time of such hearing. After fair hearing the department shall issue a written order or decision, upholding, amending, extending or reversing the previous action, and stating reasons therefor. If within thirty days of the date of such order or decision, there is no appeal as provided for in Subsection (c) hereof, such rule or regulation shall become effective.

(c) If any person be dissatisfied with an order or decision following a hearing pursuant to Subsection (b) of this section, such person may bring suit against the department to repeal, amend, vacate or set aside such order, decision, rule or regulation, in a District Court of Travis County, Texas. When such suit is filed, the plaintiff may apply for an injunction restraining the department from enforcing its order or decision pending the outcome of the trial on the merits, and the court in its discretion may grant such application for injunction or the court may continue the department's order or decision in effect where the court finds it necessary to protect the public health. Upon a trial on the merits, the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy

under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative action, order or decision. All such appeals shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts.

Sec. 6. Prohibited Acts. The following acts are prohibited:

(1) the holding or offering for sale, the sale, the introduction or delivery for introduction into commerce of any misbranded hazardous substance or banned hazardous substance;

(2) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label, or the doing of any other act with respect to a hazardous substance if such act is done while the substance is in commerce, or while the substance is held for sale (whether or not the first sale) after shipment in commerce, and results in the hazardous substance being a misbranded hazardous substance or a banned hazardous substance;

(3) the receipt in commerce of any misbranded hazardous substance or banned hazardous substance, and the delivery or proffered delivery thereof for pay or otherwise;

(4) the failure to permit entry or inspection, or to provide records as authorized by the provisions of this Act;

(5) the use by any person to his own advantage, or revealing other than to the department or to a court when relevant in any judicial proceeding under this Act, of any information acquired in an inspection authorized by the provisions of this Act concerning any method or process which as a trade secret is entitled to protection;

(6) the removal or disposal of a detained article or substance in violation of Section 11.

Sec. 7. Penalties. Any person who violates any of the provisions of this Act is guilty of a misdemeanor and may upon conviction be fined not less than \$100, nor more than \$1,000, or be imprisoned for not more than 90 days, or both; but for any offense committed with intent to defraud, or for second and subsequent offenses, the penalty shall be a fine of not less than \$1,000 nor more than \$3,000, or imprisonment for not more than 180 days, or both.

Sec. 7a. Exclusion. The provisions of this Act shall not apply to the manufacture, distribution, sale or use of diapers.

Sec. 8. Exemptions. The penalties described in Section 7 of this Act do not apply to any person who delivers or receives a banned or misbranded hazardous substance if the delivery or receipt is made in good faith, and if the person subsequently furnishes on request the name and address of the person from whom he purchased or received the banned or misbranded hazardous substance, and copies of all documents, if any, pertaining to the original delivery of the hazardous substance to him.

Sec. 9. Necessity of Department Action. No article or substance is a

banned hazardous substance, unless a regulation to that effect has been issued and adopted by the department.

Sec. 10. Records. For the purposes of enforcing the provisions of this Act, carriers engaged in commerce and persons receiving hazardous substances in commerce or holding any hazardous substances so received, shall, upon the request of the department, permit a representative thereof at reasonable times to have access to, and to copy, all records showing the movement in commerce, or the holding after such movement, of any hazardous substance, and the quantity, consignee, and shipper thereof. However, evidence obtained in this manner may not be used in a criminal prosecution of the person from whom it is obtained, and carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage holding, or delivery of hazardous substances in their usual course of business.

Sec. 11. Seizure. (a) Whenever a duly authorized agent of the department has good reason to believe that a hazardous substance is a banned or misbranded hazardous substance, he shall affix to the article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, a banned or misbranded hazardous substance and has been detained, and warning all persons not to remove from the premises or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(b) The department shall petition to the judge of district court of the county in which the article or articles are located asking that the court authorize the destruction of the article or articles. If the court determines that the article or articles are banned or misbranded hazardous substances, the department shall destroy the article or articles, and all court costs and fees and storage and other proper expenses shall be taxed against the claimant of the article or articles. However, if the court finds that misbranding occurred in good faith and could be corrected by proper labeling, the court may direct that the article or articles be delivered to the claimant for proper labeling with the approval of the department.

(c) If the court finds that the article or articles are not banned or misbranded hazardous substances, it shall order the department to remove the tags.

Sec. 12. Effective Date. The effective date of this Act is January 1, 1972.

Sec. 13. Chapter 428, Acts of the 55th Legislature, Regular Session, 1957, is repealed.

Sec. 14. Emergency. The importance of this Act 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 both Houses be suspended, and this Rule is hereby suspended.

Mr. Cruz offered the following amendment to the above amendment:

Amend substitute to SB 362, Section 1, Subsection 4, second sentence by

inserting the following after the words "Federal Food, Drug, and Cosmetic Act":

"or to beverages complying with or subject to the Federal Alcohol Administration Act,"

The amendment was adopted without objection.

Mr. Mengden offered the following amendment to the Cruz-Smith amendment:

Amend Subsection (a) of Section 2 of Floor Amendment by Cruz, SB 362, by adding after the last period of said subsection the following:

The international sign of extreme danger, the skull and cross bones symbol, shall be placed prominently on substances which are extremely flammable, corrosive, or highly toxic.

Mr. Cruz moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—101

Allen, Joe	Foreman	Kubiak	Sanchez
Allred	Gammage	Lemmon	Santiesteban
Atwell	Garcia	Ligarde	Schulle
Baker	Golman	Lombardino	Semos
Bass, B.	Grant	Lovell	Shannon
Beckham	Graves	McKissack	Silber
Bigham	Hale	Moore, A.	Simmons
Blanton	Hanna, Joe	Moore, G.	Slack
Braecklein	Harris	Moore, T.	Smith
Braun	Hawkins	Moreno	Solomon
Caldwell	Hawn	Murray	Stewart
Calhoun	Haynes	Nabers	Stroud
Carrillo	Head	Nelms	Swanson
Clark	Heatly	Newton	Traeger
Clayton	Hendricks	Nichols	Tupper
Cobb	Holmes, Z.	Niland	Vale
Cole	Hubenak	Nugent, J.	Von Dohlen
Cruz	Hull	Ogg	Ward
Daniel	Ingram	Orr	Wieting
Davis, H.	Johnson	Parker, C.	Williams
Denton	Jones, D.	Parker, W.	Williamson
Doyle	Jones, G.	Poerner	Wolff
Farenthold	Jungmichel	Poff	Wyatt
Finck	Kaster	Presnal	
Finnell	Kilpatrick	Price	
Finney	Kost	Salem	

Nays—36

Adams	Allen, John	Blythe	Bynum
Agnich	Angly	Bowers	Cates

Cavness	Hannah, John	Lewis	Rosson
Christian	Harding	Mengden	Salter
Coats	Hilliard	Moncrief	Short
Craddick	Holmes, T.	Neugent, D.	Slider
Davis, D.	Howard	Pickens	Spurlock
Dramberger	Jones, E.	Reed	Tarbox
Earthman	Lee	Rodriguez	Truan

Absent

Atwood	Burgess	Longoria	Sherman
Bass, T.	Doran	McAlister	Uher
Boyle	Floyd	Patterson	Wayne

The Cruz-Smith amendment, as amended, was adopted without objection.

SB 362, as amended, was passed to third reading.

SB 362 ON THIRD READING

Mr. Cruz moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 362 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

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

Swanson	Tupper	Ward	Williamson
Tarbox	Uher	Wayne	Wolff
Traeger	Vale	Wieting	Wyatt
Truan	Von Dohlen	Williams	

Nays—19

Cole	Jones, D.	Mengden	Short
Davis, D.	Jones, G.	Moncrief	Slack
Denton	Kost	Nugent, J.	Slider
Graves	Lewis	Pickens	Spurlock
Hull	McAlister	Rosson	

Absent

Doran	Longoria	Neugent, D.
-------	----------	-------------

The Speaker then laid SB 362 before the House on third reading and final passage.

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

Yeas—138

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

Wayne Wieting	Williams Williamson	Wolff	Wyatt
Nays—6			
Cavness Lewis	McAlister Moncrief	Short	Spurlock
Absent			
Doran Finck	Johnson	Longoria	Sherman

Mr. Cruz moved to reconsider the vote by which SB 362 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Cruz, and by unanimous consent, the caption of SB 362 was ordered amended to conform with the body of the bill.

MESSAGE FROM THE SENATE

Austin, Texas, May 26, 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 685, By Cobb: Making the premium tax applicable to self-insurers on the basis of medical and indemnity costs; and declaring an emergency.

HB 686, By Cobb: To authorize and direct the Industrial Accident Board to collect a \$7.50 filing fee from subscriber under the act; and declaring an emergency.

HB 1616, By Foreman: Prohibiting the capturing and transporting of live game animals and certain game birds without having first received written permission from the Parks and Wildlife Commission with certain exceptions; and declaring an emergency.

HB 1779, By Lombardino, et al: Relating to the management, control, and disposition of community property and a sale without joinder of a community homestead when one person is a prisoner of war or missing in action; and declaring an emergency.

HB 1810, By Kubiak: Authorizing the Texas Parks and Wildlife Department to acquire certain Spanish Missions in Milam County; and declaring an emergency.

HB 1882, By Ligarde: Relating to the compensation of Assistant District Attorneys for the 49th Judicial District; and declaring an emergency.

HCR 48, By Lovell: Granting permission to Jesse O. Reed to sue the State of Texas and Sam Houston State University.

HJR 57, By Adams: To permit the commissioners court of a county to reduce the county permanent school fund and to provide for the per scholastic distribution and use of the money obtained from the reduction.

HB 1794, By Caldwell: Creating the Buffalo Camp Farms Public Utility District; and declaring an emergency.

HB 1838, By Hubenak: Creating the Seabourne Creek Public Utility District; and declaring an emergency.

HB 1856, By Hubenak: Creating the Indian Springs Utility District of Brazoria County, Texas; and declaring an emergency.

HB 1861, By Calhoun: Relating to levy, assessment and collection of taxes in certain common school districts; and declaring an emergency.

HB 1862, By Cates: Permitting refunds of moneys paid under certain mineral leases on public lands, etc.; and declaring an emergency.

HB 1873, By D. Davis: Relating to the compensation of the Official Shorthand Reporter of the 32nd Judicial District; and declaring an emergency.

HB 1755, By Cobb: Providing for amendment to extend term of existing oil, gas and mineral leases covering certain state lands; and declaring an emergency.

HB 1780, By Cates: Permitting certain hospital districts to adopt their own tax rolls, etc.; and declaring an emergency.

HB 1789, By G. Jones: Relating to employment of certified accountants to perform audits of the Firemen's Relief and Retirement Fund; and declaring an emergency.

HCR 54, By Ingram: Granting permission to T. J. Bailey and wife, Ronda Bailey to bring suit against the State of Texas and the Highway Department of the State of Texas.

HCR 57, By Johnson: Granting permission to Frederick E. Munk, Mamie Fuller and Henry Munk to bring suit against Daniel G. Silva and the Veterans Land Board of the State of Texas.

HCR 66, By Craddick: Granting permission to Charles H. Skeen to institute a suit against the State of Texas.

HCR 69, By Moreno, Santiesteban: Granting K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey permission to sue the State of Texas and the State Highway Department of the State of Texas.

HCR 101, By Atwell: Granting Commercial Carpet Corporation and American Desk Manufacturing Company permission to bring suit against the State of Texas.

HCR 127, By Bigham: Granting Cockrell and Gibbs Enterprises, Inc., permission to sue the State of Texas and Robert S. Calvert, Comptroller of Public Accounts.

HB 1699, By Ogg: Creating and establishing Lake Forest Utility District of Harris County, Texas; and declaring an emergency.

HB 1689, By Ogg: Creating and establishing Cypress-Klein Utility District of Harris County, Texas; and declaring an emergency.

HB 1188, By Clark, Nelms: Relating to the mileage allowances of the county tax assessor and collector and his deputies in certain counties; and declaring an emergency.

HB 267, By Clark, Nelms: Making the offer to sell or deliver a dangerous drug a felony; and declaring an emergency. (with amendments)

HB 268, By Clark, Nelms: Making the offer to sell a narcotic drug a felony; and declaring an emergency. (with amendments)

HB 521, By Clayton: Relating to rules promulgated by the State Board of Education; and declaring an emergency.

HB 611, By Ogg: Creating and establishing Oakmont Public Utility District; and declaring an emergency.

HB 651, By Niland: Redefining "cigarette" to exclude rolls for smoking made of tobacco substitutes; and declaring an emergency.

HB 1040, By Ogg: Creating and establishing Spring Creek Forest Public Utility District; and declaring an emergency.

HB 1062, By Calhoun: Relating to the salary of assistant county school superintendents and the office and travel expenses of supervisors assigned positions under county superintendents; and declaring an emergency.

HB 1131, By Ogg: Authorizing county governments in counties having 1,500,000 inhabitants or more, and any political subdivisions within any such county in this state, to contract with each other for the performance of functions of government required or authorized by the Constitution or the laws of this state; and declaring an emergency.

HB 1743, By Gammage: Creating and establishing Sagemeadow Utility District of Harris County, Texas; and declaring an emergency.

SB 202, By Hall: Authorizing the issuance of search warrants to search for and seize evidence of a crime; and declaring an emergency.

SB 205, By Hall: Relating to charging more than one offense in an indictment; and declaring an emergency.

SB 203, By Hall: Relating to the possession of paraphernalia used in connection with bookmaking; and declaring an emergency.

SB 206, By Hall: Relating to the penalty for assault with intent to murder; and declaring an emergency.

SB 209, By Hall: Increasing the minimum penalty for robbery; and declaring an emergency.

SB 952, By Brooks: To provide that the beneficiary of any deceased member of the Texas County and District Retirement System who had not less than 29 years of service and had attained at least 80 years of age be eligible for benefits; and declaring an emergency.

SB 1032, By Hall: Providing for the authorization and issuance by any city or town which has by duly adopted resolution, order or ordinance approved or approved in principle a New Community plan in connection with a New Community Development project under the federal Urban Growth and New Community Development Act of 1970, of Certificates of Indebtedness for the purposes of acquiring, purchasing, etc., any public projects or facilities of any type, including streets, etc., and for the purpose of planning, etc., and the payment for professional services incident thereto and in connection therewith; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 955.

The following have been appointed on the part of the Senate: Senators Kennard, Brooks, Bernal, Jordan, and Sherman.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 955 by the following vote: 27 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 803 by the following vote: 29 Yeas, 0 Nays.

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

SCR 83, By Mauzy: That Tom I. McFarling, or his successor in such capacity, is hereby authorized to join in any suit he may file for title to and/or possession of any securities on deposit with the State Treasurer for the protection of any of the policyholders of Old National Insurance Company.

SB 204, By Hall: Increasing the minimum penalty for murder; and declaring an emergency.

SB 581, By Brooks, et al: Relating to the creation of the 233rd and 234th District Courts in Harris County, both of which courts are directed to give preference to criminal cases; and declaring an emergency.

SB 858, By Hall: To prohibit knowingly tampering with, adjusting, altering, changing, setting back, disconnecting or failing to connect the odometer of a motor vehicle so that the odometer shows more or less miles traveled for the purpose of deceiving a purchaser; and declaring an emergency.

SB 1011, By Hall: Defining impacted property near the Western end of Eisenhower Park to grant relief of owners who have been denied ingress

and egress to said property by not requiring them nor their family nor guests to pay fees for such ingress or egress to said property.

SB 1039, By Schwartz: Relating to the creation, operation, and duties of park boards in certain counties; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 749 ON SECOND READING
(Mr. Ogg—House Sponsor)

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

SB 749, Providing for preservation and enhancement of scenic beauty of lands bordering certain public highways.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 749 by striking all below the enacting clause and placing in lieu thereof the following:

Section 1. Short Title. This Act may be cited as the Highway Beautification Act.

Sec. 2. Definitions. In this Act, unless the context requires a different definition:

(a) "commission" means the Texas Highway Commission;

(b) "interstate system" means that portion of the national system of interstate and defense highways located within this state which now or hereafter may be designated officially by the commission and approved pursuant to Title 23, United States Code;

(c) "primary system" means that portion of connected main highways located within this state which now or hereafter may be designated officially by the commission and approved pursuant to Title 23, United States Code;

(d) "outdoor advertising" or "sign" includes any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended, or used to advertise or inform, if any part of the advertising or information contents is visible from any place on the main traveled way of the interstate or primary systems;

(e) "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, or iron, steel and other old scrap ferrous or nonferrous material.

(f) "automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts;

(g) "junkyard" means any establishment or place of business maintained, used or operated for storing, keeping, buying or selling junk, for processing scrap metal, or for the maintenance or operation of an automobile graveyard, including garbage dumps and sanitary fills; and

(h) "person" means any person, firm or corporation.

(i) "unzoned commercial or industrial areas" shall mean any area not designated by state or local law, regulation or ordinance which lies within a distance of 800 feet, measured parallel to the center line of the adjacent highway in either direction from any commercial or industrial activity upon the primary system, as well as a parallel distance up to one half of the total allowed distance measured on the opposite side of such primary highway; and, 2000 feet measured parallel to the center line of the adjacent highway in either direction from any commercial or industrial activity upon the interstate highway system, as well as a parallel distance up to one half of the total allowed distance measured on the opposite side of such interstate highway, and furthermore all land which lies within the corporate jurisdiction of an incorporated city or town and all land which lies in the extra-territorial jurisdiction of an incorporated city or town. A commercial or industrial activity for purposes of this definition shall include all land, buildings or other uses such as, without limiting the generality of the foregoing, parking lots, storage areas, driveways and landscaped areas which constitute an integral part of such activity. Provided, however, that it is the overriding intent of this Act, while asserting the rightful independence of this state to regulate land usage within its borders, to ensure in all events against the withholding of any federal-aid highway funds from this state under the Highway Beautification Act of 1965 (Public Law 89-285). Accordingly, in the event that the Secretary of Transportation shall make a final determination that the terms of this definition are in noncompliance with said federal act, the Texas Highway Commission may promulgate such definition as is minimally necessary to avoid the loss of any such funds, which definition shall govern to the extent of any inconsistency between it and this definition, until modified or superseded by further action by the Legislature, and shall be retroactively effective if and to the extent necessary to avoid any loss of funds.

(j) "zoned commercial or industrial area" shall mean an area within 660 feet of the nearest edge of the right-of-way of the interstate and primary systems zoned under authority of state law to permit industrial or commercial activities.

(k) "erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign structure.

Sec. 3. Purpose. Subject to the availability of state funds, it is the desire and intent of the Legislature to comply with the Highway Beautification

Act of 1965 (Public Law 89-285), as amended, as and to the extent that it may be implemented by Congress, and the Legislature declares that in order to promote the health, safety, welfare, morals, convenience and enjoyment of the traveling public and to protect the public investment in the interstate and primary highway system, it is necessary to regulate the erection and maintenance of outdoor advertising and the establishment, operation, and maintenance of junkyards and automobile graveyards in areas adjacent to the interstate and primary systems. The landscaping and developing of recreational areas, acquisition of interests in and improvement of strips of land within, adjacent to or within view of the interstate or primary systems, which are necessary for the restoration, preservation and enhancement of scenic beauty, and the development of publicly owned and controlled rest and sanitary facilities within or adjacent to the highway right-of-way are all means of protecting and providing for the general welfare of the traveling public and promoting the safety of all citizens utilizing the highways of this state.

Sec. 4. Control of Outdoor Advertising

(a) No outdoor advertising may be erected or maintained which is within six hundred and sixty (660) feet of the nearest edge of the right-of-way except:

(1) directional and other official signs authorized by law, including signs pertinent to natural wonders and scenic and historic attractions;

(2) signs advertising the sale or lease of the property upon which they are located;

(3) signs advertising activities conducted on the property upon which they are located;

(4) signs located in and visible from areas in which the land use is designated industrial or commercial under authority of law, such areas to be determined from actual land uses and defined by regulations as defined herein;

(5) signs located in and visible from areas in which the land use is not designated industrial or commercial under authority of law but in which the land use is consistent with areas designated industrial or commercial, such areas to be determined from actual land uses and defined by regulations as defined herein;

(6) outdoor advertising and/or a sign or signs erected or located upon land or premises owned by any city, county, or political subdivision or unit of government of the State of Texas.

(b) The Commission may promulgate rules to regulate the orderly and effective display of outdoor advertising consistent with the customary use of outdoor advertising within this state under authority of law and in areas in which the land use is not designated industrial or commercial under authority of law, but in which the land use is consistent with areas designated industrial or commercial, as provided for in Section 4(a) of this Act.

(c) The commission may enter into agreements with the Secretary of Transportation to regulate the orderly and effective display of out-

door advertising within this state in the areas described in Subsection (b) of this section.

(d) The commission is authorized to purchase or to acquire by eminent domain signs which are:

(1) lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

(e) The commission shall pay just compensation for:

(1) the taking from the owner of a sign of all right, title, leasehold and interest in the sign, except any sign erected after the effective date of this Act which is more than six hundred and sixty (660) feet from the nearest edge of the right-of-way.

(2) the taking from the owner, or if appropriate, the lessee of the real property on which the sign is located of the right to erect and maintain the sign, except any sign erected after the effective date of this Act which is more than six hundred and sixty (660) feet from the nearest edge of the right-of-way.

Sec. 5. Licenses.

(a) No person may erect or maintain a sign which is visible from the main traveled way of the interstate or primary systems until he has a license issued by the commission to do so.

(b) The commission shall issue a license to a person who:

(1) completes the application form specified by the commission within the time specified by the commission;

(2) pays the license fee of \$25; and

(3) files with the commission surety bonds in the amount of \$2,500 for each county in the state in which the person erects or maintains outdoor advertising, such bonds to be payable to the commission to reimburse it for removal costs of a sign the licensee unlawfully erects or maintains; provided, however, that no person shall be required to provide more than \$10,000 in surety bonds to comply with this subdivision.

(c) The commission may revoke or suspend a license issued under this section if the licensee:

(1) violates a provision of this Act; or

(2) violates a commission rule adopted under this Act.

(d) A person whose license is revoked or suspended may appeal the revocation or suspension to a district court in Travis County. The appeal must be taken within 15 days after the commission's action.

Sec. 6. Permits.

(a) Before a person with a license may erect or maintain a sign which is visible from the main traveled way of the interstate or primary systems, he must have a permit for each sign.

(b) The commission shall promulgate rules specifying:

(1) a reasonable fee for each permit;

(2) the time for and manner of applying for a permit and the form of the permit application; and

(3) the information that must be in a permit application.

(c) The commission shall issue a permit to every person with a license whose license application complies with the rules of the commission adopted under Section 5 of this Act and whose sign, if erected, would comply with this Act and rules of the commission adopted under Section 4(b) of this Act.

(d) A permit issued to control the erection and maintenance of outdoor advertising by a political subdivision of this state within the jurisdiction of the political subdivision shall be accepted in lieu of the permit required by this section, provided that such erection and maintenance of outdoor advertising is in compliance with Section 5 of this Act and the rules of the commission adopted under Section 4(b) of this Act.

(e) The fees collected by the commission under this section and Section 5 of this Act shall be used by the commission in the administration of this Act.

(f) All monies paid to the commission under the provisions of this Act, shall be deposited in the treasury of the state, and placed in a special fund to be known as the "Texas Highway Beautification Fund."

Sec. 7. Exceptions. Nothing in Sections 5 and 6 of this Act is to be construed to require any person to obtain a license or permit to erect or maintain any sign advertising the sale or lease of the property upon which it is located; nor is any person required to obtain a license or permit to erect or maintain any sign which relates solely to activities conducted on the property upon which the sign is erected or maintained.

Nothing in this Act shall apply to any sign or marker informing about the location of underground electric transmission lines, telegraph or telephone properties and facilities or pipelines; nor shall any license or permit be required under Sections 5 and 6 of this Act to authorize the erection, location or maintenance of any outdoor advertising and/or a sign or signs erected, located or maintained upon land or premises owned by any city, county or political subdivision or unit of government of the State of Texas notwithstanding any provisions hereof to the contrary.

Sec. 8. Official Signs. The commission may designate and provide official signs which may be erected and maintained within the right-of-way at appropriate distances from interchanges and appropriate locations on the interstate and primary systems giving specific information of interest to the traveling public, including specific brand names.

Sec. 9. Control of Junkyards and Automobile Graveyards.

(a) No person shall establish, operate or maintain a junkyard or automobile graveyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems, except:

(1) those screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate or primary systems; or

(2) those located in areas which are zoned or unzoned industrial areas, such areas to be determined from actual land uses and defined by regulations established by the commission.

(b) The commission is authorized to screen, if possible, with natural objects, plantings, fences or other appropriate means any junkyard or automobile graveyard lawfully in existence if the junkyard or automobile graveyard lawfully in existence is within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary systems. The commission is authorized to acquire areas outside the highway right-of-way so that any junkyard or automobile graveyard may be screened from the main traveled way of the interstate or primary systems.

(c) The commission is authorized to promulgate rules and regulations governing the location, planting, construction and maintenance of the materials used in screening junkyards and automobile graveyards as required by this Act.

(d) If the commission determines that screening a junkyard or automobile graveyard is not feasible, the commission shall pay just compensation to:

(1) the owner of the junkyard or automobile graveyard for its relocation, removal or disposal; and

(2) the owner or, if appropriate, the lessee of the real property on which the junkyard or automobile graveyard is located for the taking of the right to erect and maintain a junkyard or automobile graveyard.

(e) The commission shall compensate only those owners of junkyards or automobile graveyards and those owners or lessees of the real property on which the junkyards or automobile graveyards are located which are:

(1) lawfully in existence on the interstate or primary systems on the effective date of this Act; or

(2) lawfully in existence on any highway made a part of the interstate or primary systems after the effective date of this Act.

Sec. 10. Landscaping and Scenic Enhancement.

(a) The commission is authorized to acquire, improve and maintain strips of land necessary for the restoration, preservation and enhancement of scenic beauty within, adjacent to, or within view of any federal-aid highway in this state, including the acquisition and development of such rest and

recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way as are necessary to accommodate the traveling public.

(b) The interest in any land authorized to be acquired and maintained in this section may be the fee simple or any lesser interest, as determined necessary by the commission. The acquisition may be by gift, purchase, exchange or condemnation.

Sec. 11. Powers of Acquisition.

(a) The commission is authorized to acquire by gift, purchase, exchange or condemnation any land, or interest therein, any property or property right of any kind or character which it may deem necessary or convenient for the purpose of carrying out the provisions of this Act.

(b) Upon delivery to and acceptance by the commission of instruments conveying to the State of Texas any interests in lands, property or property rights deemed necessary or convenient by the commission to effectuate the purposes of this Act, the commission shall prepare and transmit to the Comptroller of Public Accounts vouchers covering the Commission's costs in acquiring such interests in lands, property or property rights, and the Comptroller of Public Accounts is hereby authorized and directed to issue warrants on the appropriate account covering the state's obligations as evidenced by such vouchers.

(c) Any land owned by the State of Texas or any agency or department thereof shall be controlled and shall be subject to the terms of this Act the same as though such land were in private ownership.

(d) The exercise of the powers of eminent domain authorized by this Act are the same as that authorized by Section 4, Chapter 300, Acts of the 55th Legislature, 1957 (Article 6674w-3, Vernon's Texas Civil Statutes).

Sec. 12. Recording; Disposal of Surplus Property.

(a) In the implementation of this Act all instruments conveying land or an interest in land to the State of Texas shall be recorded in the deed records of the county or counties wherein the land is situated. The state shall pay the fees for recording such instruments in the same manner as fees are paid for the recording of highway right-of-way instruments and in accordance with the laws of this state establishing fees to be charged by the county clerk for the recording of such instruments.

(b) Any land or interest in land acquired for the purposes of carrying out the provisions of this Act which becomes surplus and is, in the opinion of the State Highway Commission, no longer needed by the state for the purposes for which it was acquired or for highway purposes shall be disposed of in accordance with the provisions of Chapter 99, Acts of the 42nd Legislature, 1931, codified as Article 6673a, Vernon's Texas Civil Statutes, as amended.

Sec. 13. Penalty. Any person who willfully violates any provision of this Act or willfully violates any rule or regulation promulgated by the commission in accordance with the requirements of this Act is guilty of a

misdeemeanor and upon conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of such willful violation shall constitute a separate offense.

Sec. 14. Gifts, Grants, or Donations. The Commission may accept gifts, grants or donations of personal property from any individual, group, association or corporation or the United States Government subject to such limitations or conditions as may be provided by law and provided that gifts, grants or donations of money shall be deposited in the State Treasury and expended in accordance with the specific purpose for which given under such conditions as may be imposed by the donor and as provided by law.

Sec. 15. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 16. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 596, by Cavness Harold Davis, and Foreman: Congratulating the newly-elected Mayor and City Council members of Austin, Texas.

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

INTRODUCTION OF GUESTS

The Speaker recognized the Honorable Don Cavness who introduced the following guests pursuant to HSR 596:

Mayor Roy Butler of Austin, Texas, council members Dick Nichols and Dr. S. H. "Bud" Dryden, and City Manager Lynn Andrews.

Mayor Butler was recognized and addressed the House briefly presenting the following Proclamation to the Members of the Texas House of Representatives:

PROCLAMATION

Whereas, All citizens of Austin are justly proud and honored to welcome and to be host to the Members of the Texas House of Representatives during the sessions of the Legislature;

Whereas, The Members of the Texas House of Representatives were elected by fellow Texans, who exhibited confidence and faith in their abilities to accomplish the many difficult tasks of state government, citizens of Austin share that support and confidence;

Whereas, The Members of the Texas House of Representatives have devoted their energies in many work sessions to service all Texans;

Whereas, A new Austin City Council is embarking on a new era in city government, will also seek opportunities to create a new era in relations with the Texas House of Representatives, in recognition of the important work the Members of the House of Representatives perform;

Whereas, Members of the Texas House of Representatives remain citizens of their home districts while serving that district and living in Austin, the citizens of the Capital City consider all Legislators to be true Austinites.

Now, therefore, I, Roy Butler, as Mayor of the City of Austin, in keeping with the city's motto, "The Friendly City," urge all Members of the Texas House of Representatives to avail themselves of all municipal services. On behalf of the citizens of Austin, we appreciate the service performed by all Members of the Texas House of Representatives for Texas and Austin.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Austin to be affixed this 26th day of May, 1971.

Signed:

Roy Butler
Mayor of the City of Austin, Texas

Signed:

Elsie Woosley
City Clerk

PROCLAMATION ORDERED PRINTED

On motion of Mr. Floyd, the Proclamation from the Mayor of Austin was ordered printed in the Journal.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 22, Relating to preservation of historic courthouses.

HB 439, Relating to the creation of the County Court at Law of Hunt County.

HB 460, Creating Luce Bayou Public Utility District.

HB 591, Relating to the hours and conditions of employment of females.

HB 1161, Relating to the sale of fish in Gonzales County.

HB 1606, Relating to average daily attendance at certain countywide schools in certain counties.

HB 1618, Relating to the salary of the official shorthand reporter for the 142nd Judicial District.

HB 1714, Relating to the authorization for life insurance companies to make student loans guaranteed by the federal government.

HCR 61, Concerning official policy for state agencies concerning urban communities.

HCR 150, Inviting Vice-President Spiro T. Agnew to address a Joint Session of the Legislature.

HCR 160, Requesting the Senate to send a duplicate copy of SB 748 to the House for consideration.

HCR 161, Directing the Enrolling Clerk to make certain correction in HB 1656.

HCR 163, Inviting Senator Hubert H. Humphrey to address a Joint Session of the Legislature.

HCR 167, Requesting the Senate to send a duplicate copy of SB 778 to the House for consideration.

HCR 168, Welcoming the National Governors Conference to Houston.

MESSAGE FROM THE SENATE

Austin, Texas, May 26, 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 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.

The following have been appointed on the part of the Senate: Senators Mauzy, Blanchard, Sherman, Word, and Wallace.

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

SCR 123, By Herring: Recalling SB 902 for corrective purposes.

HCR 169, By Head: In memory of Neal Clark of Gladewater, Texas.

HCR 170, By Head: In memory of S. S. "Shack" Laird of Kilgore, Texas.

HCR 171, By Cole, Shannon: Granting permission to Southwest Region Council of YMCAs for use of the Capitol.

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

HCR 175, By Wyatt: Directing the Enrolling Clerk of the House to correct the caption and Section 1 of the enrolled copy of HB 1081.

HB 322, By Nelms, et al: Relating to permits issued by the Texas Air Control Board for construction of new facilities or modifications of existing facilities by any person in this state and to permits issued by the Texas Air Control Board for initial operation of new facilities or modifications of existing facilities in this state; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 749—(Consideration continued)

Committee Amendment No. 1 was adopted.

Mr. Smith moved to table SB 749.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—58

Adams	Craddick	Holmes, T.	Parker, C.
Allen, John	Daniel	Howard	Patterson
Allred	Davis, D.	Hubenak	Rodriguez
Atwood	Dramberger	Hull	Salter
Beckham	Finnell	Jones, E.	Schulle
Bigham	Finney	Jungmichel	Semos
Braecklein	Floyd	Kilpatrick	Short
Burgess	Foreman	Kubiak	Silber
Calhoun	Garcia	Lombardino	Smith
Cates	Graves	Mengden	Vale
Cavness	Hanna, Joe	Moore, T.	Wieting
Christian	Hannah, John	Moreno	Williamson
Clark	Harding	Neugent, D.	Wolff
Cobb	Haynes	Nichols	
Cole	Head	Orr	

Nays—81

Agnich	Coats	Hendricks	Moore, G.
Allen, Joe	Cruz	Hilliard	Murray
Angly	Davis, H.	Holmes, Z.	Nabers
Atwell	Denton	Johnson	Nelms
Baker	Doyle	Jones, D.	Newton
Bass, B.	Earthman	Jones, G.	Niland
Bass, T.	Farenthold	Kaster	Ogg
Blanton	Finck	Kost	Parker, W.
Blythe	Gammage	Lee	Pickens
Bowers	Golman	Lewis	Poerner
Boyle	Grant	Ligarde	Poff
Braun	Hale	Lovell	Presnal
Bynum	Harris	McAlister	Price
Caldwell	Hawkins	McKissack	Reed
Carrillo	Hawn	Moncrief	Salem
Clayton	Heatly	Moore, A.	Sanchez

Santiesteban	Spurlock	Truan	Ward
Shannon	Stroud	Tupper	Wayne
Simmons	Swanson	Uher	Williams
Slider	Tarbox	Von Dohlen	Wyatt
Solomon			

Present—Not Voting

Lemmon

Absent

Doran	Nugent, J.	Sherman	Stewart
Ingram	Rosson	Slack	Traeger
Longoria			

SB 749, as amended, was passed to third reading by the following vote:

Yeas—88

Agnich	Denton	Lee	Reed
Allen, Joe	Doyle	Lewis	Salem
Allred	Earthman	Ligarde	Sanchez
Angly	Farenthold	Lovell	Santiesteban
Atwell	Finck	McAlister	Shannon
Baker	Finnell	McKissack	Silber
Bass, B.	Gammage	Moncrief	Simmons
Bass, T.	Golman	Moore, A.	Slack
Bigham	Hale	Moore, G.	Slider
Blanton	Harris	Murray	Solomon
Blythe	Hawkins	Nabers	Spurlock
Bowers	Hawn	Nelms	Stewart
Boyle	Heatly	Neugent, D.	Stroud
Braun	Hendricks	Newton	Swanson
Bynum	Hilliard	Niland	Tarbox
Caldwell	Holmes, Z.	Ogg	Truan
Carrillo	Hubenak	Parker, W.	Tupper
Clark	Johnson	Pickens	Uher
Coats	Jones, D.	Poerner	Von Dohlen
Craddick	Jones, G.	Poff	Ward
Cruz	Kaster	Presnal	Williams
Davis, H.	Kost	Price	Wyatt

Nays—54

Adams	Davis, D.	Jones, E.	Rosson
Allen, John	Dramberger	Jungmichel	Salter
Atwood	Finney	Kilpatrick	Schulle
Beckham	Floyd	Kubiak	Semos
Braecklein	Foreman	Lombardino	Short
Burgess	Grant	Mengden	Smith
Calhoun	Graves	Moore, T.	Traeger
Cates	Hanna, Joe	Moreno	Vale
Cavness	Hannah, John	Nichols	Wayne
Christian	Harding	Nugent, J.	Wieting
Clayton	Head	Orr	Williamson
Cobb	Holmes, T.	Parker, C.	Wolff
Cole	Howard	Patterson	
Daniel	Hull	Rodriguez	

Present—Not Voting

Lemmon

Absent

Doran	Haynes	Longoria	Sherman
Garcia	Ingram		

Mr. Ogg moved to reconsider the vote by which SB 749 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SJR 50 ON THIRD READING

(Mr. Jim Nugent and Mr. Burgess—House Sponsors)

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

SJR 50, Proposing an Amendment to provide for methods of assessment for ranch, farm, etc., open space lands that will promote the preservation of their existing uses.

The resolution was read third time and failed to pass by the following vote:

Yeas—88

Agnich	Doyle	Jones, G.	Poerner
Allen, John	Dramberger	Jungmichel	Presnal
Angly	Earthman	Kilpatrick	Rosson
Atwell	Finnell	Kost	Sanchez
Baker	Foreman	Lee	Santiesteban
Bass, B.	Garcia	Lewis	Schulle
Beckham	Grant	Ligarde	Short
Bigham	Graves	Lovell	Silber
Blanton	Hanna, Joe	McAlister	Slack
Blythe	Hannah, John	McKissack	Slider
Bowers	Harding	Mengden	Solomon
Burgess	Harris	Moore, G.	Spurlock
Bynum	Hawkins	Murray	Stewart
Carrillo	Haynes	Nabers	Swanson
Christian	Heatly	Neugent, D.	Tarbox
Clayton	Hendricks	Newton	Traeger
Cole	Hilliard	Nugent, J.	Uher
Craddick	Holmes, T.	Ogg	Vale
Daniel	Howard	Parker, C.	Von Dohlen
Davis, D.	Johnson	Parker, W.	Ward
Davis, H.	Jones, D.	Patterson	Wieting
Doran	Jones, E.	Pickens	Williamson

Nays—48

Adams	Boyle	Calhoun	Farenthold
Allred	Braecklein	Cavness	Finck
Atwood	Braun	Clark	Finney
Bass, T.	Caldwell	Denton	Floyd

Golman	Kaster	Nichols	Shannon
Hale	Kubiak	Orr	Simmons
Hawn	Lemmon	Reed	Stroud
Head	Moncrief	Rodriguez	Truan
Holmes, Z.	Moore, A.	Salem	Tupper
Hubenak	Moreno	Salter	Williams
Hull	Nelms	Semos	

Present—Not Voting

Cates	Poff	Wolff	Wyatt
Niland			

Absent

Allen, Joe	Gammage	Longoria	Sherman
Coats	Ingram	Moore, T.	Smith
Cobb	Lombardino	Price	Wayne
Cruz			

PAIRED

Mr. Cates (present), who would vote Yea, with Mr. Tom Moore (absent), who would vote Nay.

Mr. Wyatt (present), who would vote Yea, with Mr. Joe Allen (absent), who would vote Nay.

Mr. Niland (present), who would vote Yea, with Mr. Gammage (absent), who would vote Nay.

Mr. Poff (present), who would vote Nay, with Mr. Cobb (absent), who would vote Yea.

COMMITTEE MEETING

Mr. Grant Jones asked unanimous consent of the House that the Committee on Urban Affairs be permitted to meet at this time.

There was no objection offered.

SJR 33 ON THIRD READING
(Mr. Aubry Moore—House Sponsor)

The Speaker laid before the House on its third reading and final passage, SJR 33, Creating public industrial development corporation.

The resolution was read third time and failed to pass by the following vote:

Yeas—96

Adams	Atwell	Beckham	Braecklein
Agnich	Atwood	Blanton	Burgess
Allen, John	Baker	Blythe	Bynum
Angly	Bass, B.	Boyle	Calhoun

Carrillo	Hawn	Murray	Sherman
Cates	Heatly	Nabers	Short
Christian	Hendricks	Neugent, D.	Silber
Clayton	Hilliard	Newton	Slider
Coats	Holmes, T.	Niland	Smith
Cole	Howard	Ogg	Solomon
Craddick	Hubenak	Orr	Spurlock
Cruz	Johnson	Patterson	Stewart
Daniel	Jones, D.	Pickens	Swanson
Davis, D.	Jones, G.	Poerner	Tarbox
Davis, H.	Jungmichel	Poff	Traeger
Finck	Kaster	Presnal	Tupper
Finnell	Kost	Price	Uher
Foreman	Lemmon	Rosson	Von Dohlen
Garcia	Lewis	Salter	Ward
Golman	McAlister	Sanchez	Wayne
Grant	McKissack	Santiesteban	Wieting
Hanna, Joe	Moncrief	Schulle	Williamson
Hannah, John	Moore, A.	Semos	Wolf
Hawkins	Moore, G.	Shannon	Wyatt

Nays—45

Allen, Joe	Earthman	Jones, E.	Parker, W.
Allred	Farenthold	Kilpatrick	Reed
Bass, T.	Finney	Kubiak	Rodriguez
Bigham	Graves	Lee	Salem
Bowers	Hale	Lovell	Simmons
Braun	Harding	Mengden	Stroud
Caldwell	Harris	Moore, T.	Truan
Cavness	Haynes	Moreno	Vale
Clark	Head	Nelms	Williams
Denton	Holmes, Z.	Nichols	
Doyle	Hull	Nugent, J.	
Dramberger	Ingram	Parker, C.	

Absent

Cobb	Floyd	Ligarde	Longoria
Doran	Gammage	Lombardino	Slack

MESSAGE FROM THE SENATE

Austin, Texas, May 26, 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 199, By Swanson, Ogg, et al: Relating to the establishment, organization and control of the University of Houston at Clear Lake City; and declaring an emergency. (with amendments)

HB 992, By Nichols: Relating to the employer's liability and workmen's compensation laws of this state; and declaring an emergency.

HB 1016, By Baker: Relating to the state mental hospital to which defendants shall be committed; and declaring an emergency.

HB 1207, By Doran: Relating to the abolition of the office of county auditor in certain counties; and declaring an emergency.

HJR 41, By Niland: To require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis beginning January 1, 1973.

HJR 82, By Clayton: Increasing to six percent per annum all specified maximum interest rates on bonds issued pursuant to constitutional authority. (with amendments)

HB 909, By Semos, et al: Relating to discriminatory action by state or local government officers or employees; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 156 WITH SENATE AMENDMENTS

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

HB 156, A bill to be entitled An Act relating to the regulation of cosmetologists and hairdressers; creating the Texas Cosmetology Commission; providing definitions, license qualifications, license fees, rules and regulations, procedures for licensing and renewal, and penalties; repealing Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code); and declaring an emergency.

On motion of Mr. Golman, the House concurred in the Senate Amendments to HB 156.

Mr. Golman moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 156 and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Truan and Nabers requested to be recorded as voting Nay on the motion to concur in the Senate Amendments to HB 156.

HB 156—TEXT OF SENATE AMENDMENTS

Amend Committee Amendment No. 1 by striking out the sentence referring to the Commissioner of Education as a member.

Amend HB 156 by striking subsection (a) of Section 2 and substituting the following:

"(a) The Texas Cosmetology Commission is created. The commission shall be composed of one member holding a valid beauty shop license who has no direct or indirect affiliation with or interest, financial, or otherwise, in a private beauty culture school; one member holding a valid private beauty culture school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a beauty shop; one member holding a valid operator license; one member holding a valid wig specialist, wig instructor, wig salon, or wig school license who has no direct or indirect affiliation with or interest, financial or otherwise, in a private beauty culture school or beauty shop; and two members of the general public who are not licensees under this Act and who have no direct or indirect affiliation with or interest, financial or otherwise, in any facet of the beauty industry. The Commissioner of Education of the Texas Education Agency or his authorized representative shall as part of his duties serve as an ex officio member of the commission with voting privileges. Members shall be appointed without consideration of race, color, religion, sex, or national origin."

Committee Amendment No. 2

Amend HB 156 as follows:

(1) Strike "executive director" and insert "commission" in Subsection (a) of Section 7, Subsection (a) of Section 8, and Subsection (a) of Section 9; and

(2) Renumber Sections 52 and 53 appropriately and insert a new Section 52 to read as follows:

"Sec. 52. The Texas Cosmetology Commission shall appoint one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of licensing, one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of inspection, and one member of the State Board of Hairdressers and Cosmetologists as of January 1, 1971, to serve as director of examination. These persons shall serve as directors until the expiration date of the terms for which they were appointed to the State Board of Hairdressers and Cosmetologists. Thereafter they may serve as directors at the pleasure of the commission."

Committee Amendment No. 3

Amend HB 156 by inserting in Sec. 4(a), after the last word (Act.) the following:

Notwithstanding any other provision of this Act, the Board shall not have any power or authority to amend or enlarge upon any provision of this Act by rule or regulation or by rule or regulation to change the meaning in any manner whatsoever of any provision of this Act, or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this Act or to make any rule or regulation which is unreasonable, arbitrary, capricious, illegal or unnecessary."

Committee Amendment No. 4

Amend HB 156 as follows:

(1) Strike "and oral" in the second sentence of Subsection (d) of Section 4;

(2) Add a new sentence to Subdivision (a) of Section 15 to read as follows:

"The 150 hours instruction in the care and treatment of wigs and artificial hair pieces may be included within the hours of instruction required for an operator license in Subsection (b) of this section."

(3) Strike "in each" in subdivision (2), Subsection (b), Section 22;

(4) Strike Section 33 and substitute the following:

"Sec. 33. Right of Access. The commission, an inspector, or any duly authorized representatives of the commission may enter the premises of any licensee at any time during normal business hours and in such manner as not to interfere with the conduct or operation of the business or school determine whether or not the license is in compliance with the provisions of this Act and the rules and regulations of the commission."

(5) Add a new sentence to Subsection (a) of Section 48 to read as follows:

"Any person holding an operator license issued by the State Board of Hairdressers and Cosmetologists on the effective date of this Act may perform for compensation any practice of cosmetology defined in subdivision (3) of Section 1 of this Act."

Committee Amendment No. 5

Amend HB 156 by striking "17" and substituting "16" and striking "ninth" and substituting "seventh" in Subsection (b) of Section 13, Subsection (b) of Section 14, and Subsection (b) of Section 15.

Amend caption to conform to body of bill.

SJR 29 ON SECOND READING (Mr. Presnal—House Sponsor)

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

SJR 29, Proposing an Amendment to Article XVI, Sections 33 and 40, Constitution of the State of Texas, to prohibit the payment of any state funds to any person who shall hold more than one civil office of emolument, and providing for exemption of certain offices from the ban of dual office holding, and permitting state employees, who are not state officers, to serve as members of the governing body of school districts, cities, or towns, without forfeiting their salary for their state employment.

The resolution was read second time.

Mr. Moncrief offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend SJR 29 by striking all below the resolving clause and substituting the following:

Section 1. That Article XVI, Section 33, Constitution of the State of Texas, be amended to read as follows:

"Section 33. The accounting officers in this state shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40."

Sec. 2. That Article XVI, Section 40, Constitution of the State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of the Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the state soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this state or the United States, or from voting at any election, general, special or primary in this state when otherwise qualified. State employees, who are not state officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. It is further provided that a nonelective state officer may hold other nonelective offices under the state or the United States, if the other office is of benefit to the State of Texas or is required by the state or federal law, and there is no conflict with the original office for which he receives salary or compensation. No Member of the Legislature of this state may hold any other office or position of profit under this state, or the United States."

Sec. 3. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The Constitutional Amendment permitting state employees, who are not state officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, without forfeit-

ing their state salary, and specifying exceptions to the Constitutional prohibition against payment of state funds for compensation to any person who holds more than one civil office of emolument.”

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

Amend Committee Amendment No. 1 to SJR 29 by striking the comma and inserting the following words after the word employees on line 60 of the said Committee Amendment No. 1:

or other individuals who receive all or part of their compensation, either directly or indirectly, from funds of the State of Texas and

The amendment was adopted without objection.

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

Amend Committee Amendment Number 1 to SJR 29 by changing the period after the word “districts” on line 3, page 2 into a semicolon and adding the following:

“provided, however, that such state employees or other individuals shall receive no salary for serving as members of such governing bodies.”

The amendment was adopted.

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

Amend Committee Amendment No. 1 to SJR 29 by striking the period and adding to the last sentence of Sec. 2. the following: “except as a notary public is qualified by law.”

The amendment was adopted without objection.

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

(Mr. Shannon in the Chair)

SJR 29, as amended, was passed by the following vote:

Yeas—141

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

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

Nays—3

Doyle Pickens Rodriguez

Absent

Cobb Longoria Moore, T. Sherman
Doran

Mr. Presnal moved to reconsider the vote by which SJR 29 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Presnal, and by unanimous consent, the caption of SJR 29 was ordered amended to conform with the body of the bill.

SB 56 ON THIRD READING
(Mr. Murray—House Sponsor)

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

SB 56, Providing for tuition equalization grants for students attending private colleges and universities.

The bill was read third time.

Mr. Uher offered the following amendment to the bill:

Amend SB 56, third reading, Second Printing, by adding the following new section:

"All recipients receiving tuition equalization grants shall file with the Coordinating Board, Texas College and University System, a financial statement listing all assets and income of the recipient."

The amendment failed of adoption.

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.

SB 56—(Consideration continued)

Mr. Uher offered the following amendment to the bill:

Amend SB 56 on Second Printing, third reading by adding a new section to read, as follows:

Any tuition equalization grant made under the terms of this Act shall be repayable as follows:

(1) If repaid within five years after the recipient terminates his or her relationship with such approved private college or university, said recipient shall repay to the State of Texas one third ($\frac{1}{3}$) of the total grant received by him or her.

(2) If repaid within ten years after the recipient terminates his or her relationship with such approved private college or university, said recipient shall repay to the State of Texas one-half ($\frac{1}{2}$) of the total grant received by him or her.

(3) If repaid within fifteen years after the recipient terminates his or her relationship with such approved private college or university, said recipient shall repay to the State of Texas two-thirds ($\frac{2}{3}$) of the total grant received by him or her.

(4) If repaid by the recipient after more than fifteen years (15) after his or her termination with such approved private college or university, such recipient shall repay to the State of Texas the entire amount of money received by him or her under said tuition equalization grant.

For the purpose of this Act, termination of the recipients' relationship with any approved private college or university shall mean upon the completion of a course of study resulting in the award of a degree and/or upon cessation of a full course of study of twelve hours or more, or its equivalent, during any semester of academic enrollment, except when such recipient is working on his or her graduate thesis whether at the Master's or Doctorate level.

(Speaker in the Chair)

Mr. Cobb offered the following amendment to the Uher amendment:

Amend the Uher amendment to SB 56, Second Printing, third reading, by adding the following:

"Provided, further, to maximize utilization of existing educational resources and facilities within this state, both public and private, and to encourage timely repayment of such tuition equalization grants as set out in this Act, the state adopts the following policy:

(a) The recipient of any tuition equalization grant may pay an amount out of such repayment to the institution that he attended as follows:

- (1) If repaid within five (5) years, an amount not to exceed 50%.
- (2) If repaid within ten (10) years, an amount not to exceed 25%.
- (3) If repaid within fifteen (15) years, an amount not to exceed 12½%.
- (4) If repaid after fifteen years, an amount not to exceed 5%.

The amendment was adopted.

The Uher amendment, as amended, failed of adoption by the following vote:

Yeas—51

Agnich	Cole	Kubiak	Presnal
Allen, John	Davis, H.	Lee	Rodriguez
Atwood	Doyle	Lemmon	Salter
Baker	Finnell	Lewis	Short
Blythe	Finney	Lovell	Slack
Bowers	Hanna, Joe	Newton	Slider
Burgess	Hannah, John	Nugent, J.	Swanson
Cates	Head	Orr	Truan
Cavness	Holmes, T.	Parker, C.	Tupper
Christian	Howard	Parker, W.	Uher
Clayton	Jones, E.	Pickens	Ward
Coats	Jungmichel	Poerner	Williamson
Cobb	Kaster	Poff	

Nays—89

Adams	Davis, D.	Haynes	Moore, A.
Allen, Joe	Denton	Heatly	Moore, G.
Allred	Dramberger	Hendricks	Moore, T.
Angly	Earthman	Hilliard	Moreno
Atwell	Farenthold	Holmes, Z.	Murray
Beckham	Finck	Hubenak	Nabers
Bigham	Floyd	Hull	Nelms
Blanton	Foreman	Ingram	Neugent, D.
Boyle	Gammage	Johnson	Nichols
Braecklein	Garcia	Jones, G.	Niland
Braun	Golman	Kilpatrick	Ogg
Bynum	Grant	Kost	Patterson
Caldwell	Graves	Ligarde	Price
Calhoun	Hale	Lombardino	Reed
Carrillo	Harding	McAlister	Rosson
Clark	Harris	McKissack	Salem
Craddick	Hawkins	Mengden	Santiesteban
Daniel	Hawn	Moncrief	Schulle

Semos	Solomon	Tarbox	Wayne
Shannon	Spurlock	Traeger	Williams
Sherman	Stewart	Vale	Wolff
Silber	Stroud	Von Dohlen	Wyatt
Simmons			

Present—Not Voting**Bass, T.****Absent**

Bass, B.	Doran	Longoria	Smith
Cruz	Jones, D.	Sanchez	Wieting

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 172, Prohibiting the manufacture, distribution, sale, etc., of any merchandise or product made from any animal listed on the United States Lists of Endangered Fish and Wildlife; to protect species of fish and wildlife threatened with extinction.

SB 718, Relating to the disposition or sale of alcoholic beverages by insurers or insurance salvors in the salvage or liquidation of certain insured damages or losses.

SB 915, Making it a felony to transport more than a certain amount of copper pipe, etc., in certain cases.

SB 951, Permitting certain school age children to attend school in adjacent school districts free of tuition.

SCR 102, Fixing the policy that the state shall carry its own insurance on The University of Texas System buildings and contents except insurance policies on revenue producing buildings.

SCR 104, Granting George Schaefer permission to sue the state.

SCR 105, Granting Gordon Carlson permission to sue the state.

SCR 106, Granting William J. Moltz, Jr., permission to sue the state.

SCR 107, Granting Fred E. Geiger permission to sue the state.

SCR 109, Granting Howard C. Anderson permission to sue the state.

SCR 110, Granting Ivan Stout permission to sue the state.

MESSAGE FROM THE SENATE

Austin, Texas, May 26, 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 948, by 30 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on HB 750.

The following have been appointed on the part of the Senate: Senators Watson, Moore, Beckworth, Bates, and Harrington.

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

SB 855, By Hall: Relating to false information concerning the presence of a bomb; and declaring an emergency.

SCR 122, By Watson: Memorializing the Congress of the United States to exercise its power to amend the 1970 Farm Act.

SCR 51, By Hall: Resolving that L. L. Haney and wife, Betty Jo Haney, may sue the state.

Respectfully,
 CHARLES A. SCHNABEL
 Secretary of the Senate

SB 56—(Consideration continued)

Mr. John Hannah offered the following amendment to the bill:

Amend Second House Printing to SB 56 by adding a new Section 7 and renumbering the present Section 7 as Section 8.

“Sec. 7. Any student receiving aid under this Act shall not be required to attend any compulsory chapel or religious training offered by the educational institution he is attending under this Act.”

A record vote was requested.

The amendment failed of adoption by the following vote:

Yeas—61

Agnich	Daniel	Lemmon	Slack
Allen, John	Davis, H.	Lewis	Slider
Angly	Doyle	Lovell	Smith
Atwood	Earthman	Mengden	Stewart
Baker	Finnell	Moreno	Swanson
Bass, B.	Floyd	Newton	Truan
Bigham	Graves	Nichols	Tupper
Braun	Hanna, Joe	Orr	Uher
Bynum	Hannah, John	Parker, C.	Wieting
Calhoun	Head	Pickens	Williams
Cates	Holmes, T.	Poerner	Williamson
Cavness	Jones, E.	Poff	Wolff
Christian	Jungmichel	Reed	Wyatt
Clayton	Kaster	Rodriguez	
Coats	Kubiak	Salter	
Cobb	Lee	Short	

Nays—78

Adams	Garcia	Kost	Salem
Allred	Golman	Ligarde	Sanchez
Beckham	Grant	Lombardino	Santiesteban
Blanton	Hale	McAlister	Schulle
Bowers	Harding	McKissack	Semos
Boyle	Harris	Moncrief	Shannon
Braecklein	Hawkins	Moore, A.	Sherman
Burgess	Hawn	Moore, G.	Silber
Caldwell	Haynes	Moore, T.	Simmons
Carrillo	Heatly	Murray	Solomon
Clark	Hendricks	Nabers	Spurlock
Cole	Hilliard	Nelms	Stroud
Craddick	Holmes, Z.	Neugent, D.	Tarbox
Davis, D.	Howard	Niland	Traeger
Denton	Hull	Nugent, J.	Vale
Dramberger	Ingram	Ogg	Von Dohlen
Farenthold	Johnson	Patterson	Ward
Finck	Jones, D.	Presnal	Wayne
Foreman	Jones, G.	Price	
Gammage	Kilpatrick	Rosson	

Present—Not Voting

Bass, T.

Absent

Allen, Joe	Cruz	Finney	Longoria
Atwell	Doran	Hubenak	Parker, W.
Blythe			

Mr. Williamson offered the following amendment to the bill:

Amend SB 56, second printing, on Third Reading, by striking on line 31, page 1 "the Coordinating Board, Texas College and University System"; and by striking on line 33, page 1 after the word private "Texas college and university" and by inserting in lieu thereof the following "academic educational facility"; and by adding the following new sections:

Section 1. Findings and Purpose. The Legislature hereby finds that a substantial number of children in this state are attending nonpublic-nonprofit schools where they are receiving instruction in secular courses comparable in quality to the instruction received in public schools; that the requirements of the compulsory school attendance laws are fulfilled through such nonpublic-nonprofit schools; that education of children in secular subjects serves a public welfare purpose whether it takes place in a public school or a nonpublic-nonprofit school; that nonpublic-nonprofit schools and qualified teachers employed by such schools who teach secular subjects are performing a valuable secular service that is clearly in the public interest; that the state has a legitimate interest in the secular aspects of the education received by all children in this state; that the operation of nonpublic-nonprofit schools in this state results in substantial financial savings to the people of Texas in view of the added operational, building and equipment costs that would have to be assumed by the public if these schools should cease to exist, and implements a recognized common con-

cern of the people of Texas, to wit, the education of the children of Texas; that the state's interest in the education of children is subject to a prior right on the part of parents to choose a school other than a public school for their children's education if such other school meets the state's minimum standards for secular instruction; that such parents should not be deprived of access to educational opportunities because of the ever increasing cost thereof and thus be effectively denied meaningful options and freedom of choice in education; and that the state has the right and freedom, in the discharge of its responsibilities, to enter into contracts for the purchase of services with persons or institutions, whether public or nonpublic, sectarian or nonsectarian. It is, therefore, declared to be the policy of this state to contract for the teaching of secular subjects in nonpublic-nonprofit elementary and secondary schools in a manner conducive to insuring a high quality of education in said secular subjects for children of this state whose parents have exercised the option of sending them to such nonpublic-nonprofit schools.

Section 2. Short Title. This Act may be cited as the Nonpublic School Education Act of 1971.

Section 3. Definitions. In this Act, unless the context requires a different definition:

(a) "Secular course" means any course or subject of study required or approved for inclusion in the curriculum of the public schools of this state, and no other course or subject of study.

(b) "Classroom teacher" means any teacher engaged in actual instruction of pupils in secular courses in regularly organized and scheduled classes.

(c) "Nonpublic school" means any high school, junior high school or elementary school in this state which

(1) is operated neither for profit nor with a view to profit by a non-profit corporation chartered under the laws of this state, or by a church, synagogue, lodge, or other purely religious, charitable or fraternal organization that is exempt from taxation under the Constitution and laws of this state;

(2) no part of the income of which is used for any purpose other than to defray costs directly attributable to its instructional program and administrative costs, and the cost of acquiring and maintaining the buildings, grounds and equipment used by the school;

(3) has and adheres to an enrollment policy which does not exclude any students because of race, religion or national origin who meets its academic and other reasonable admission requirements, and annually files a certificate of compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88, 352), as amended, and whose secular course curriculum and administrative rules and regulations in no way interfere with any Constitutionally protected rights of students and/or teachers; and

(4) is accredited by the Central Education Agency or is otherwise approved by the Central Education Agency under the provisions of this Act.

(d) "Central Education Agency" means that agency established by Sec. 11.01, Texas Education Code.

(e) "Full time service" means the rendering of instructional services in secular courses, or services directly related to such instruction, during the total number of hours that are prescribed by law to constitute a school day in the public schools of this state and for the total number of school days prescribed by law to constitute a school month.

Section 4. Establishment and Funding of Program. (a) There is hereby established a program to aid and enhance instruction in secular courses taught by nonpublic schools in this state that are required by law or approved by the Commissioner of Education for inclusion in the curriculum of public schools.

(b) Each public school district within the boundaries of which there is located one or more nonpublic schools certified as such by the Central Education Agency as provided in this Act, shall receive annually from the Foundation School Fund created by SB 117, Chapter 335, Acts of the 51st Legislature, Regular Session, 1949, as amended, (codified as Art. 7083a (4-a) Texas Civil Statutes) funds sufficient in amount to carry out the provisions of this Act, which funds shall be in addition to all other state funds the district is entitled to receive under the laws of this state, and same shall be allocated without regard to the amount of local funds charged to the school district under the provisions of the Foundation School Program Act. Funds received by a school district hereunder shall be used by the district for the purposes herein authorized and directed, and for no other purpose.

(c) The Foundation School Fund Budget Committee created by Acts of 1949, 51st Legislature, Regular Session, page 647, Chapter 335, paragraph 1, as amended, (codified as Article 7083a (4-a) Texas Civil Statutes) shall in addition to its other duties, determine and certify to the State Comptroller of Public Accounts the calculated amount to be placed in the Foundation School Fund for the ensuing biennium for the purpose of financing the program defined in this Act. Such determination and certification shall take place at the same time said committee determines and certifies the amount to be placed in the Foundation School Fund for the purposes of financing the foundation school program for the public schools, as defined in the Foundation School Program Act, except that for the biennium beginning September 1, 1971, such committee shall make such certification to the State Comptroller within 30 days after the effective date of this Act. The amount so determined and certified to be placed in the Foundation School Fund for the purpose of financing the program defined in this Act shall be in addition to the amount determined and certified by said committee for financing the foundation school program for the public schools under existing law and shall have the same priority. As in the case of the estimate of the amount of funds required for the Foundation School Fund to finance the foundation school program for the public schools, the committee is authorized to modify from time to time the estimate of funds required to finance the program defined in this Act, and the State Comptroller shall take any revised estimate into account, along with revised estimates of the funds required to finance the foundation school program, if any, in determining whether to increase, diminish or suspend the further payment or payments from the Clearance Fund to the Foundation School Fund, provided that by the close of each fiscal year there shall have been paid from the Clearance Fund to the Foundation School Fund, in addition to all amounts needed to pay all approved grants in full under the public school foundation school program, an amount suf-

ficient to pay all approved grants to public school districts for the purpose of carrying out the program defined in this Act. Warrants for all money expended from the Foundation School Fund for the purpose of carrying out the provisions of this Act shall be approved by the State Commissioner of Education and shall be transmitted by him to the treasurers or depositories of all public school districts entitled to receive grants pursuant to this Act, in the same manner as warrants for the foundation school program are transmitted. It is especially provided, and declared to be the intent of this Legislature, that under no circumstances whatever shall any amount of money ever be paid or transferred out of the Available School Fund or the Permanent School Fund for the purpose of financing, in whole or in part, the program established and defined in this Act, it being recognized that said funds are dedicated by the Constitution of Texas exclusively to the support of public schools, nor shall any tax revenue which is dedicated to the public schools by the Constitution of this state ever be used for the purpose of financing the program hereby established and defined.

Section 5. Salaries for Teachers. School districts receiving funds under the terms of this Act are hereby directed to use same for the payment of salaries to classroom teachers employed by nonpublic schools located within such districts who qualify therefor as herein provided. Salaries shall be paid direct to said teachers under the terms of individual educational service contracts entered into between the school district and said teachers, which contracts shall be in such form and contain such provisions not inconsistent with this Act as shall be determined by the Central Education Agency. Services performed under such contracts shall be performed within a single school year and payment therefor shall be at such time and in such amounts as will constitute reimbursement only for services rendered prior to payment.

Section 6. Eligibility of Teachers. To be eligible for a salary under this Act a teacher must (a) be currently employed by a nonpublic school which holds a certificate as such under the provisions of this Act and which is located in the school district to which application for a salary is made; (b) teach one or more secular courses in said nonpublic school; (c) on or before September 1, 1973, hold a valid Texas certificate for teaching in the public schools or hold a bachelor's or higher degree conferred by a college or university approved by the State Commissioner of Education; (d) make a written application for such salary under oath, on a form prescribed by the State Board of Education, to the public school district within which the nonpublic school is located, setting forth such information as shall be required by the State Board of Education; (e) enter into an educational service contract with the public school district on a form prescribed by the State Board of Education; and (f) not be subject to any of the disqualifications enumerated in Section 7 of this Act. Provided, however, that any teacher who was employed by a nonpublic school as a full time teacher of secular subjects during the 1970-71 school year shall not be required to hold a teacher's certificate in order to qualify for a salary hereunder.

Section 7. Certain Teachers Disqualified. No person shall receive a salary under this Act (a) who devotes less than fifty percent (50%) of full time service to the teaching of secular courses required or authorized to be taught in the public schools; (b) who is an ordained minister, priest or rabbi; or (c) who is a member of any religious order or religious society which requires a vow of poverty of its members.

Section 8. Amount of Salary. (a) The amount to be paid as salary to each teacher qualifying therefor shall be determined by the percentage of full time service which the teacher devotes to the teaching of secular courses. A teacher who devotes full time service to teaching secular courses shall be entitled to receive a salary equal to three-fourths ($\frac{3}{4}$) of the minimum monthly base salary and three-fourths ($\frac{3}{4}$) of the increments which such teacher would be entitled to receive under the state's minimum salary schedule when in effect if employed full time as a classroom teacher by a public school district of this state that is participating in the Foundation School Fund, and such amount is hereby designated as a "full time salary." A teacher who devotes less than full time service to the teaching of secular courses shall be entitled to receive that percentage of the "full time salary" which corresponds to the percentage of full time service devoted to teaching secular courses.

(b) No person shall receive compensation under the provisions of this Act for any portion of a regular school day devoted to the teaching of any course or subject of study other than as defined in Sec. 3 (a) of this Act. Each nonpublic school employing a teacher or teachers who receive compensation under this Act in an amount less than a "full time salary" because such teacher or teachers devote part of the school day to any noncompensable activity described in this subsection, shall furnish to the local public school district and to the State Commissioner of Education a schedule showing the exact period or periods of time during the school day when each such teacher will be engaged in such noncompensable activity. A copy of the schedule shall also be posted at all times in a prominent place in such nonpublic school.

(c) Salary payments shall be reduced proportionately on account of all teacher absences in excess of the allowable number of days of sick leave for the current year, and in the case of teachers who have died, resigned, or been discharged by the nonpublic school during the preceding month the salary payment shall be prorated according to the number of days of compensable secular services rendered during the month prior to date of death or prior to the effective date of any such resignations or discharges.

Section 9. Sick Leave. Each teacher entering into an educational service contract under the provisions of this Act shall be entitled to five days per year sick leave without reduction in the amount of salary received. Sick leave shall be allowed only for illness of the teacher or because of a death in his or her immediate family.

Section 10. Monthly Reports by Nonpublic Schools. (a) The principal, headmaster, director, or chief administrative officer of each nonpublic school employing a teacher or teachers who have entered into educational service contracts for salaries under this Act shall submit to the local public school district, on or before the fifth day of the month following each month of the school year, beginning with the month of October, a report showing the number of days each such teacher has been absent during the preceding month, the number of days of absence chargeable to sick leave, the cumulative total number of days of sick leave taken during the current school year, the name of any teacher or teachers who have died, resigned or been discharged by the nonpublic school during the preceding month, the date of any such deaths and the effective date of any such resignations or discharges, and such other information as may be required by the rules

and regulations adopted by the Central Education Agency pursuant to this Act.

Section 11. Limitation on Number of Teachers Receiving Salaries. The number of teachers receiving full time salaries under this Act in any nonpublic school shall not exceed one twenty-fifth (1/25) of the number of students in average daily attendance at such school during the preceding school year. When teachers are employed for less than full time service in any nonpublic school the number of full time equivalents shall not exceed one twenty-fifth (1/25) of the number of students in average daily attendance during the preceding school year.

Section 12. Evaluation of Nonpublic School Program. The Central Education Agency shall periodically review courses of study, programs of student and teacher evaluation and pupil achievement tests utilized in certified nonpublic schools in the same manner as in the public schools. Each certified nonpublic school shall establish a satisfactory program of evaluation that measures pupil achievement in secular courses taught by teachers who are receiving salaries under this Act.

Section 13. Compensation for School Districts. For the purpose of administering this Act on the district level, each public school district shall be compensated in an amount equal to three percent (3%) of the total amount contracted to be paid by the district as salaries under the provisions of this Act which amount shall be included in the allocation of funds made to the district for the purpose of carrying out the provisions of this Act. No part of the Available School Fund shall be used for, or allocated to, the cost of administration of this Act.

Section 14. Accreditation Not Required in Certain Cases. (a) To qualify for certification as a nonpublic school under this Act an elementary school need not be currently accredited by the Central Education Agency if it has been in operation during the whole of the two (2) school years immediately preceding its application for certification, and carried out an instructional program which, while having deficiencies currently preventing accreditation, is nevertheless found to be provisionally acceptable to the Central Education Agency and assurances are given which satisfy the Central Education Agency that all deficiencies currently preventing accreditation will be removed within a period of time specified by the Central Education Agency, which period of time shall not exceed five (5) years.

(b) Provided, further, that to qualify for certification as a nonpublic school under this Act an elementary school need not be accredited by the Central Education Agency if it has been in operation during the whole of the two school years immediately preceding its application for certification, teaches at least three grades, including kindergarten as contemplated by Subchapter E, Chapter 21, Texas Education Code, and fails to qualify for accreditation by the Central Education Agency solely and only because it does not teach all the grades required for accreditation of an elementary school.

Section 15. Certification of Nonpublic Schools. Each school in this state desiring to qualify as a nonpublic school under the provisions of this Act shall submit to the Central Education Agency, on forms furnished by the Central Education Agency, an application requesting certification as such. If satisfied that an applicant school is qualified as a nonpublic school

under this Act, the Central Education Agency through the Commissioner of Education shall issue to such school a certificate to that effect.

Section 16. List of Nonpublic Schools Furnished to School Districts. The Central Education Agency, through the Commissioner of Education, shall annually compile and furnish to each public school district in this state a list showing the names and addresses of all nonpublic schools located within the district which are certified as such by the Central Education Agency, together with the name of the principal, superintendent, headmaster, director or other officer of each such school who is currently responsible for the employment of its teachers. This list shall be furnished at least thirty days in advance of the beginning of each school year, except that for the 1971-72 school year it shall be furnished at the earliest feasible date following the effective date of this Act.

Section 17. Revocation of Certificate of Nonpublic School. Once a school has been certified as a nonpublic school it shall retain that status unless and until its certificate is revoked or cancelled by the State Commissioner of Education upon a finding that the school no longer meets the requirements for certification set forth in this Act, or upon a finding that any person or persons responsible for the operation or administration of the school have either (a) failed to furnish requisite information to the Central Education Agency upon which to determine whether it is entitled to continued certification, or failed or refused to furnish any information required by the rules and regulations adopted by the Central Education Agency pursuant to this Act; (b) misrepresented a material fact or facts bearing upon the qualifications of the school in order to secure its certification under this Act; (c) directed, demanded, condoned, allowed or permitted a teacher who is receiving a salary under the provisions of this Act to engage in any activity during the course of a school day contrary to the provisions of this Act, the rules or regulations adopted in pursuance hereof, or the educational service contract under which such salary is paid; (d) refused to permit the Central Education Agency, or its representatives, to enter into or upon the premises of such school for the purposes and at the time provided in Section 20; (e) or otherwise violated any provision of this Act.

Section 18. Appeals.

(a) If any teacher applying for or receiving compensation under this Act, or any owner or operator of a nonpublic school, is dissatisfied with any decision of the public school district in relation to the receipt or disbursement of funds under the terms of this Act, or any other action taken by said public school district with regard to said teacher, owner or operator of a nonpublic school, an appeal may be taken in the same manner as provided in Sec. 11.13, Texas Education Code.

(b) If any teacher applying for or receiving compensation under this Act, or any owner or operator of a nonpublic school, is dissatisfied with any decision of the State Commissioner of Education regarding the administration of the Act, an appeal may be taken in the same manner as provided in Sec. 11.13 (b and c), Texas Education Code.

(c) If any teacher applying for or receiving compensation under this Act, or any owner or operator of a nonpublic school, is dissatisfied with any decision of the Central Education Agency regarding the administration of

this Act, an appeal may be taken in the same manner as provided in Sec. 11.13 (c), Texas Education Code.

Section 19. Standards of Accreditation For Nonpublic Schools. In determining whether a nonpublic school is to be accredited, or is to retain its accreditation, the Central Education Agency is authorized to disregard certain standards, applied to a public school for purposes of accreditation which, in its judgment, are not applicable to a nonpublic school because of inherent differences in the nature, administration, governance, or financing of nonpublic schools, or the Central Education Agency may develop or approve separate standards for the accreditation of nonpublic schools which take such inherent differences into account. However, accreditation standards relating directly to instructional program shall be equivalent for all schools.

Section 20. Rules and Regulations by State Board of Education, Reports, Inspections, Etc. The Central Education Agency is hereby authorized and directed to make such reasonable rules and regulations, carry out such inspections and make such investigations regarding the secular instructional programs of nonpublic schools, including audits of pupil attendance records, and require such information and reports of nonpublic schools, as it may deem necessary for the proper administration of this Act in accordance with the purpose and intent thereof. Every nonpublic school, in applying to the Central Education Agency for certification as such, shall be deemed to have thereby granted to the Central Education Agency, its authorized agents and representatives, permission to enter into and upon the premises of such school at any time, during any regular school day, for the purpose of making inspections, auditing pupil attendance records, and determining compliance with the provisions of this Act on the part of such school and teachers employed by such school who are receiving a salary under the provisions of this Act.

Section 21. Liability for Violation of Certain Provisions. (a) Any nonpublic school certified as such under this Act which thereafter loses its certification upon a finding that those responsible for its operation or administration have violated one or more of the provisions of Section 17 of this Act, shall not thereafter be certified for a period of one full school year after the date of such finding, and then only after giving assurances satisfactory to the Central Education Agency that such violation or violations will not occur in the future.

(b) Upon a finding that the owner or operator of a certified nonpublic school, or any of its duly authorized officers, administrators, agents, or representatives, has required, directed, demanded, requested or otherwise attempted to prevail upon a teacher compensated under this Act to perform any service for or on behalf of such school, its owner or operator, during any part of a school day for which such teacher is compensated under this Act, other than or in addition to the specific instructional services described in the educational service contract between such teacher and the public school district, or required, directed, demanded, requested or otherwise attempted to prevail upon such teacher to do anything whatever contrary to the provisions of this Act, the Commissioner of Education shall cancel the certification of such school and the school shall not thereafter be certified for a period of from one to three full school years after such finding, as determined by the Commissioner of Education, and then only upon the Commissioner of Education being fully satisfied that such conduct will not recur in the future.

(c) Upon a finding that any teacher who is compensated under this Act, during any part of a school day for which such compensation is paid or payable under the terms of the educational service contract between such teacher and the public school district, performs or renders any service for any person, firm, corporation, organization, or association, other than the specific instructional services contracted to be performed in and for the nonpublic school specified in said contract, the Commissioner of Education shall cancel the educational service contract of such teacher and withhold the transmittal of funds to the applicable public school district on account of such contract. In all such cases the appropriate public school district shall be notified of the cancellation of such contract and shall not thereafter make any payments thereunder to such teacher. The cancellation of such contract and the withholding of future payments to such teacher thereunder shall not constitute a waiver on the part of the State of Texas of its right to maintain a cause of action for breach of contract against such teacher, or a waiver of any remedy, in law or in equity, which it could otherwise pursue for the recovery of any funds theretofore paid to such teacher under the terms of such contract or the provisions of this Act, and in relation to which the specific services contemplated by said contract and this Act were not rendered or performed by such teacher, in whole or in part.

Section 22. Teacher Retirement System and Other Benefits Not Applicable. Nothing in this Act shall be construed as entitling teachers in nonpublic schools who enter into educational service contracts and receive salaries under the terms hereof to participate in the Teacher Retirement System of Texas, the Employee's Retirement System of Texas, or to enjoy any other benefits of a public employee not specifically provided for by this Act.

Section 23. Severability. Aware of the provisions of the Constitution of the State of Texas and the Constitution of the United States of America, and being desirous to hold to the great objectives envisioned by those two instruments, the Legislature of the State of Texas hereby declares that if any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect or affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act, both by section, sentence, clause and word, are declared to be severable; it being the Legislature's intention and desire to fulfill a great public need and purpose as set down in Section 1 of this Act within the objectives sought by our forefathers and enunciated in the Constitution of the State of Texas and the Constitution of the United States of America.

Section 24. Emergency. The importance of this legislation in relation to the education of Texas children and the preservation of viable options for Texas parents with respect to the education received by their children, the serious financial problems confronting nonpublic education, 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 suspended, and this Act shall take immediate effect from and after its passage.

Mr. Grant Jones raised a point of order against further consideration of the amendment on the grounds that it is not germane to the bill.

The Speaker sustained the point of order stating:

The bill addresses itself to tuition equalization grants for persons enrolled in colleges and universities.

The amendment addresses itself to aid to elementary and secondary schools.

The point of order is obviously well taken and sustained.

(Mr. Clayton occupied the Chair temporarily)

(Speaker in the Chair)

SB 56 was passed by the following vote:

Yeas—92

Adams	Earthman	Jones, G.	Salem
Allen, Joe	Farenthold	Kilpatrick	Sanchez
Allred	Finck	Kost	Santiesteban
Angly	Floyd	Lewis	Schulle
Atwell	Foreman	Ligarde	Semos
Beckham	Gammage	Lombardino	Shannon
Bigham	Garcia	McAlister	Sherman
Blanton	Golman	McKissack	Silber
Bowers	Grant	Mengden	Simmons
Boyle	Graves	Moncrief	Solomon
Braecklein	Hale	Moore, A.	Spurlock
Braun	Harding	Moore, G.	Stroud
Bynum	Harris	Moore, T.	Tarbox
Calhoun	Hawkins	Murray	Traeger
Carrillo	Hawn	Nabers	Truan
Clark	Haynes	Nelms	Tupper
Coats	Heatly	Nichols	Vale
Craddick	Hendricks	Ogg	Von Dohlen
Daniel	Hilliard	Parker, C.	Ward
Davis, D.	Holmes, Z.	Patterson	Wayne
Denton	Hubenak	Poff	Williams
Doyle	Hull	Price	Wolff
Dramberger	Johnson	Rosson	Wyatt

Nays—51

Agnich	Cole	Kaster	Presnal
Allen, John	Davis, H.	Kubiak	Reed
Atwood	Doran	Lee	Rodriguez
Baker	Finnell	Lemmon	Salter
Bass, B.	Finney	Lovell	Short
Blythe	Hanna, Joe	Moreno	Slider
Burgess	Hannah, John	Newton	Smith
Caldwell	Head	Niland	Stewart
Cates	Holmes, T.	Nugent, J.	Swanson
Cavness	Howard	Orr	Uher
Christian	Ingram	Parker, W.	Wieting
Clayton	Jones, E.	Pickens	Williamson
Cobb	Jungmichel	Poerner	

Present—Not Voting

Bass, T.

Absent

Cruz	Longoria	Neugent, D.	Slack
Jones, D.			

Mr. Traeger moved to reconsider the vote by which SB 56 was passed and to table the motion to reconsider.

The motion to table prevailed.

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.

SCR 123—ADOPTED

(Authorizing correction in SB 902)

The Speaker laid before the House the following resolution:

SCR 123

Whereas, SB 902 has been passed by both the Senate and the House of Representatives and is now in the office of the Governor, and there is a necessary correction to be made in the bill; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be and is hereby respectfully requested to return SB 902 to the Senate for correction; and, be it further

Resolved, That the action of the President of the Senate and the Speaker of the House in signing SB 902 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill; and, be it further

Resolved, That the Engrossing and Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of SB 902 by adding "(a)" following the words "Section 2" on line one of Section 6 of the bill, and deleting the words "Subparagraph (1)" on line one of Section 3.

The resolution was adopted without objection.

**SB 442—ADOPTION OF CONFERENCE COMMITTEE
REPORT**

Mr. Atwell submitted the following Conference Committee Report on SB 442:

Austin, Texas
May 24, 1971

Honorable Ben Barnes
President of the Senate.

Honorable Gus Mutscher
Speaker of the House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 442 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Mauzy
 McKool
 Wallace
 Bernal
 Kennard

On the part of the House: Atwell
 Hull
 Moncrief

SB 442, A bill to be entitled An Act relating to the compensation of certain county and district officials in certain counties; amending Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); amending Section 2, Chapter 697, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3883i-1, Vernon's Texas Civil Statutes); amending Sections 1, 2, 2a, and 3, Chapter 11, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes); amending Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes); and declaring an emergency.

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

Section 1. Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended to read as follows:

“(a) In all counties of this state having a population of not less than one million, two hundred thousand (1,200,000) inhabitants and not more than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal Census, the commissioners court shall fix the salaries of county officials as follows:

“The salary of the county judge shall be Twenty-eight Thousand Eight

Hundred Dollars (\$28,800) per annum; the county commissioners, Twenty-seven Thousand Six Hundred Dollars (\$27,600); criminal district attorney and district attorney, Thirty Thousand Dollars (\$30,000); probate judge, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); sheriff, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); tax assessor and collector, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); judges of county courts at law and county criminal courts, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); county clerk and district clerk, Twenty-four Thousand Dollars (\$24,000); county treasurer, Twenty-three Thousand, Four Hundred Dollars (\$23,400). Salaries fixed by this Section shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables shall receive not to exceed Nineteen Thousand, Two Hundred Dollars (\$19,200) per annum to be paid in equal monthly installments; provided that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Twenty-one Thousand, Six Hundred Dollars (\$21,600) per annum. The county judge in such counties, shall be allowed, in addition to all other compensation fixed herein, the sum of Three Thousand Dollars (\$3,000) per annum for serving as a member of the County Juvenile Board which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge.

"The commissioners court of each county to which this Subsection (a) applies may increase the salary or maximum salary of each officer enumerated in this Subsection in an additional amount not to exceed 20 percent of the salary or maximum salary, exclusive of supplemental compensation, authorized in this Subsection. No increased compensation may be authorized pursuant to this paragraph of this Subsection (a), until, at a regular meeting, the commissioners court holds a public hearing upon the question of any proposed increase, following publication of notice of that public hearing, in a newspaper of general circulation in that county, at least two (2) times, one time a week prior to such public hearing."

Sec. 2. Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In any county of this state having a population of 1,200,000 or more and not more than 1,500,000 according to the last preceding Federal Census, the judges of the several district and criminal district courts of such counties shall receive, in addition to the salary paid by the state to them, and to other district judges of this state, the sum of \$12,000 annually, to be paid in equal monthly installments out of the General Fund or Officers' Salary Fund of such counties. The commissioners court shall make proper budget provisions for the payment thereof. Any district judge of the state who may be assigned to sit for the judge of any district court in such counties under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), may, while so serving, receive in addition to his necessary expenses, additional com-

pensation from county funds in an amount not to exceed the difference between the pay of such visiting judge from all sources by district judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding judge of the administrative district in which said court is located.

Sec. 3. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any Session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

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

Mr. Atwell moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 442.

The motion prevailed by the following vote:

Yeas—107

Adams	Davis, H.	Jones, D.	Salem
Agnich	Denton	Jones, G.	Sanchez
Allen, John	Doyle	Kaster	Santiesteban
Atwell	Dramberger	Kost	Schulle
Baker	Earthman	Lemmon	Semos
Bass, B.	Finnell	Ligarde	Shannon
Beckham	Finney	Lombardino	Sherman
Bigham	Floyd	McAlister	Simmons
Blanton	Foreman	McKissack	Slider
Boyle	Garcia	Mengden	Smith
Braecklein	Golman	Moore, A.	Solomon
Burgess	Hale	Moore, G.	Stewart
Bynum	Hanna, Joe	Moore, T.	Stroud
Caldwell	Hannah, John	Murray	Swanson
Calhoun	Hawkins	Nabers	Tarbox
Carrillo	Hawn	Nelms	Traeger
Cates	Haynes	Neugent, D.	Truan
Cavness	Heatly	Newton	Tupper
Christian	Hendricks	Niland	Vale
Clark	Hilliard	Nugent, J.	Ward
Clayton	Holmes, T.	Orr	Wayne
Coats	Holmes, Z.	Parker, C.	Wieting
Cobb	Howard	Parker, W.	Williams
Cole	Hubenak	Poff	Williamson
Craddick	Hull	Presnal	Wolff
Daniel	Ingram	Price	Wyatt
Davis, D.	Johnson	Reed	

Nays—11

Bowers	Graves	Kilpatrick	Poerner
Doran	Harding	Lee	Rodriguez
Finck	Jungmichel	Nichols	

Present—Not Voting

Allen, Joe	Farenthold	Kubiak	Rosson
Allred	Gammage	Lewis	Salter
Angly	Grant	Lovell	Short
Bass, T.	Harris	Moncrief	Silber
Blythe	Head	Moreno	Spurlock
Braun	Jones, E.	Patterson	Von Dohlen

Absent

Atwood	Longoria	Pickens	Uher
Cruz	Ogg	Slack	

Mr. Atwell moved to reconsider the vote by which the House adopted the Conference Committee Report on SB 442 and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Doran in the Chair)

INTRODUCTION OF HJR 95

Mr. Traeger asked unanimous consent to introduce and have placed on first reading HJR 95.

There was no objection offered.

(Speaker in the Chair)

SB 146—REQUEST OF SENATE GRANTED

On motion of Mr. Hale, the House granted the request of the Senate for the appointment of a Conference Committee on SB 146.

SB 146—APPOINTMENT OF CONFERENCE
COMMITTEE

The Speaker announced the appointment of the following Conference Committee on the part of the House, on SB 146:

Representatives Hale, Jim Nugent, Shannon, Pickens, and Newton.

HCR 134 WITH SENATE AMENDMENTS

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

HCR 134, Granting National Marine Service, Inc., permission to sue the state.

On motion of Mr. Carl Parker, the House concurred in the Senate Amendments to HCR 134.

Mr. Carl Parker moved to reconsider the vote by which the House concurred in the Senate Amendments to HCR 134 and to table the motion to reconsider.

The motion to table prevailed.

HCR 134—TEXT OF SENATE AMENDMENTS

Amend HCR 134 by striking the words "National Marine Service, Inc." as they appear in the second and third paragraphs of the first page of said resolution and substituting therefor the words "National Marine Service Incorporated."

Amend caption to conform to body of bill.

COMMITTEE MEETING

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

There was no objection offered.

HB 1596—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Haynes submitted the following Conference Committee Report on HB 1596:

Austin, Texas
May 24, 1971

The Honorable Ben Barnes,
President of the Senate

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

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on HB 1596, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

On the part of the House: Haynes
Adams
Kilpatrick
Simmons
Nabers

On the part of the Senate: Harrington
Watson
McKool
Mauzy
Word

HB 1596, A bill to be entitled An Act adding to the jurisdiction of the County Court at Law of Orange County; providing for jurisdiction of a court of domestic relations; providing that said court shall have concurrent jurisdiction with the district courts of said county in certain enumerated matters, for the exchange of benches with the district judges in said matters and the transferring of cases; providing a method of selecting a special judge of said court when the Judge of the County Court at Law of Orange County is disqualified or unable to serve; providing that nothing in this Act shall diminish the jurisdiction of the District Courts of Orange County; providing as additional concurrent jurisdiction, the County Court at Law of Orange County shall have original and appellate concurrent jurisdiction with the County Court of Orange County in civil and criminal matters, eminent domain, and probate and certain exceptions to concurrent jurisdiction; providing for the filing of cases with the county clerk, the docketing of said cases; providing the clerks for said court; providing for the filing of cases with the District Clerk of Orange County; that said court shall be a court of record, have a seal; providing the duties and functions of sheriff and other departments in connection with said court; providing certain powers for said court; providing the terms of said court; providing that the judge of said court shall be a member of the Juvenile Board of Orange County, Texas; providing for appeals; providing for rules of practice and procedure laws of evidence and juries, procedures in said court for the appointment and salary of a court reporter; the use and compensation of interpreters; that said Judge may not practice law; providing for compensation for the Judge of the County Court at Law of Orange County; providing that jurisdiction of the present district and county courts shall not be diminished; providing for repeal of inconsistent Acts; providing for severance in case part of Act is found unconstitutional and declaring an emergency.

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

Section 1. In addition to the jurisdiction now conferred upon the County Court at Law of Orange County, by the Constitution and laws of the State of Texas, said court shall hereinafter have and exercise concurrent civil jurisdiction with the District Courts in Orange County, in suits, causes and matters involving adoptions, removal of disability of minority and coverture, wife and child desertion, delinquent, neglected or dependent child proceedings, Reciprocal Support Act and all jurisdiction, powers and authority now or hereafter placed in the district or county courts under the juvenile and child welfare laws of this state; and of all divorce and marriage annulment cases, including the adjustment of property rights and custody and support of minor children involved therein, alimony pending final hearing, and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody or support of minors, change of name of persons; and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, or one of them, and their minor children, or between any of these and third persons, corporations, trustees or other legal entities, which are now, or may hereafter be within the jurisdiction of the district or county courts; all cases in which children are alleged or charged to be dependent and neglected children or delinquent children as provided by law, and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and all writs necessary to enforce their jurisdiction.

Section 2. After the effective date of this Act all cases of concurrent

jurisdiction enumerated or included above may be instituted or transferred between the District Courts of Orange County and the County Court at Law of Orange County.

Section 3. Should the judge be disqualified to try a particular case, or should the judge by reason of illness or otherwise fail or refuse to hold court as needed, on matters pending in the County Court at Law of Orange County, such fact shall be brought to the attention of a Judge of the District Courts of Orange by any attorney, whereupon such matters as require attention shall be promptly acted upon by the said Judge of the District Courts of Orange County and disposed of in the manner as other matters or trials in the several district courts. In the event it should ever become necessary to select a special Judge for the County Court at Law of Orange County, such special judge shall be selected in the manner provided by law for the selection of a special judge of the district court.

Section 4. Nothing in the Act shall diminish the jurisdiction of the District Courts of Orange County, but such courts shall retain and continue to exercise such jurisdiction as is now or may be hereafter conferred by law. Such district courts shall continue to exercise concurrent jurisdiction on all matters which by this Act are brought within the concurrent jurisdiction of the County Court at Law of Orange County and none of the District Courts of Orange County shall be relieved by the provisions of this Act of their several responsibilities for the handling and disposition of all matters which are by this Act brought within the concurrent jurisdiction of the County Court at Law of Orange County as time and the condition of the dockets of such district courts will permit.

Section 5. The County Court at Law of Orange County shall retain concurrent jurisdiction with the County Court of Orange County in all matters and causes, civil and criminal, original and appellate, over which, by the general laws and the Constitution of this state, county courts have jurisdiction, and in addition thereto any additional jurisdiction which may hereafter be assigned to the County Courts at Law of the State of Texas as now constituted or as they may hereafter be constituted, except the executive functions of the county judge as a member of the commissioners court, board of equalization, budget officer and other executive and administrative functions.

Section 6. The jurisdiction of the County Court at Law of Orange County shall extend to all matters of eminent domain of which jurisdiction has heretofore been vested in the County Courts of Orange County, but this provision shall not affect the jurisdiction of the Commissioners Court or of the County Judge of Orange County as the presiding officer of said commissioners court as to roads, bridges, public highways and matters of eminent domain which are now within the jurisdiction of the commissioners court or the presiding judge thereof, including the right of the County Judge of Orange County to appoint commissioners in condemnation, receive the reports and enter judgments. It is the intention of this Section to vest in the County Court at Law of Orange County jurisdiction to hear any and all matters in condemnation, whether by commission or jury of view, appealed to the County Court at Law of Orange County or to the county court only.

Section 7. The County Court at Law of Orange County shall also have the general jurisdiction of a probate court within the limits of Orange

County, concurrent with the jurisdiction of the County Court of Orange County in such matters and proceedings. Said County Court at Law of Orange County shall have authority to probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons, the apprenticing of minors as provided by law and conduct lunacy proceedings.

The County Court at Law of Orange County shall have jurisdiction concurrent with the County Court of Orange County conferred upon county courts or upon probate courts specially created by the Legislature in Article 1970a-1, Revised Civil Statutes of Texas, as the same now stands or may hereafter be amended, and all other provisions of the law relating to probate courts whether specially created by the Legislature or otherwise, shall be and they are hereby made to apply concurrently in all their provisions insofar as they are applicable to the County Court at Law of Orange County and insofar as they are not inconsistent with this Act. It is the intention of the Legislature in this Act that the County Judge of Orange County shall be the Judge of the County Court of Orange County; all ex officio duties of the county judge shall be exercised by the Judge of the County Court of Orange County and all duties and jurisdictions vested in the County Court of Orange County by this Act now being performed by the County Judge of Orange County, Texas, is and shall be concurrent.

Section 8. With reference to all matters civil, criminal and probate, over which the county court at law is given concurrent jurisdiction with the County Court of Orange County, the Judge of the County Court at Law of Orange County shall use the same dockets as now provided by said county clerk in accordance with law for the use of the Judge of the County Court and Probate Court of Orange County and the Judge of the County Court at Law of Orange County and county judge shall have concurrent jurisdiction over all matters therein insofar as provided in this Act. All suits and other proceedings instituted in the county over which the county court or probate court has jurisdiction shall be addressed to the county court of the county. The Judge of either the County Court at Law of Orange County or the county judge may hear and dispose of any suit or other proceeding on the civil, criminal and probate dockets of the County Court of Orange County without the necessity of transferring the suit or other proceeding, either civil, criminal or probate, from one court to the other. Every judgment and order shall be entered in the minutes of the county court or probate court and the clerk of the county court in said county shall keep one set of minutes in which shall be recorded all the judgments and orders of the County Court at Law of Orange County and the County Court of Orange County. All citations and other process issued by the county clerk and all notices, restraining orders and other process authorized to be issued by the clerk of the county court shall be returnable to the County Court of Orange County, and on the return of such process the hearing or trial may be presided over by the Judge of the County Court at Law of Orange County insofar as provided by this Act or the judge of the county court, and any and all such Acts thus performed by the County Court at Law of Orange County or the County Court of Orange County shall be valid and binding upon all parties to such cases, matters and proceedings.

Section 9. Immediately after this Act takes effect, the District Clerk of

Orange County, who shall be the Clerk of the County Court at Law of Orange County in all matters wherein the County Court at Law of Orange County has concurrent jurisdiction with the District Courts of Orange County may file in the County Court at Law of Orange County any cases involving adoptions and independent actions involving child custody and support of minors, including cases under the Reciprocal Support Act, all applications to change the names of persons and all divorce cases. The County Clerk of Orange County shall be the Clerk of the County Court at Law of Orange County in all matters wherein the County Court at Law of Orange County has concurrent jurisdiction with the county court.

Section 10. The said County Court at Law of Orange County shall be a court of record, shall sit and hold court in the county seat of Orange County, shall have a seal and maintain all necessary dockets, records and minutes as herein provided. These dockets, records and minutes shall be separate from the dockets, records and minutes of the District Courts of Orange County and as provided hereinbefore with the County Court of Orange County, Texas.

Section 11. It shall be the duty of the probation department, the sheriff, constables and other law enforcement agencies of the State of Texas and Orange County and the cities thereof as well as welfare agencies, to furnish said County Court at Law of Orange County such services in the line of their respective duties as shall be required by said court and all sheriffs and constables within the State of Texas shall render the same services with reference to process and writs from the district court, county courts and probate courts.

Section 12. The said County Court at Law of Orange County and the judge thereof shall have the power to issue writs of habeas corpus and mandamus, injunctions, restraining orders, orders of sale, executions, writs of possession and restitution and any and all other writs as now or hereafter may be issued under the laws of this state by district courts and county courts, when necessary or proper in cases or matters in which said County Court at Law of Orange County has jurisdiction. It shall also have power to punish for contempt.

Section 13. The County Court at Law of Orange County as herein created shall have the same terms of Court as the District Courts of Orange County as are presently established or as they may hereinafter be changed.

Section 14. The Judge of the County Court at Law of Orange County may be appointed a member of the Juvenile Board of Orange County and may be paid additional compensation therefor by the Commissioners Court of Orange County, not to exceed the amount paid by Orange County to the District Judges and/or the County Judge of Orange County for acting as members of the juvenile board.

Section 15. Appeals in all civil cases from judgments and orders of said court shall be to the Court of Civil Appeals as is now or may be hereafter provided for appeals from district and county courts and in all criminal cases shall be to the Court of Criminal Appeals.

Section 16. The practice and procedure, rules of evidence, the drawing of jury panels, selection of juries, issuance of process and all other matters pertaining to the conduct of trials and hearing in said court shall be gov-

erned by provisions of this Act and the laws and rules pertaining to district courts, general or special, as well as county courts; provided that juries in all matters civil or criminal shall always be composed of twelve (12) members except that in misdemeanor criminal cases the juries shall be composed of six (6) members, as well as six (6) member juries in cases where this court has concurrent jurisdiction with the county court as herein provided.

Section 17. The Judge of the County Court at Law of Orange County shall have authority to appoint a court reporter in such cases as may be required by law, and in such other cases as he shall deem it necessary to record and preserve the testimony. Such court reporter may be paid a salary out of the general fund of the county as may be fixed by the commissioners court, and shall not exceed the amount paid to reporters of the District Courts of Orange County. The judge shall also have the power and authority to appoint a court interpreter, in such cases as may be necessary, who may be paid such fees and compensation out of the general fund of the county for such service as may be fixed by the commissioners court.

Section 18. The Judge of the County Court at Law of Orange County shall not appear as an attorney-at-law in any court of record in this state nor shall he appear and practice as an attorney-at-law in any court or justice court over which he has original or appellate jurisdiction.

Section 19. From and after the passage of this Act the Judge of the County Court at Law of Orange County shall receive an annual salary of not less than is presently being paid by the County of Orange to the Judge of the County Court of Orange County nor more than that which is paid by the State of Texas to the Judges of the District Courts of Orange County, Texas, as set by the commissioners court to be paid out of the county treasury on the order of the commissioners court and said salary shall be paid monthly in equal installments.

Section 20. Nothing in this Act shall diminish the jurisdiction of the several District Courts of Orange County and the County Court of Orange County and such courts shall retain and continue to exercise such jurisdiction as is now or may be hereafter conferred by law and the jurisdiction given herein is concurrent with the jurisdiction of said courts.

Section 21. Any law or laws of this state which are inconsistent with this Act are hereby expressly repealed; however, this Act is meant to be cumulated with existing laws and is meant to be reconciled with existing laws where possible.

Section 22. If any of this Act is unconstitutional, or otherwise void, it is the intention of the Legislature that the remaining portions of this Act should remain in force and effect, unless such unconstitutional portion of this Act when severed from this Act should render the whole Act ineffective.

Section 23. The fact that the dockets of the District Courts of Orange County, Texas, are crowded with matters dealing with domestic relations and other matters herein transferred to the court created herein; and whereas the aforesaid conditions tend to deprive litigants of their right to a speedy, fair and public trial, of which create an emergency and an imperative public necessity that the Constitutional Rules require all bills to be read in

each House on three several days and to effect and go into force ninety (90) days after adjournment of the Session, be suspended, and said Rules are hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Haynes moved to suspend all necessary rules and to adopt the Conference Committee Report on HB 1596.

The motion prevailed by the following vote:

Yeas—149

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

Mr. Haynes moved to reconsider the vote by which the Conference Committee Report on HB 1596 was adopted and to table the motion to reconsider.

The motion to table prevailed.

HCR 173—REFERRED TO COMMITTEE

(Providing for sine die adjournment)

Mr. Wayne and Mr. Finck offered the following resolution:

HCR 173

Be it Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Regular Session of the 62nd Legislature stand adjourned sine die at 12 o'clock, midnight, on Monday, May 31, 1971.

The resolution was referred to the Committee on Rules.

HCR 180—REFERRED TO COMMITTEE

(Concerning State Highway Department's new building)

Mr. Johnson offered the following resolution:

HCR 180

Whereas, The land bounded by Congress Avenue, Colorado Street, 10th Street, and 11th Street in the City of Austin is a historical and archaeological site of great value and interest to the people of Texas and should be preserved for all generations to come; and

Whereas, It is the obligation of the State Highway Department as well as any state agency to recognize and honor such a valuable resource rather than obliterate it with another massive office structure that could easily be placed elsewhere; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That it is the intent of the Legislature that the State Highway Department shall not construct any building on the site mentioned above, but that the site shall be developed, used, and maintained as a park, parking lot, and tourist information center, and that the Old Bakery be utilized as the tourist information center.

Signed: Johnson, Moncrief, Kubiak, Bynum, Hawkins, Cates, Braecklein, Garcia, Slack, Haynes, Braun, Coats, Short, Lemmon, Agnich, Blanton, Smith, Longoria, Rodriguez, Cole, Christian, Silber, Ligarde, Mengden, Harris, Patterson, Santiesteban, John Hannah, Daniel, Beckham, Joe Allen, Rosson, Atwood, Denton, Farenthold, McAlister, Bigham, Reed, Grant, Spurlock, Salter, Ingram, Finnell, Stroud, Griffith Moore, Swanson, Truan, Allred, Earthman, Stewart, Kaster, Caldwell, Lee, Tom Moore, Moreno, Kost, Presnal, Tarbox, Simmons, Tupper, Wolff, Nelms, Tom Bass, and Lombardino.

The resolution was referred to the Committee on Appropriations.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Traeger:

HJR 95, A Joint Resolution proposing an Amendment to Article IV, Section 17, of the Texas Constitution, and adding a new Section 24a to Article III, of the Texas Constitution, to provide a salary of \$22,500 for the Lieutenant Governor and the Speaker of the House of Representatives.

SCR 83—REFERRED TO COMMITTEE

(Granting Tom I. McFarling permission to sue the state)

The Speaker laid before the House the following resolution:

SCR 83

Whereas, Certain former Texas insurance companies had on deposit with the Treasurer of the State of Texas deposits of securities under the provisions of Article 4739, Revised Civil Statutes of Texas, 1925 (superseceded by Article 3.15, Texas Insurance Code), and under the provisions of Section 17, Article 1.10, Texas Insurance Code; and

Whereas, All said companies merged with other companies or reinsured all their business so that in 1966, the above mentioned deposits and all the policies of insurance which the securities were deposited to protect belonged to and were an obligation of American Educational Life Insurance Company; and

Whereas, In 1966 a portion of the policies which the securities were deposited to protect were reinsured into Coastal States Life Insurance Company, a Georgia Corporation, and a portion of such policies were reinsured into Old National Insurance Company, a Texas Corporation, some of which were subsequently reinsured into Old National Insurance Company, an Alabama Corporation; and

Whereas, Even though Coastal States did not assume and accept the liability for all the policies of insurance which the securities were deposited to protect, the securities on deposit were all transferred to Coastal States, and the deposit with the Treasurer of the State of Texas now stands in the name of Coastal States; and

Whereas, Old National Insurance Company, a Texas Corporation, has been placed in conservatorship by the Commissioner of Insurance, and Tom I. McFarling has been appointed its Conservator; and

Whereas, Old National Insurance Company, an Alabama Corporation, has been placed in receivership by the Circuit Court of Jefferson County, Alabama, Bessemer Division; and Tom I. McFarling has been appointed Ancillary Receiver of said company by the 53rd Judicial District Court of Travis County, Texas; and

Whereas, In order to protect the interests of the policyholders of Old National Insurance Company, a Texas Corporation, and Old National Insurance Company, an Alabama Corporation, it may be necessary for Tom I. McFarling to file suit against Coastal States Life Insurance Company and

to join in said suit the Treasurer of the State of Texas, the Commissioner of Insurance, and the State Board of Insurance; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Tom I. McFarling as representative of Old National Insurance Company, a Texas Corporation, and of Old National Insurance Company, an Alabama Corporation, or his successor in such capacity, is hereby authorized to join in any suit he may file for title to and/or possession of any securities on deposit with the State Treasurer for the protection of any of the policyholders of such companies, the State Treasurer, the Commissioner of Insurance, the State Board of Insurance, and any other official of the State of Texas who may be a necessary or proper party to a lawsuit to determine the title to and/or right to possession of any such securities; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on Judiciary.

SCR 118—REFERRED TO COMMITTEE

(Concerning study of safe drinking water)

The Speaker laid before the House the following resolution:

SCR 118

Whereas, In many inhabited areas of this state, both rural and urban, no drinking water at all is available and water for household use must be carried in buckets or hauled long distances; and

Whereas, In many other inhabited areas water is available but it is so polluted with disease-bearing bacteria that the water is unfit or unsafe for human consumption; and

Whereas, This total lack of clean, safe water is a health hazard to the entire state and a constant cause of painful diseases which always weaken and often kill; and

Whereas, An adequate supply of potable water for domestic use of each household is a prime necessity for the health, safety and welfare of all the residents of this state, and is an overriding concern of this Legislature; and

Whereas, We have several agencies working to solve the state's water problems, but none has the responsibility to make certain that clean, safe drinking water is available to all residents; and

Whereas, Many affected areas are ready to help themselves but need expert assistance and professional guidance in solving their water problems, particularly with regard to securing grants, loans and other financing under existing state and federal programs; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That:

The Texas State Department of Health, the Texas Water Quality Board and the Texas Water Rights Commission be and they are hereby expressly directed to study the problem of securing adequate, clean and safe drinking water for all households in Texas, and shall report their findings and recommendations thereon to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives before the convening of the 63rd Legislature; and, be it further

Resolved, That until such time as the Legislature shall have acted upon such recommendations, the three agencies designated shall and they are hereby authorized and directed to give all assistance now allowed by law to areas and residents of this state seeking to obtain or improve supplies of clean and safe drinking water, particularly with regard to planning of systems and facilities and to the securing of grants, loans and other financing under available state and federal programs; and, be it further

Resolved, That all governmental agencies are hereby directed to give all possible assistance to the three above named agencies in carrying out the tasks imposed by this resolution.

The resolution was referred to the Committee on Conservation and Reclamation.

SENATE BILLS ON FIRST READING

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

SB 202 to the Committee on Criminal Jurisprudence.

SB 203 to the Committee on Criminal Jurisprudence.

SB 204 to the Committee on Criminal Jurisprudence.

SB 205 to the Committee on Criminal Jurisprudence.

SB 206 to the Committee on Criminal Jurisprudence.

SB 209 to the Committee on Criminal Jurisprudence.

SB 581 to the Committee on Judicial Districts.

SB 855 to the Committee on Criminal Jurisprudence.

SB 858 to the Committee on Criminal Jurisprudence.

SB 952 to the Committee on Counties.

SB 1011 to the Committee on Parks and Wildlife.

SB 1032 to the Committee on Urban Affairs.

SB 1039 to the Committee on Counties.

RECESS

Mr. Hubenak moved that the House recess until 8:15 p.m. today.

The motion prevailed without objection.

The House accordingly, at 5:57 p.m., recessed until 8:15 p.m. today.

NIGHT SESSION

The House met at 8:15 p.m. and was called to order by the Speaker.

MEMORIAL RESOLUTION ADOPTED

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

HSR 597, by Nabers, Doran, Wayne, and Uher: In memory of Charles Craig Woodson.

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

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously.

HCR 181, by Johnson: Commending each of the family physicians participating in the Family Physician of the Day Program, and Miss Vera Taylor, registered nurse.

HSR 599, by Johnson: Congratulating the future Mr. and Mrs. John Martin Hays.

SCR 108—ADOPTED (Mr. Cavness—House Sponsor)

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

SCR 108, Granting Bettye Baldwin permission to sue the state.

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend SCR 108 by changing the period at the end of the last paragraph to a semicolon, and adding the following language:

"and be it further"

and

By adding to said resolution an additional paragraph to read as follows:

"Resolved, that nothing in this resolution shall be construed as implying that the Legislature intends to create a right of appeal under a statute wherein there is no provision for appeal, nor shall this resolution be construed as any indication that the Legislature necessarily agrees or disagrees with the decision of the Board of Trustees of the Employees Retirement System of Texas in its disposition of the claim herein discussed."

The committee amendment was adopted without objection.

SCR 108, as amended, was adopted without objection.

COMMITTEE MEETING

Mr. Blanton asked unanimous consent of the House that the Committee on Resolutions and Interim Activities be permitted to meet at this time.

There was no objection offered.

HCR 32—ADOPTED (Mr. Tarbox—House Sponsor)

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

HCR 32, Granting Bobby K. Field permission to sue the state.

Mr. Hale offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend HCR 32 to read as follows:

Whereas, It is alleged that during the year 1963 the State of Texas and the Texas Highway Department commenced and reconstructed FM Road 769 in Yoakum County adjacent to land owned by R. K. Field described as all of Section 23, Township 12 South Range 38 East, Lea County, New Mexico, and during the month of August 1966 a portion of said land belonging to R. K. Field lying immediately West of the road so constructed by the State Highway Department overflowed during rains in the area and the land and some improvements located thereon together with some hay stored in said improvements were damaged; and

Whereas, R. K. Field filed suit in the District Court of Yoakum County, Texas, against the State of Texas alleging that the reconstruction of FM Road 769 adjacent to this property caused the overflow of his land and seeking to recover damages on account of this occurrence, being Cause No. 2791, District Court, Yoakum County, Texas; and

Whereas, It is alleged that immediately following the overflowing the State of Texas through its highway department went into the road and did a certain amount of repairs to allow the water to flow from the West to the East which was the natural flow of the land; and that the road had acted as a dam and thrown the water back to the West on the Mr. Field's property; and

Whereas, It is alleged that the State of Texas compromised the suit and paid \$1,650, which was Mr. Field's actual damage; Mr. Field recovered nothing for attorney's fees, nothing for expenses; he simply had to bear all of the loss and recovered only a part of it; and

Whereas, It is alleged that in the Fall of 1970 the same damage occurred because of the failure of the State of Texas through its highway department to properly reconstruct or repair the road; the road still acted as a dam to throw the water back onto Mr. Field's property; his damages consist of loss of 967 bales of oat hay at \$1.25 a bale, 9,300 pounds of seed rye for \$325.50, and other incidental damages; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That

(1) R. K. Field is granted permission to sue the State of Texas in any court of competent jurisdiction for any relief to which he may be entitled under the law arising from the allegations stated in this resolution or any allegations necessarily connected with them;

(2) in the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission;

(3) the suit shall be conducted as in other civil cases; and

(4) in the event of compromise or judgment favorable to claimant, no interest, whether accruing before or after the compromise or judgment, may be awarded the claimant; and, be it further

Resolved, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be provided under the laws of this state as in other cases; and, be it further

Resolved, That

(1) nothing in this resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas, or to any of its employees, agents, departments, agencies, or political subdivisions; and

(2) every defense is specifically reserved.

The committee amendment was adopted without objection.

HCR 32, as amended, was adopted without objection.

SB 168 ON THIRD READING

(Mr. Ogg—House Sponsor)

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

SB 168, Relating to optional coverage of certain state and district officers within the Texas County and District Retirement System.

The bill was read third time and was passed.

Mr. Ogg moved to reconsider the vote by which SB 168 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Kubiak and Finck requested to be recorded as voting Nay on the passage of SB 168.

Mr. Spurlock requested to be recorded as voting Present—Not Voting on the passage of SB 168.

SB 913 ON THIRD READING

(Mr. Traeger—House Sponsor)

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

SB 913, Defining the word premise in relation to the sale of alcoholic beverages; providing for qualifications of permittees.

The bill was read third time and was passed.

Mr. Traeger moved to reconsider the vote by which SB 913 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Adams, Williamson, and Nabers requested to be recorded as voting Nay on the passage of SB 913.

SB 51 ON THIRD READING

(Mr. Stroud—House Sponsor)

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

SB 51, Providing for a system of quadrennial voter registration with provisions for renewal of registration for a succeeding quadrennium.

The bill was read third time and was passed.

Mr. Stroud moved to reconsider the vote by which SB 51 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Nabers, Mengden, Bowers, Earthman, Adams, and Spurlock requested to be recorded as voting Nay on the passage of SB 51.

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

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

SB 549, Relation to developmental leaves of absence for professional public school personnel.

The bill was read third time and was passed.

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

The motion to table prevailed.

VOTE RECORDED

Mr. Spurlock requested to be recorded as voting Nay on the passage of SB 549.

SB 709 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

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

SB 709, A bill to be entitled An Act relating to creation of the Texas Ranger Commemorative Commission; and declaring an emergency.

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

SB 709 ON THIRD READING
(Mr. Jungmichel—House Sponsor)

Mr. Jungmichel moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 709 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adams	Beckham	Calhoun	Craddick
Agnich	Bigham	Cates	Cruz
Allen, John	Blanton	Cavness	Daniel
Allred	Blythe	Christian	Davis, D.
Angly	Bowers	Clark	Davis, H.
Atwell	Boyle	Clayton	Doyle
Atwood	Braecklein	Coats	Dramberger
Baker	Burgess	Cobb	Earthman
Bass, B.	Bynum	Cole	Finnell

Finney	Johnson	Newton	Slack
Foreman	Jones, D.	Niland	Slider
Gammage	Jungmichel	Ogg	Smith
Garcia	Kilpatrick	Orr	Solomon
Golman	Kost	Parker, C.	Spurlock
Grant	Kubiak	Parker, W.	Stewart
Hale	Lee	Patterson	Stroud
Hanna, Joe	Lemmon	Poerner	Swanson
Hannah, John	Lewis	Poff	Tarbox
Harding	Ligarde	Presnal	Traeger
Hawkins	Lombardino	Price	Tupper
Hawn	Lovell	Rosson	Uher
Haynes	McAlister	Salem	Vale
Head	McKissack	Salter	Von Dohlen
Heatly	Moncrief	Schulle	Ward
Hendricks	Moore, A.	Semos	Wayne
Hilliard	Moore, G.	Shannon	Wieting
Holmes, T.	Murray	Sherman	Williams
Howard	Nabers	Short	Williamson
Hubenak	Nelms	Silber	Wolf
Ingram	Neugent, D.	Simmons	Wyatt

Nays—25

Bass, T.	Finck	Longoria	Reed
Braun	Floyd	Mengden	Rodriguez
Caldwell	Graves	Moore, T.	Santiesteban
Carrillo	Harris	Moreno	Truan
Denton	Holmes, Z.	Nichols	
Doran	Hull	Nugent, J.	
Farenthold	Kaster	Pickens	

Absent

Allen, Joe	Jones, E.	Jones, G.	Sanchez
------------	-----------	-----------	---------

The Speaker then laid SB 709 before the House on third reading and final passage.

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

Yeas—132

Adams	Braecklein	Craddick	Golman
Agnich	Braun	Davis, D.	Grant
Allen, John	Burgess	Davis, H.	Graves
Allred	Bynum	Denton	Hale
Atwell	Calhoun	Doran	Hanna, Joe
Atwood	Carrillo	Doyle	Hannah, John
Baker	Cates	Earthman	Harding
Bass, T.	Cavness	Finck	Harris
Beckham	Christian	Finnell	Hawkins
Bigham	Clark	Finney	Hawn
Blanton	Clayton	Floyd	Haynes
Blythe	Coats	Foreman	Head
Bowers	Cobb	Gammage	Heatly
Boyle	Cole	Garcia	Hendricks

Hilliard	Lombardino	Parker, C.	Slider
Holmes, T.	Lovell	Patterson	Smith
Holmes, Z.	McAlister	Pickens	Solomon
Howard	McKissack	Poerner	Spurlock
Hubenak	Mengden	Poff	Stewart
Hull	Moncrief	Presnal	Stroud
Ingram	Moore, A.	Price	Tarbox
Johnson	Moore, G.	Reed	Traeger
Jones, D.	Moore, T.	Rosson	Tupper
Jones, G.	Murray	Salem	Uher
Jungmichel	Nabers	Salter	Vale
Kaster	Nelms	Schulle	Von Dohlen
Kilpatrick	Neugent, D.	Semos	Ward
Kost	Newton	Shannon	Wayne
Kubiak	Nichols	Sherman	Wieting
Lee	Niland	Short	Williams
Lemmon	Nugent, J.	Silber	Williamson
Lewis	Ogg	Simmons	Wolff
Ligarde	Orr	Slack	Wyatt

Nays—7

Caldwell	Longoria	Rodriguez	Truan
Farenthold	Moreno	Santiesteban	

Absent

Allen, Joe	Cruz	Jones, E.	Sanchez
Angly	Daniel	Parker, W.	Swanson
Bass, B.	Dramberger		

Mr. Jungmichel moved to reconsider the vote by which SB 709 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 708—MOVED TO END OF CALENDAR

Mr. Salter moved that SB 708, the next bill on the Calendar, be moved to the end of the Calendar.

The motion prevailed without objection.

SB 400 ON SECOND READING
(Mr. Salter—House Sponsor)

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

SB 400, A bill to be entitled An Act relating to knowledge, experience, and instruction requirements for local recording agents and relating to license and renewal fees required of local recording agents and solicitors; amending Article 21.14, Texas Insurance Code; and declaring an emergency.

The bill was read second time.

Mr. Kubiak offered the following amendment to the bill:

Amend SB 400 by striking the word "exclusively" in Subsection (d), paragraph (7) and inserting in its place the word "primarily."

Mr. Salter moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—43

Atwell	Hawn	Moore, G.	Slider
Atwood	Hilliard	Nabers	Smith
Baker	Holmes, T.	Neugent, D.	Solomon
Blanton	Hubenak	Ogg	Spurlock
Braecklein	Jones, D.	Orr	Swanson
Cavness	Jones, E.	Pickens	Tarbox
Clayton	Jones, G.	Presnal	Von Dohlen
Cobb	Lemmon	Salter	Wayne
Davis, H.	Ligarde	Santiesteban	Williamson
Garcia	McKissack	Shannon	Wyatt
Golman	Moore, A.	Slack	

Nays—100

Adams	Daniel	Howard	Patterson
Agnich	Davis, D.	Hull	Poerner
Allen, Joe	Denton	Johnson	Poff
Allen, John	Doran	Jungmichel	Reed
Allred	Doyle	Kaster	Rodriguez
Angly	Dramberger	Kilpatrick	Rosson
Bass, B.	Earthman	Kost	Salem
Bass, T.	Farenthold	Kubiak	Sanchez
Beckham	Finck	Lee	Schulle
Bigham	Finnell	Lewis	Semos
Blythe	Floyd	Lombardino	Sherman
Bowers	Foreman	Lovell	Short
Boyle	Gammage	McAlister	Silber
Braun	Grant	Mengden	Simmons
Burgess	Graves	Moncrief	Stewart
Bynum	Hale	Moore, T.	Stroud
Caldwell	Hanna, Joe	Moreno	Traeger
Calhoun	Hannah, John	Murray	Truan
Carrillo	Harding	Nelms	Tupper
Cates	Harris	Newton	Uher
Christian	Hawkins	Nichols	Vale
Clark	Haynes	Niland	Ward
Coats	Head	Nugent, J.	Wieting
Craddick	Hendricks	Parker, C.	Williams
Cruz	Holmes, Z.	Parker, W.	Wolff

Absent

Cole	Heatly	Longoria	Price
Finney	Ingram		

The amendment was then adopted.

Mr. Kubiak moved to reconsider the vote by which his amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

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

Amend SB 400 by substituting the following language for the first sentence of subsection 7, section 2a, of Section 1 of the bill:

"To any person desiring to apply for a license to solicit and write policies of insurance and is restricted by contract to writing exclusively for a single insurance company or a single group of insurance companies under common management."

The amendment was adopted.

Mr. Simmons offered the following amendment to the bill:

Amend SB 400 by adding a new section as follows:

Provided, however, no agent may be licensed under this Act that sells or offers to sell insurance without benefit of an independent agent.

Mr. Salter moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—70

Adams	Doran	Kilpatrick	Salem
Atwell	Foreman	Lewis	Salter
Atwood	Garcia	Ligarde	Sanchez
Baker	Golman	Longoria	Santiesteban
Beckham	Hale	McAlister	Schulle
Blanton	Hanna, Joe	McKissack	Silber
Boyle	Harding	Moncrief	Slider
Burgess	Hawkins	Moore, A.	Smith
Bynum	Head	Moore, G.	Stewart
Calhoun	Hendricks	Murray	Stroud
Carrillo	Holmes, T.	Nabers	Traeger
Cates	Holmes, Z.	Neugent, D.	Truan
Cavness	Howard	Nugent, J.	Ward
Christian	Hubenak	Ogg	Wieting
Clayton	Ingram	Parker, W.	Williamson
Craddick	Jones, G.	Pickens	Wyatt
Daniel	Jungmichel	Poerner	
Davis, H.	Kaster	Presnal	

Nays—64

Agnich	Allred	Bass, T.	Braecklein
Allen, Joe	Angly	Blythe	Braun
Allen, John	Bass, B.	Bowers	Caldwell

Clark	Grant	Lovell	Sherman
Coats	Hannah, John	Mengden	Short
Cobb	Harris	Moore, T.	Simmons
Davis, D.	Hawn	Moreno	Slack
Denton	Haynes	Nelms	Spurlock
Doyle	Heatly	Newton	Swanson
Dramberger	Hilliard	Nichols	Tarbox
Earthman	Hull	Niland	Tupper
Finck	Johnson	Parker, C.	Uher
Finnell	Kost	Poff	Vale
Finney	Kubiak	Reed	Von Dohlen
Floyd	Lee	Rodriguez	Williams
Gammage	Lombardino	Rosson	Wolf

Present—Not Voting

Jones, E.	Orr	Shannon	Wayne
Lemmon	Semos	Solomon	

Absent

Bigham	Cruz	Graves	Patterson
Cole	Farenthold	Jones, D.	Price

SB 400, as amended, was passed to third reading.

Mr. Salter moved to reconsider the vote by which SB 400 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

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.

SB 918 ON SECOND READING

(Mr. Swanson—House Sponsor)

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

SB 918, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas nonprofit corporation of Houston, Harris County, Texas; establishing in The University of Texas Graduate School of Biomedical Sciences at Houston a division to be known as the "Division of Communicative Disorders"; and declaring an emergency.

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

SB 918 ON THIRD READING

(Mr. Swanson—House Sponsor)

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

on three several days be suspended and that SB 918 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

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

Nays—16

Adams	Doran	Moreno	Poerner
Atwood	Finck	Nabers	Reed
Bass, T.	Floyd	Nugent, J.	Uher
Braecklein	Howard	Pickens	Wayne

Absent

Cruz	Hilliard	Jones, G.	Patterson
Hendricks	Jones, E.	Kubiak	Sanchez

The Speaker then laid SB 918 before the House on third reading and final passage.

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

Yeas—149

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

Mr. Swanson moved to reconsider the vote by which SB 918 was passed and to table the motion to reconsider.

The motion to table prevailed.

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 724 ON SECOND READING

Mr. Shannon moved that all necessary rules be suspended to take up and consider at this time, HB 724.

The motion prevailed without objection.

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

HB 724, A bill to be entitled An Act relating to the establishment of a state school in the Fort Worth-Dallas area for the mentally retarded; and declaring an emergency.

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

Mr. Shannon moved to reconsider the vote by which HB 724 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 724 ON THIRD READING

Mr. Shannon moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 724 be placed on its third reading and final passage.

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

Yeas—112

Allen, Joe	Finnell	Longoria	Salter
Allen, John	Finney	Lovell	Sanchez
Angly	Foreman	McAlister	Santiesteban
Atwell	Gammage	McKissack	Schulle
Bass, B.	Garcia	Moncrief	Semos
Beckham	Golman	Moore, A.	Shannon
Bigham	Grant	Moore, G.	Sherman
Blanton	Hale	Moore, T.	Short
Braecklein	Harding	Murray	Silber
Braun	Harris	Nabers	Slack
Burgess	Hawn	Nelms	Slider
Bynum	Haynes	Neugent, D.	Smith
Carrillo	Heatly	Newton	Solomon
Cates	Hendricks	Nichols	Spurlock
Cavness	Hilliard	Niland	Stewart
Clark	Holmes, T.	Ogg	Stroud
Clayton	Holmes, Z.	Orr	Swanson
Coats	Hubenak	Parker, C.	Tarbox
Cobb	Hull	Parker, W.	Traeger
Cole	Johnson	Patterson	Truan
Craddick	Jones, D.	Pickens	Uher
Cruz	Jungmichel	Poerner	Von Dohlen
Daniel	Kilpatrick	Poff	Ward
Davis, D.	Kost	Presnal	Wayne
Davis, H.	Lemmon	Price	Wieting
Dramberger	Lewis	Rodriguez	Williams
Earthman	Ligarde	Rosson	Wolff
Farenthold	Lombardino	Salem	Wyatt

Nays—34

Adams	Calhoun	Hannah, John	Moreno
Agnich	Christian	Hawkins	Nugent, J.
Allred	Denton	Head	Reed
Atwood	Doran	Howard	Simmons
Baker	Doyle	Jones, E.	Tupper
Bass, T.	Finck	Jones, G.	Vale
Blythe	Floyd	Kaster	Williamson
Bowers	Graves	Lee	
Caldwell	Hanna, Joe	Mengden	

Absent

Boyle	Ingram	Kubiak
-------	--------	--------

SB 953 ON SECOND READING
(Mr. Walt Parker—House Sponsor)

Mr. Walt Parker moved that all necessary rules be suspended to take up and consider at this time, SB 953.

The motion prevailed by the following vote:

Yeas—141

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

Slider	Swanson	Uher	Wieting
Smith	Tarbox	Vale	Williams
Solomon	Traeger	Von Dohlen	Williamson
Spurlock	Truan	Ward	Wolff
Stewart	Tupper	Wayne	Wyatt
Stroud			

Nays—3

Floyd	Jones, D.	Orr
-------	-----------	-----

Absent

Holmes, Z.	Ligarde	Parker, C.	Simmons
Ingram			

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

SB 953, A bill to be entitled An Act validating the incorporation of all cities and towns of more than 600 and less than 2,000 inhabitants, heretofore incorporated or attempted to be incorporated under general laws of Texas under the commission form of government; validating the boundary lines thereof where an overlapping of territory occurred at the time of such incorporation and which overlapping of territory has been removed by an ordinance of either such cities or towns; validating governmental proceedings; and declaring an emergency.

The bill was read second time.

Mr. Walt Parker offered the following amendments to the bill:

Amend SB 953, House Second Printing, by striking on lines 36 and 37 the figures and words "six hundred (600) and less than two thousand (2,000)" and substituting the figures and words "1,500 and less than 1,800."

Amend SB 953, House Second Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act validating the incorporation of all cities and towns of more than 1,500 and less than 1,800 inhabitants, heretofore incorporated or attempted to be incorporated under the general laws of Texas under the commission form of government; validating the boundary lines thereof where an overlapping of territory occurred at the time of such incorporation and which overlapping of territory has been removed by an ordinance of either of such cities or towns; validating governmental proceedings; and declaring an emergency.

The amendments were severally adopted without objection.

SB 953, as amended, was passed to third reading.

SB 953 ON THIRD READING

Mr. Walt Parker moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 953 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

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

Nays—20

Adams	Finck	Mengden	Reed
Bass, T.	Floyd	Moreno	Silber
Blythe	Hanna, Joe	Nugent, J.	Simmons
Caldwell	Jones, D.	Orr	Vale
Doran	Longoria	Pickens	Wolff

Absent

Cruz	Jungmichel	Lovell	Parker, C.
Graves	Lee	Nabers	Wieting

The Speaker then laid SB 953 before the House on third reading and final passage.

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

Yeas—143

Adams	Allen, Joe	Allred	Atwell
Agnich	Allen, John	Angly	Atwood

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

Mr. Walt Parker moved to reconsider the vote by which SB 953 was passed and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE
HB 277 ON SECOND READING

Mr. Braun moved that all necessary rules be suspended to take up and consider at this time, HB 277.

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

Yeas—89

Adams	Allen, John	Angly	Bass, B.
Allen, Joe	Allred	Atwood	Bass, T.

Beckham	Grant	Lombardino	Sanchez
Bigham	Graves	Longoria	Santiesteban
Blythe	Hale	Lovell	Schulle
Boyle	Hannah, John	McAlister	Shannon
Braun	Harding	Moncrief	Silber
Caldwell	Harris	Moore, T.	Smith
Carrillo	Haynes	Moreno	Spurlock
Cavness	Head	Murray	Stewart
Christian	Hendricks	Nelms	Stroud
Clark	Hilliard	Neugent, D.	Traeger
Coats	Holmes, Z.	Nichols	Truan
Cole	Howard	Niland	Vale
Craddick	Hubenak	Ogg	Von Dohlen
Cruz	Ingram	Parker, C.	Wieting
Daniel	Johnson	Patterson	Williams
Denton	Jones, E.	Poerner	Williamson
Doyle	Jungmichel	Presnal	Wolff
Farenthold	Kaster	Reed	Wyatt
Finnell	Kilpatrick	Rodriguez	
Foreman	Lemmon	Rosson	
Gammage	Ligarde	Salem	

Nays—53

Agnich	Earthman	Kubiak	Short
Atwell	Finck	McKissack	Simmons
Baker	Finney	Mengden	Slack
Blanton	Floyd	Moore, A.	Slider
Bowers	Garcia	Moore, G.	Solomon
Braecklein	Golman	Nabers	Swanson
Bynum	Hanna, Joe	Newton	Tarbox
Cates	Hawn	Nugent, J.	Tupper
Clayton	Heatly	Orr	Uher
Cobb	Holmes, T.	Pickens	Ward
Davis, D.	Hull	Poff	Wayne
Davis, H.	Jones, D.	Salter	
Doran	Jones, G.	Semos	
Dramberger	Kost	Sherman	

Absent

Burgess	Hawkins	Lewis	Price
Calhoun	Lee	Parker, W.	

HB 979 ON SECOND READING

Mr. Harding moved that all necessary rules be suspended to take up and consider at this time, HB 979.

The motion prevailed by the following vote:

Yeas—140

Adams	Allred	Baker	Bigham
Agnich	Angly	Bass, B.	Blanton
Allen, Joe	Atwell	Bass, T.	Blythe
Allen, John	Atwood	Beckham	Bowers

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

Nays—2

Hanna, Joe Poff

Absent

Boyle	Doran	Ingram	Moreno
Cavness	Graves	Jones, G.	

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

HB 979, A bill to be entitled An Act to amend Article 978f-3a, Section 1, Penal Code, increasing number of members of Parks and Wildlife Commission to nine (9) members; and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 979 by striking all below the enacting clause and substituting the following:

Section 1. Section 1, Chapter 58, Acts of the 58th Legislature, 1963 (Article 978f-3a, Vernon's Texas Penal Code), is amended to read as follows:

"Section 1. (a) The Parks and Wildlife Department is established as an agency of the state. It is under the policy direction of the Parks and Wildlife Commission.

"(b) The Commission consists of six members appointed by the Governor with the advice and consent of two-thirds of the Members of the Senate present and voting. If the Senate is not in session, the Governor shall appoint the members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for their advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. In case of a vacancy on the Commission, the Governor shall appoint a new member to fill the unexpired term of the vacating member.

"(c) The members of the Commission hold office for staggered terms of six (6) years, with the terms of two (2) members expiring every two (2) years. Each member holds office until his successor is appointed and has qualified. The terms expire on January 31 of odd-numbered years.

"(d) The Governor shall biennially designate one (1) of the six (6) members to serve as chairman of the Commission for a term of two (2) years expiring on January 31 of the succeeding odd-numbered year. The Commission shall biennially elect a vice-chairman from among its members for a term of two (2) years expiring on January 31 of the succeeding odd-numbered years. A vacancy in the office of chairman or vice-chairman shall be filled for the unexpired portion of the term by appointment or election as in the case of the original appointment or election.

"(e) The Commission shall meet as often as it deems necessary, but shall meet at least once every quarter of the year. Four members constitute a quorum for transacting business.

"(f) Members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings and shall be paid a per diem as set in the General Appropriations Act."

Sec. 2. This Act does not affect the members of the Commission serving on the effective date of this Act. For the initial appointments of the three additional members authorized by Section 1 of this Act, the Governor shall appoint one member for two years, one member for four years, and one member for six years. The Governor shall designate one of the six members chairman of the Commission.

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

The committee amendment was adopted without objection.

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

Committee Amendment No. 2

Amend HB 979 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the organization of a six member Parks and Wildlife Commission; amending Section 1, Chapter 58, Acts of the 58th Legislature, 1963 (Article 978f-3a, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendment was adopted without objection.

HB 979, as amended, was passed to engrossment.

MOTION TO PLACE HB 979 ON THIRD READING

Mr. Harding moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 979 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—104

Agnich	Davis, D.	Lemmon	Salem
Allen, Joe	Dramberger	Ligarde	Salter
Allen, John	Finnell	Lombardino	Schulle
Allred	Foreman	Longoria	Semos
Angly	Gammage	Lovell	Shannon
Atwell	Garcia	McAlister	Sherman
Baker	Hale	McKissack	Short
Bigham	Hanna, Joe	Moncrief	Silber
Blanton	Harding	Moore, G.	Simmons
Blythe	Harris	Moore, T.	Slider
Bowers	Hawkins	Murray	Smith
Boyle	Hawn	Nabers	Solomon
Braecklein	Haynes	Nelms	Spurlock
Braun	Heatly	Neugent, D.	Stewart
Bynum	Hendricks	Newton	Stroud
Carrillo	Hilliard	Nichols	Tarbox
Cates	Holmes, T.	Niland	Traeger
Cavness	Howard	Ogg	Truan
Christian	Hubenak	Parker, C.	Tupper
Clark	Ingram	Parker, W.	Von Dohlen
Clayton	Johnson	Poerner	Ward
Coats	Jones, D.	Poff	Wieting
Cobb	Jones, E.	Presnal	Williams
Cole	Jungmichel	Price	Williamson
Craddick	Kaster	Rodriguez	Wolff
Cruz	Lee	Rosson	Wyatt

Nays—39

Adams	Doyle	Hull	Patterson
Bass, B.	Earthman	Jones, G.	Pickens
Bass, T.	Farenthold	Kost	Reed
Beckham	Finck	Kubiak	Sanchez
Burgess	Finney	Lewis	Slack
Caldwell	Floyd	Mengden	Swanson
Calhoun	Golman	Moore, A.	Uher
Daniel	Grant	Moreno	Vale
Davis, H.	Hannah, John	Nugent, J.	Wayne
Denton	Head	Orr	

Absent

Atwood	Graves	Kilpatrick	Santiesteban
Doran	Holmes, Z.		

MOTION TO PLACE HB 848 ON SECOND READING

Mr. Joe Allen moved that all necessary rules be suspended to take up and consider at this time, HB 848.

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

Yeas—91

Allen, Joe	Denton	Jungmichel	Reed
Allen, John	Doyle	Kaster	Rodriguez
Allred	Farenthold	Kilpatrick	Rosson
Angly	Finnell	Ligarde	Salem
Atwell	Foreman	Lombardino	Salter
Atwood	Gammage	Longoria	Sanchez
Bass, B.	Golman	Lovell	Schulle
Bass, T.	Grant	McAlister	Shannon
Bigham	Graves	McKissack	Sherman
Boyle	Hale	Moore, G.	Silber
Braun	Hanna, Joe	Moore, T.	Spurlock
Bynum	Hannah, John	Moreno	Stewart
Carrillo	Harris	Nabers	Stroud
Cates	Hawkins	Nelms	Traeger
Cavness	Hawn	Neugent, D.	Truan
Christian	Head	Nichols	Tupper
Clark	Hendricks	Niland	Vale
Coats	Hilliard	Ogg	Ward
Cobb	Holmes, T.	Orr	Wieting
Craddick	Holmes, Z.	Parker, C.	Williams
Cruz	Hubenak	Patterson	Wolff
Davis, D.	Jones, D.	Poerner	Wyatt
Davis, H.	Jones, E.	Poff	

Nays—50

Agnich	Blanton	Braecklein	Calhoun
Baker	Blythe	Burgess	Clayton
Beckham	Bowers	Caldwell	Cole

Daniel	Johnson	Newton	Smith
Doran	Kost	Nugent, J.	Solomon
Earthman	Kubiak	Pickens	Swanson
Finck	Lee	Presnal	Tarbox
Finney	Lemmon	Price	Uher
Floyd	Lewis	Semos	Von Dohlen
Garcia	Mengden	Short	Wayne
Heatly	Moncrief	Simmons	Williamson
Howard	Moore, A.	Slack	
Hull	Murray	Slider	

Absent

Adams	Harding	Ingram	Parker, W.
Dramberger	Haynes	Jones, G.	Santiesteban

HB 1299 ON SECOND READING

Mr. Salter moved that all necessary rules be suspended to take up and consider at this time, HB 1299.

The motion prevailed by the following vote:

Yeas—120

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

Nays—23

Atwood	Clark	Hull	Orr
Bass, B.	Doran	Kubiak	Rodriguez
Blanton	Farenthold	Moore, G.	Sanchez
Braecklein	Floyd	Nelms	Semos
Braun	Graves	Newton	Slack
Cates	Harris	Nichols	

Absent

Daniel	Moreno	Santiesteban	Stroud
Jones, G.	Rosson		

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

HB 1299, A bill to be entitled An Act validating the procedure for formation and creation of Housing Authorities for cities, counties and regions under provisions of the Housing Authorities Law HB 821, Chapter 462, page 1144, Regular Session of the 45th Legislature, as amended by HB 102, Chapter 41, page 1924, Second Called Session of the 45th Legislature, as amended by Chapter 563, page 926, Regular Session of the 47th Legislature (Article 1269K, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Salter offered the following amendments to the bill:

Amend HB 1299, Second Printing, as follows:

- (1) In line 19 insert "regional" between "creation of" and "housing."
- (2) In line 20, strike "for cities, counties and regions."
- (3) In line 30, at the conclusion of Section 1, add the following: "This Act does not apply to any act or proceeding occurring prior to June 1, 1969."

Amend HB 1299, Second Printing, by renumbering Section 2 as Section 3 and adding a new Section 2 to read as follows:

Sec. 2. This Act shall not be construed as validating any governmental act or proceeding which at the time this Act becomes effective is the subject of litigation pending in any court of competent jurisdiction, if the litigation is ultimately determined against the legality of the act or proceeding.

The amendments were severally adopted without objection.

HB 1299, as amended, was passed to engrossment.

HB 1299 ON THIRD READING

Mr. Salter moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1299 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

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

Nays—24

Atwood	Doran	Kubiak	Nichols
Bass, T.	Farenthold	Lovell	Nugent, J.
Beckham	Floyd	McAlister	Patterson
Braun	Graves	Mengden	Reed
Caldwell	Harris	Moore, G.	Rodriguez
Calhoun	Kilpatrick	Moreno	Vale

Absent

Allen, Joe	Finck	Hendricks	Uher
Bigham	Hawkins	Jones, G.	Wayne
Daniel	Heatly	Santiesteban	

The Speaker then laid HB 1299 before the House on third reading and final passage.

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

Yeas—124

Adams	Allen, John	Atwell	Bass, T.
Agnich	Angly	Baker	Bigham

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

Nays—17

Atwood	Farenthold	Lewis	Reed
Beckham	Gammage	Lovell	Rodriguez
Braun	Grant	Moore, G.	
Clark	Graves	Nichols	
Denton	Harris	Patterson	

Absent

Allen, Joe	Bass, B.	Hendricks	Nabers
Allred	Doran	Longoria	Santiesteban

Mr. Salter moved to reconsider the vote by which HB 1299 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 969 ON SECOND READING
(Mr. John Hannah—House Sponsor)

Mr. John Hannah moved that all necessary rules be suspended to take up and consider at this time, SB 969.

The motion prevailed by the following vote:

Yeas—139

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

Nays—2

Doran Sherman

Absent

Jones, D.	Moreno	Patterson	Stewart
Jones, G.	Parker, W.	Slack	Wayne

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

SB 969, A bill to be entitled An Act amending Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), by adding a Section 21A relating to residential leases of certain Indian land to members of the Alabama and Coushatta Tribes; and declaring an emergency.

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

Yeas—138

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

Absent

Atwood	Jones, D.	McAlister	Von Dohlen
Cruz	Jones, E.	Moore, T.	Wyatt
Doyle	Jones, G.	Patterson	

SB 969 ON THIRD READING
(Mr. John Hannah—House Sponsor)

Mr. John Hannah moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 969 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—143

Adams	Allen, Joe	Allred	Atwell
Agnich	Allen, John	Angly	Atwood

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

Nays—1

Nugent, J.

Absent

Bowers	Johnson	Jones, D.	Jones, G.
Cruz			

The Speaker then laid SB 969 before the House on third reading and final passage.

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

Yeas—146

Adams	Angly	Bass, T.	Bowers
Agnich	Atwell	Beckham	Boyle
Allen, Joe	Atwood	Bigham	Braecklein
Allen, John	Baker	Blanton	Braun
Allred	Bass, B.	Blythe	Burgess

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

Mr. John Hannah moved to reconsider the vote by which SB 969 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I was recorded voting Yea on suspension of the constitutional rule placing SB 969 on third reading and final passage by error, but was unable to correct this vote to Nay due to the fact the Speaker had already announced the result.

Signed: Hilary Doran, Jr.

SB 580 ON SECOND READING (Mr. Johnson—House Sponsor)

Mr. Johnson moved that all necessary rules be suspended to take up and consider at this time, SB 580.

The motion prevailed by the following vote:

Yeas—128

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

Nays—5

Denton	Finck	Grant	Nugent, J.
Doran			

Absent

Coats	Hull	Moore, T.	Patterson
Dramberger	Jones, D.	Newton	Presnal
Harding	Jones, G.	Niland	Slack
Hendricks	Kilpatrick	Parker, W.	Wayne

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

SB 580, A bill to be entitled An Act relating to extraterritorial jurisdiction and annexation powers of cities; amending Section 7, Article I, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend SB 580 by striking all below the enacting clause and substituting the following:

"Section 1. Section 7, Article 1, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), is amended by adding a new Sub-section B-1 to read as follows:

"B-1. (a) It is against the public policy of this state and the policy and purposes of this Act for a city to annex any narrow strip of territory for the sole purpose of expanding the extraterritorial jurisdiction of the city to developed or developing areas otherwise beyond its extraterritorial jurisdiction. As used herein the term 'narrow strip of territory' shall mean any strip of land, publicly or privately owned, which is less than three hundred (300) feet in width at its greatest width and extends to or beyond one-half the extent of the city's extraterritorial jurisdictional limits as established by Section 3, Article I of the Municipal Annexation Act, compiled as Section 3 of Article 970a, Vernon's Texas Civil Statutes.

"(b) All annexation proceedings initiated for the purpose of including the site of a state institution or facility within a city are hereby and in all respects validated as of the date of such proceedings.

"Sec. 2. The validating provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of the boundaries of such city or town.

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

The committee amendment was adopted without objection.

SB 580, as amended, was passed to third reading.

SB 580 ON THIRD READING
(Mr. Johnson—House Sponsor)

Mr. Johnson moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 580 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Agnich	Allred	Baker	Bigham
Allen, Joe	Angly	Bass, B.	Blanton
Allen, John	Atwood	Beckham	Blythe

Bowers	Golman	Ligarde	Sanchez
Boyle	Grant	Lombardino	Santiesteban
Braecklein	Graves	Longoria	Schulle
Braun	Hale	Lovell	Semos
Burgess	Hanna, Joe	McAlister	Shannon
Bynum	Hannah, John	McKissack	Sherman
Caldwell	Harding	Mengden	Short
Calhoun	Harris	Moncrief	Silber
Carrillo	Hawkins	Moore, A.	Simmons
Cates	Hawn	Moore, G.	Slider
Cavness	Head	Moore, T.	Smith
Christian	Heatly	Murray	Solomon
Clark	Hendricks	Nabers	Spurlock
Clayton	Hilliard	Nelms	Stewart
Coats	Holmes, T.	Neugent, D.	Swanson
Cobb	Holmes, Z.	Newton	Tarbox
Cole	Howard	Nichols	Traeger
Craddick	Hubenak	Niland	Truan
Cruz	Ingram	Ogg	Tupper
Daniel	Johnson	Orr	Vale
Davis, D.	Jones, E.	Parker, C.	Von Dohlen
Denton	Jones, G.	Poerner	Ward
Doyle	Jungmichel	Poff	Wayne
Earthman	Kaster	Presnal	Wieting
Farenthold	Kilpatrick	Price	Williams
Finnell	Kost	Rodriguez	Williamson
Foreman	Lee	Rosson	Wolff
Gammage	Lemmon	Salem	Wyatt
Garcia	Lewis	Salter	

Nays—15

Adams	Finney	Moreno	Reed
Bass, T.	Floyd	Nugent, J.	Slack
Doran	Hull	Patterson	Uher
Finck	Kubiak	Pickens	

Absent

Atwell	Dramberger	Jones, D.	Stroud
Davis, H.	Haynes	Parker, W.	

The Speaker then laid SB 580 before the House on third reading and final passage.

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

Yeas—144

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

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

Nays—1

Reed

Absent

Hull	Jones, D.	Ogg	Stroud
------	-----------	-----	--------

Mr. Johnson moved to reconsider the vote by which SB 580 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 358 ON SECOND READING

Mr. Hendricks moved that all necessary rules be suspended to take up and consider at this time, HB 358.

The motion prevailed by the following vote:

Yeas—140

Adams	Angly	Bass, T.	Bowers
Agnich	Atwell	Beckham	Boyle
Allen, Joe	Atwood	Bigham	Braecklein
Allen, John	Baker	Blanton	Braun
Allred	Bass, B.	Blythe	Burgess

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

Nays—5

Doran	Kubiak	Longoria	Short
Floyd			

Absent

Harding	Jones, G.	Moore, T.	Uher
---------	-----------	-----------	------

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

HB 358, A bill to be entitled An Act relating to the creation of the 199th Judicial District composed of Collin County; amending Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Hendricks offered the following amendment to the bill:

Amend the quoted Section 3.028 of HB 358 to read as follows:

Section 3.028. (a) The 199th Judicial District, composed of the County of Collin, is hereby created.

(b) The County Court of Collin County shall have the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons pending in such court; to conduct lunacy hearings; to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions provided for by general law governing county court throughout the state, but neither the County Court of Collin County nor the judge thereof shall have any jurisdiction over matters of eminent domain, or other original civil jurisdiction, or other original criminal jurisdiction, or appellate civil jurisdiction, or other appellate criminal jurisdiction; provided, however, that all future statutes pertaining to probate matters enacted by the Legislature of the State of Texas shall be operative in Collin County as fully as though this statute had not been enacted.

(c) The 199th District Court and the presiding judge thereof shall have and exercise original jurisdiction in matters of eminent domain in Collin County. The 199th District Court and the presiding judge thereof shall have and exercise original and appellate jurisdiction in all civil and criminal matters and causes over which, by the laws of this state, the County Court of Collin County would have had original or appellate jurisdiction but for the provisions set out in Subsection (b) of this section; all causes, other than probate matters, as are provided in Subsection (b) of this section, shall be and the same are hereby transferred to the 199th District Court, and all writs and process relating to such civil and criminal matters and causes included in the subject matter of jurisdiction prescribed in this section, issued by or out of said County Court of Collin County, are hereby made returnable to the next term of the 199th District Court after this section takes effect. Provided further, however, that as to any civil or criminal case on appeal from the county court, should a judgment be entered by the Court of Civil Appeals or the Supreme Court, or the Court of Criminal Appeals, remanding the case for a new trial or for further proceedings, it shall be remanded to the 199th District Court, and all jurisdiction in respect to the particular case shall thereafter vest in the 199th District Court.

(d) The County Clerk of Collin County is hereby required, within 30 days after this section takes effect, to file with the clerk of the 199th District Court all original papers in cases here transferred to the district court and all judges' dockets and certified copies of any interlocutory judgment or other order entered in the minutes of the county court in the cases so transferred. The district clerk shall immediately docket all such cases on the docket of the 199th District Court. All such cases shall stand on the docket of the district court in the same manner and place as each stands on the docket of the county court. It shall not be necessary that the district clerk refile any papers theretofore filed by the county court, but papers in the case bearing the file mark of the county clerk prior to the time of the transfer shall be held to have been filed in the case as of the date filed without being refiled by the district clerk. The county clerk in cases so transferred shall accompany the papers with a certified bill of cost, and against all cost deposits, if any, the county clerk shall charge accrued fees due him, and the remainder of the deposit he shall pay to the district clerk

as a deposit in the particular case for which deposited. Credit shall be given litigants for all jury fees paid in the county court.

(e) This section shall not be construed to in anywise or manner affect final judgments heretofore rendered by the County Court of Collin County pertaining to matters and causes which by this section are transferred to the district court. The county court shall retain jurisdiction to enforce those final judgments and the county clerk of the county shall issue all writs of execution and orders of sale and proceedings thereunder, and his act in so doing shall be valid and binding to all intents and purposes the same as if no change had been made as set out in Subsection (c).

The amendment was adopted without objection.

Mr. Hendricks offered the following amendment to the bill:

Amend HB 358 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the creation of the 199th Judicial District composed of Collin County; diminishing the jurisdiction of the County Court of Collin County; amending Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes); and declaring an emergency.

The amendment was adopted without objection.

HB 358, as amended, was passed to engrossment.

HB 358 ON THIRD READING

Mr. Hendricks moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—138

Adams	Braecklein	Davis, D.	Hanna, Joe
Agnich	Braun	Davis, H.	Hannah, John
Allen, Joe	Burgess	Denton	Harding
Allen, John	Bynum	Doyle	Harris
Allred	Caldwell	Dramberger	Hawkins
Angly	Carrillo	Earthman	Hawn
Atwell	Cates	Farenthold	Haynes
Atwood	Cavness	Finck	Head
Baker	Christian	Finnell	Heatly
Bass, B.	Clark	Finney	Hendricks
Bass, T.	Clayton	Foreman	Hilliard
Beckham	Coats	Gammage	Holmes, T.
Bigham	Cobb	Garcia	Holmes, Z.
Blanton	Cole	Golman	Howard
Blythe	Craddick	Grant	Hubanak
Bowers	Cruz	Graves	Hull
Boyle	Daniel	Hale	Ingram

Johnson	Moore, T.	Rodriguez	Stroud
Jones, E.	Murray	Rosson	Swanson
Jungmichel	Nabers	Salem	Tarbox
Kaster	Nelms	Salter	Traeger
Kilpatrick	Neugent, D.	Sanchez	Truan
Kost	Newton	Santiesteban	Tupper
Lee	Nichols	Schulle	Uher
Lemmon	Niland	Semos	Vale
Lewis	Ogg	Shannon	Von Dohlen
Ligarde	Parker, C.	Sherman	Ward
Lombardino	Parker, W.	Silber	Wayne
Lovell	Patterson	Simmons	Wieting
McAlister	Pickens	Slack	Williams
McKissack	Poerner	Slider	Williamson
Mengden	Poff	Smith	Wolff
Moncrief	Presnal	Solomon	Wyatt
Moore, A.	Price	Spurlock	
Moore, G.	Reed	Stewart	

Nays—8

Calhoun	Floyd	Longoria	Orr
Doran	Kubiak	Nugent, J.	Short

Absent

Jones, D.	Jones, G.	Moreno
-----------	-----------	--------

The Speaker then laid HB 358 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Hendricks moved to reconsider the vote by which HB 358 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 952 WITH SENATE AMENDMENTS

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

HB 952, A bill to be entitled An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency.

Mr. Semos 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 952—APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on HB 952:

Representatives Semos, Garcia, Von Dohlen, Grant Jones, and Kost.

SB 246 ON SECOND READING
(Mr. Cavness—House Sponsor)

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

SB 246, A bill to be entitled An Act relating to the rule making authority of the State Board of Dental Examiners; providing for the licensing of dental laboratories in this state; providing penalties; amending Articles 4551d and 4551f, Revised Civil Statutes of Texas, 1925; repealing all laws in conflict; providing for severability; and declaring an emergency.

The bill was read second time.

Mr. Carl Parker offered the following amendment to the bill:

Amend SB 246 by striking all after line 35 through line 56, page 1, second printing and substituting in lieu thereof the following:

"Article 4551d. The Texas State Board of Dental Examiners is hereby empowered and authorized to adopt, promulgate and enforce such rules and regulations not inconsistent with Chapter 9, Title 71, of the Revised Civil Statutes of Texas as amended, as the board may deem necessary for the performance of its duties, and for the enforcement of this Act. Notice must be given at least ten (10) days in advance of any meeting called by the board to consider the adoption of any rule, or regulation, or change therein; such notice as herein provided for shall be accomplished by publication at least once in a newspaper having general circulation in the State of Texas, and before any rule, regulation or change therein is adopted, promulgated or enforced, it shall be submitted to the Attorney General of the State of Texas for review as to its legality."

Mr. Cavness moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—77

Adams	Christian	Golman	Kaster
Allen, John	Coats	Graves	Kost
Angly	Cobb	Hale	Lee
Baker	Cole	Hannah, John	Lemmon
Bass, B.	Craddick	Hilliard	Lombardino
Blanton	Davis, H.	Holmes, Z.	Lovell
Blythe	Doyle	Howard	McAlister
Bowers	Earthman	Hubenak	Mengden
Boyle	Farenthold	Ingram	Moncrief
Burgess	Finck	Jones, E.	Moore, A.
Calhoun	Foreman	Jones, G.	Murray
Cavness	Garcia	Jungmichel	Nabers

Neugent, D.	Presnal	Short	Vale
Newton	Price	Silber	Von Dohlen
Niland	Rosson	Smith	Ward
Nugent, J.	Salem	Solomon	Williams
Patterson	Salter	Spurlock	Williamson
Pickens	Semos	Traeger	Wolf
Poerner	Shannon	Tupper	Wyatt
Poff			

Nays—66

Agnich	Davis, D.	Johnson	Rodriguez
Allen, Joe	Denton	Jones, D.	Sanchez
Allred	Doran	Kilpatrick	Santiesteban
Atwell	Dramberger	Kubiak	Schulle
Bass, T.	Finnell	Lewis	Sherman
Beckham	Finney	Ligarde	Simmons
Bigham	Floyd	Longoria	Slack
Braecklein	Gammage	McKissack	Slider
Braun	Grant	Moore, G.	Stewart
Bynum	Hanna, Joe	Moore, T.	Swanson
Caldwell	Harding	Moreno	Tarbox
Carrillo	Hawkins	Nelms	Truan
Cates	Hawn	Nichols	Uher
Clark	Head	Ogg	Wayne
Clayton	Heatly	Orr	Wieting
Cruz	Holmes, T.	Parker, C.	
Daniel	Hull	Reed	

Present—Not Voting

Parker, W.

Absent

Atwood	Haynes	Hendricks	Stroud
Harris			

SB 246 was passed to third reading.

Mr. Cavness moved to reconsider the vote by which SB 246 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

SB 748 ON SECOND READING
(Mr. Bigham—House Sponsor)

Mr. Bigham moved that all necessary rules be suspended to take up and consider at this time, SB 748.

The motion prevailed by the following vote:

Yeas—111

Agnich	Allen, John	Angly	Bass, B.
Allen, Joe	Allred	Atwood	Bass, T.

Beckham	Finney	Kost	Salter
Bigham	Floyd	Kubiak	Sanchez
Blanton	Foreman	Lemmon	Santiesteban
Blythe	Gammage	Lewis	Schulle
Boyle	Garcia	Ligarde	Semos
Braecklein	Golman	Lombardino	Shannon
Braun	Grant	Longoria	Silber
Burgess	Hale	McKissack	Simmons
Bynum	Hanna, Joe	Mengden	Slack
Caldwell	Hannah, John	Moore, A.	Smith
Calhoun	Harding	Moore, T.	Solomon
Carrillo	Harris	Moreno	Spurlock
Cavness	Hawkins	Murray	Stewart
Christian	Hawn	Nelms	Stroud
Clark	Haynes	Neugent, D.	Swanson
Coats	Head	Newton	Tarbox
Cobb	Hendricks	Nichols	Traeger
Cole	Hilliard	Nugent, J.	Truan
Cruz	Holmes, Z.	Orr	Tupper
Daniel	Hubenak	Parker, C.	Vale
Davis, H.	Hull	Parker, W.	Ward
Denton	Ingram	Poff	Wieting
Dramberger	Johnson	Price	Williams
Earthman	Jones, E.	Reed	Wolff
Farenthold	Jungmichel	Rodriguez	Wyatt
Finnell	Kaster	Salem	

Nays—31

Baker	Heatly	Moncrief	Sherman
Clayton	Holmes, T.	Moore, G.	Short
Craddick	Howard	Nabers	Slider
Davis, D.	Jones, D.	Ogg	Uher
Doran	Jones, G.	Pickens	Von Dohlen
Doyle	Kilpatrick	Poerner	Wayne
Finck	Lovell	Presnal	Williamson
Graves	McAlister	Rosson	

Present—Not Voting

Lee

Absent

Adams	Bowers	Niland	Patterson
Atwell	Cates		

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

SB 748, A bill to be entitled An Act relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the producer of the original recording; providing penalties for violation; and declaring an emergency.

The bill was read second time.

Mr. Nabers offered the following amendment to the bill:

Amend SB 748 by striking all of Section 1 and substituting the following in lieu thereof:

"1. As used in this Act, 'owner' means the owner or artist on the original master recording, master disc or master tape, or other device used for reproducing recorded sound on a phonograph record, disc, tape or other material on which sound is recorded and from which the transferred recorded sound is directly or indirectly derived. Provided, however, this Act does not apply to video tape, or recording used by T.V. and radio stations that comply with F.C.C. regulations."

Mr. Bigham moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—124

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

Nays—17

Adams	Clayton	Finck	Hubenak
Baker	Doran	Holmes, T.	Nabers

Ogg. Pickens Rosson	Sherman Short	Slider Spurlock	Uher Williamson
---------------------------	------------------	--------------------	--------------------

Present—Not Voting

Bynum	McAlister	Wayne
-------	-----------	-------

Absent

Davis, D. Hilliard	Howard	Jones, D.	Niland
-----------------------	--------	-----------	--------

Mr. Sherman offered the following amendment to the bill:

Amend SB 748 by deleting Section 3 and substituting therefor the following:

“Section 3. A second or subsequent offense under this Act shall be a misdemeanor punishable by a fine of not more than \$5,000.”

Mr. Bigham moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—125

Agnich	Cole	Hendricks	Murray
Allen, Joe	Cruz	Hilliard	Nelms
Allen, John	Daniel	Holmes, Z.	Neugent, D.
Allred	Davis, D.	Hubenak	Newton
Angly	Davis, H.	Ingram	Nichols
Atwell	Denton	Johnson	Nugent, J.
Atwood	Doyle	Jones, D.	Ogg
Baker	Dramberger	Jones, E.	Orr
Bass, B.	Earthman	Jones, G.	Parker, C.
Bass, T.	Farenthold	Jungmichel	Parker, W.
Beckham	Finck	Kaster	Patterson
Bigham	Finnell	Kilpatrick	Poerner
Blanton	Floyd	Kost	Poff
Blythe	Foreman	Kubiak	Presnal
Bowers	Gammage	Lee	Price
Boyle	Garcia	Lemmon	Reed
Braecklein	Golman	Lewis	Rodriguez
Braun	Grant	Ligarde	Salem
Burgess	Graves	Lombardino	Salter
Caldwell	Hale	Longoria	Sanchez
Calhoun	Hanna, Joe	Lovell	Santiesteban
Carrillo	Hannah, John	McKissack	Schulle
Cates	Harding	Mengden	Semos
Cavness	Harris	Moncrief	Shannon
Christian	Hawkins	Moore, A.	Silber
Clark	Hawn	Moore, G.	Simmons
Coats	Haynes	Moore, T.	Smith
Cobb	Head	Moreno	Solomon

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

Nays—13

Adams	Holmes, T.	Rosson	Spurlock
Clayton	Nabers	Short	Tarbox
Finney	Pickens	Slider	Uher
Heatly			

Present—Not Voting

Bynum	McAlister	Wayne
-------	-----------	-------

Absent

Craddick	Howard	Niland	Slack
Doran	Hull	Sherman	Wieting

Mr. Wayne offered the following amendment to the bill:

Amend SB 748 by adding a new section thereto as follows:

"The provisions of this Act are hereby declared to be severable. Should any portion hereof be declared unconstitutional or ineffective for any reason, such declaration shall not affect the remaining provisions hereof, and the Legislature specifically declares that it would have passed the balance of this Act notwithstanding the omission of any part thereof declared to be unconstitutional or ineffective."

The amendment was adopted without objection.

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

Amend SB 748 by adding a new section appropriately numbered:

The provisions of this bill shall not apply to any fees due ASCAP.

The amendment was adopted without objection.

SB 748, as amended, was passed to third reading.

SB 748 ON THIRD READING
(Mr. Bigham—House Sponsor)

Mr. Bigham moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 748 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Agnich	Allred	Atwell	Baker
Allen, Joe	Angly	Atwood	Bass, B.

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

Nays—19

Clayton	Ingram	Ogg	Slider
Davis, D.	McAlister	Pickens	Spurlock
Doran	Moore, G.	Rosson	Uher
Doyle	Nabers	Sherman	Wayne
Floyd	Nugent, J.	Short	

Absent

Adams	Hilliard	Niland	Wyatt
Allen, John			

The Speaker then laid SB 748 before the House on third reading and final passage.

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

Yeas—127

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

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

Nays—12

Adams	Doyle	Nabers	Short
Clayton	Ingram	Pickens	Slider
Davis, D.	Moore, G.	Sherman	Uher

Present—Not Voting

Bynum	McAlister	Wayne
-------	-----------	-------

Absent

Hilliard	McKissack	Niland	Reed
Jones, D.	Moreno	Nugent, J.	

Mr. Bigham moved to reconsider the vote by which SB 748 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Bigham, and by unanimous consent, the caption of SB 748 was ordered amended to conform with the body of the bill.

HB 1024 ON SECOND READING

Mr. Truan moved that all necessary rules be suspended to take up and consider at this time, HB 1024.

The motion prevailed by the following vote:

Yeas—125

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

Nays—17

Allen, John	Clayton	Jones, G.	Rosson
Blythe	Cobb	Lee	Short
Bowers	Doran	Mengden	Slider
Cates	Jones, E.	Nabers	Wayne
Christian			

Absent

Hanna, Joe	Hilliard	Ogg	Silber
Heatly	Niland	Patterson	

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

HB 1024, A bill to be entitled An Act relating to bilingual education training institutes, bilingual instructional materials, and salaries for bilingual education teachers; amending Subchapter A, Chapter 11, Texas Education Code, by adding Section 11.17; amending Subchapter A, Chapter 12, Texas Education Code, by adding Section 12.04; amending Subchap-

ter D, Chapter 16, Texas Education Code, by adding Section 16.3061; amending Section 16.312, Texas Education Code, by adding Subchapter (c-1); and declaring an emergency.

The bill was read second time.

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

Committee Amendment No. 1

Amend HB 1024 as follows:

(1) Delete the word "free" in Subsection (a) of quoted Section 12.04.

(2) Amend the language before the colon in quoted Subsection (c-1) to read as follows:

"(c-1) In addition to the positions described in Subsection (c), the position descriptions, required preparation and education, and number of monthly payments authorized under the Texas state public education compensation plan for bilingual education teachers are as follows:"

The committee amendment was adopted without objection.

HB 1024, as amended, was passed to engrossment.

HB 1024 ON THIRD READING

Mr. Truan moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1024 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Adams	Cates	Garcia	Jungmichel
Agnich	Cavness	Golman	Kaster
Allen, Joe	Clark	Grant	Kost
Allred	Clayton	Graves	Kubiak
Angly	Coats	Hale	Lemmon
Atwell	Cobb	Hannah, John	Lewis
Atwood	Cole	Harris	Ligarde
Baker	Craddick	Hawkins	Lombardino
Bass, B.	Cruz	Hawn	Longoria
Bass, T.	Daniel	Haynes	Lovell
Beckham	Davis, D.	Head	McAlister
Bigham	Davis, H.	Heatly	McKissack
Blanton	Denton	Hendricks	Moncrief
Bowers	Dramberger	Hilliard	Moore, A.
Boyle	Earthman	Holmes, T.	Moore, T.
Braecklein	Farenthold	Holmes, Z.	Moreno
Braun	Finck	Howard	Murray
Burgess	Finnell	Hubenak	Nabers
Bynum	Finney	Hull	Nelms
Caldwell	Foreman	Johnson	Neugent, D.
Carrillo	Gammage	Jones, G.	Newton

Nichols	Reed	Slack	Uher
Niland	Rodriguez	Slider	Vale
Ogg	Salem	Smith	Von Dohlen
Orr	Salter	Solomon	Ward
Parker, C.	Sanchez	Spurlock	Wayne
Parker, W.	Santiesteban	Stewart	Wieting
Patterson	Schulle	Stroud	Williams
Pickens	Semos	Swanson	Williamson
Poerner	Shannon	Tarbox	Wolff
Poff	Sherman	Traeger	
Presnal	Silber	Truan	
Price	Simmons	Tupper	

Nays—17

Allen, John	Floyd	Jones, E.	Moore, G.
Blythe	Hanna, Joe	Kilpatrick	Nugent, J.
Calhoun	Ingram	Lee	Rosson
Christian	Jones, D.	Mengden	Short
Doran			

Absent

Doyle Harding Wyatt

The Speaker then laid HB 1024 before the House on third reading and final passage.

The bill was read third time and was passed.

The Speaker announced that HB 1024 was passed subject to the provisions of Section 49A, Article III of the Constitution.

Mr. Truan moved to reconsider the vote by which HB 1024 was passed and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Lee requested to be recorded as voting Yea on the final passage of HB 1024.

HB 628 WITH SENATE AMENDMENTS

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

HB 628, A bill to be entitled An Act abolishing the office of county superintendent in all counties which have no common school districts; and declaring an emergency.

On motion of Mr. Wayne, the House concurred in the Senate Amendments to HB 628.

Mr. Wayne moved to reconsider the vote by which the House concurred

in the Senate Amendments to HB 628 and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the vote by which the House concurred in the Senate Amendments to HB 628.

HB 628—TEXT OF SENATE AMENDMENTS

Amend HB 628 by striking Section 2 and substituting in lieu thereof the following:

"Section 2. Nothing in this bill shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

"All counties in which an equalization fund has heretofore been created are hereby authorized to continue to levy, assess and collect in the same manner the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the tax-paying voters of the county under any Act heretofore passed by the Legislature whether general or special; it being intended that the repeal of statutes by this Act shall not repeal or affect any tax or authority or power heretofore granted by the Legislature under which any tax has heretofore been authorized or attempted to be authorized by an election held under any Act or Acts of the Legislature heretofore enacted, whether general or special."

Amend HB 628 by deleting therefrom Section 1 and substituting in lieu thereof a new Section 1 to read as follows:

"Section 1. (a) The office of county superintendent is abolished in all counties which have within them no common school districts, or school districts classified as common school districts.

"(b) Upon abolition of the office of county superintendent in any county, the duties and functions of such office, insofar as the same involve recommendations or approvals concerning the operations of the respective districts shall devolve upon and be performed by the superintendent of schools of the independent school districts affected; the powers and functions assigned to the office of county superintendent under Sec. 16.15 and 16.17 of the Texas Education Code shall devolve upon and be performed by the Executive Director of the Regional Education Service Center of the region embracing such county; and all other powers and duties devolved by law upon the office of county superintendent shall be performed, ex officio, by the county judge of such county, without compensation from the state. All unused budget funds remaining at the expiration of the office shall revert back to their source."

Amend caption to conform to body of bill.

REASON FOR NOT VOTING ON LEGISLATION
VOTED ON TODAY, MAY 26, 1971

I was engaged in the Conference Committee on Appropriations trying to complete the Conference Report in order to avoid a special session which, if it occurred, would be very costly to the taxpayers.

Signed: Longoria

ADJOURNMENT

Mr. Jim Nugent moved that the House adjourn until 10:30 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:20 p.m., adjourned until 10:30 a.m. tomorrow.

APPENDIX

BILL TRANSMITTED TO GOVERNOR UNDER
ARTICLE 16, SECTION 59

HB 1884 transmitted by the Chief Clerk to the Governor on May 25, 1971.

RECOMMENDATIONS OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 1840 filed with the Speaker on May 25, 1971.

Recommendations of the Texas Water Commission on HB 1884 filed with the Speaker on May 26, 1971.

STANDING COMMITTEE REPORTS

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

Banks and Banking: SB 998.

Conservation and Reclamation: SB 991.

Counties: SB 328.

Elections: HB 1488.

Engrossed and Enrolled Bills: Correctly engrossed—HB 48, HB 160, HB 234, HB 517, HB 605, HB 653, HB 694, HB 695, HB 728, HB 777, HB 811, HB 814, HB 825, HB 842, HB 897, HB 909, HB 920, HB 963, HB 1096, HB 1165, HB 1166, HB 1213, HB 1265, HB 1316, HB 1417, HB 1441, HB 1491, HB 1504, HB 1542, HB 1582, HB 1584, HB 1642, HB 1653, HB 1659, HB 1674, HB 1687, HB 1692, HB 1695, HB 1701, HB 1741, HB 1748, HB 1756, HB 1758, HB 1773, HB 1824, HB 1833, HB 1834, HB 1835, HB 1857, HB 1863, HB 1864, HB 1882, HB 1884, HJR 68, HCR 128, HCR 130, HCR 136, HCR 153, HCR 154, HCR 172, HCR 175. Correctly enrolled—HB 591, HB 977, HB 1384, HB 1672.

Higher Education: SB 1036.

Judiciary: SB 99, SB 161, SB 355, SCR 104, SCR 105, SCR 106, SCR 107, SCR 108, SCR 109, SCR 110.

Penitentiaries: HSR 504.

Public Education: SB 860, SB 455.

Public Health: SB 559.

Public Lands and Buildings: SB 1035.

Revenue and Taxation: HB 1333, SB 875.

School Districts: SB 1022.

State Affairs: SB 385, SB 490, SB 749.

Urban Affairs: SB 580.

SENT TO THE GOVERNOR

May 25, 1971

HB 52

HB 297

HB 329

HB 357

HB 459

HB 645

HB 681

HB 683

HB 839

HB 949

HB 977

HB 999

HB 1031

HB 1108

HB 1109

HB 1117

HB 1184

HB 1381

HB 1435

HB 1436

HB 1630

HB 1672

HB 1678

HB 1688

HB 1718

HB 1808

HB 1827

 EIGHTY-FOURTH DAY—THURSDAY, MAY 27, 1971

The House met at 10:30 a.m. and was called to order by the Speaker.

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

Mr. Speaker	Cruz	Kaster	Price
Adams	Daniel	Kost	Reed
Agnich	Davis, D.	Kubiak	Salem
Allen, Joe	Davis, H.	Lee	Salter
Allen, John	Denton	Lemmon	Sanchez
Angly	Doyle	Lombardino	Schulle
Atwell	Dramberger	Longoria	Semos
Atwood	Earthman	Lovell	Shannon
Bass, T.	Finnell	McAlister	Sherman
Beckham	Floyd	McKissack	Short
Blanton	Gammage	Mengden	Silber
Blythe	Grant	Moncrief	Simmons
Bowers	Hanna, Joe	Moore, A.	Smith
Boyle	Harding	Murray	Solomon
Braecklein	Harris	Nabers	Spurlock
Braun	Hawkins	Nelms	Stewart
Burgess	Hawn	Neugent, D.	Swanson
Bynum	Haynes	Newton	Tarbox
Caldwell	Head	Nichols	Traeger
Carrillo	Heatly	Niland	Truan
Cates	Hendricks	Nugent, J.	Tupper
Christian	Hilliard	Ogg	Uher
Clark	Holmes, T.	Orr	Vale
Coats	Howard	Parker, C.	Ward
Cobb	Hubenak	Parker, W.	Williams
Cole	Johnson	Poerner	Williamson
Craddick	Jungmichel	Poff	Wyatt