

JOURNAL
OF THE
House of Representatives
OF THE
FOURTH CALLED SESSION
OF THE
Sixty-second Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
SEPTEMBER 18, 1972



MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Honorable Speaker, Honorable Lieutenant Governor and Honorable Members of the Legislature:

Today I am issuing a proclamation under the provisions of Article III, Section 40, of the Constitution of the State of Texas so that the Legislature may enact the following measures:

(1) To enact legislation to correct inadequacies and problems created by SB 183, 62nd Legislature, Regular Session, 1972, relating to trailer brakes and trailer lights,

(2) To enact legislation exempting certain aviation schools and instructors from the Texas Proprietary School Act by amending Section 32.12 of the Texas Education Code,

(3) To enact legislation appropriating six (6) million dollars to The University of Texas Medical School at Houston and seven and one-half (7-½) million dollars to Texas Tech University School of Medicine at Lubbock for the purpose of refunding construction appropriations which were transferred to the Department of Public Welfare in February, 1970,

(4) To enact legislation allowing disannexation of the territory of certain independent school districts from certain Junior College Districts by amending Subchapter D, Chapter 51, Texas Education Code.

On the first subject of trailer brakes and lights, all of us are certainly aware of the tremendous publicity which has surrounded the need for revision of certain sections of the "Rules of the Road." A potential hardship might be created, not only for farmers and ranchers, but for persons utilizing trailers for recreational purposes. I urge the Members of the Legislature to introduce and pass legislation which would correct these inequities.

On the second subject of exempting from state licensing certain flying schools and instructors, we must all be aware that the federal government and its regulatory agencies' rules and regulations already cover the areas which the state legislation inadvertently duplicated coverage. For these reasons, I urge the Legislature to correct this duplication and exempt certain schools and instructors from state regulation since they are already adequately covered by federal rules and regulations.

The third item which I present for your consideration today would have the effect of replacing funds which have been transferred from The University of Texas Medical School at Houston and the Texas Tech University School of Medicine at Lubbock.

Many of you will recall that during the latter part of 1969 and in the first month of 1970, the cost of our Public Welfare program was growing at a totally unexpected and unparalleled rate. In February of 1970, in order to avoid a special session and at the same time avoid substantial reductions in grants of aid to families with dependent children, I transferred \$7.5 million in construction funds from the Texas Tech University School of Medicine at Lubbock and \$6.0 million in construction funds from The University of Texas Medical School at Houston. This transfer was made only after I had been assured that these funds would not be needed prior to the convening of the 62nd Regular Session. At the time the transfer was made I gave my pledge that I would recommend as an emergency measure the appropriation of funds to replace those that had been transferred.

When the 62nd Legislature met in January of 1971, my budget recommendations provided for full replacement of these transferred funds. Although both universities were subsequently given the authority to issue bonds for the construction of the two medical schools and other units of higher education, General Revenue funds were never appropriated to replace those which had been transferred.

In another development which has affected the timetable of these two schools, we have been unable to acquire federal matching funds for construction. The availability of federal funds had been anticipated, and, without that source, sufficient funds are not available to complete the two schools as contemplated.

Today, we have no commitment which is more binding, we have no obligation which is more critical, than our commitment and obligation to refund those appropriations which have been transferred. This action is necessary in order to avoid delay in the completion of these two new medical schools which are so vital to the future health and well-being of the citizens of Texas.

Fortunately, we have funds available to permit us to live up to this commitment. Although federal funds for construction of medical schools have not been forthcoming, we have developed a far greater source of federal funding in the form of federal reimbursement for the cost of social services provided by state agencies. During the Third Called Session, I described this new approach to you, and because of its availability we were able to provide a full budget for 1973 which requires no new taxes.

In my judgment, we could make no better use of funds which are now available than to appropriate \$6.0 million to The University of Texas Medical School at Houston, and \$7.5 million to the Texas Tech University School of Medicine at Lubbock.

The fourth subject, that of allowing the disannexation of certain independent school districts from certain junior college districts, will permit certain districts to modify boundary lines and jurisdictions as they locally determine are appropriate. The passage of this legislation will permit Midland County to establish a Junior College District to serve the citizens of that area.

I urge your prompt consideration and enactment of these measures.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature, the following:

- (1) To enact legislation amending Article 6701d, Vernon's Texas Civil Statutes, to correct inadequacies and problems created by SB 183, 62nd Legislature, Regular Session, 1971, relating to trailer brakes and trailer lights.
- (2) To enact legislation exempting certain aviation schools and instructors from the Texas Proprietary School Act by amending Section 32.12 of the Texas Education Code.
- (3) To enact legislation appropriating six (6) million dollars to the University of Texas School of Medicine at Houston and seven and one-half (7½) million dollars to Texas Tech University School of Medicine at Lubbock, for the purpose of refunding construction appropriations which were transferred to the Department of Public Welfare in February, 1970.
- (4) To enact legislation allowing disannexation of the territory of certain independent school districts from certain Junior College Districts by amending Subchapter D, Chapter 51, Texas Education Code.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 25th day of September, A. D., 1972

PRESTON SMITH
GOVERNOR OF TEXAS

(SEAL)

BOB BULLOCK
Secretary of State

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Honorable Speaker, Honorable Lieutenant Governor and Honorable Members of the Legislature:

Today I am issuing a proclamation under the provisions of Article III, Section 40, of the Constitution of the State of Texas so that the Legislature may enact the following measure:

To consider legislation to define the role and responsibility of Texas State Government in the provision of adequate and efficient deep draft off-shore terminal facilities.

Texas' marine related trade and transportation play a dominant and crucial role in the economy of this state and the nation. With the accelerating trend to larger ships—ships of 200,000 to 500,000 tons with drafts up to 110 feet and more—the state's existing port facilities are becoming inaccessible to much of the world's fleet. Texas has become one of the leading states in the Nation in marine trade due to the competitive position of our existing port facilities. In order to maintain this position, Texas must have adequate facilities to handle this new trend in world trade.

The state has already initiated a variety of activities designed to insure an adequate response. The Legislature has established interim committees to study coastal and related resources. In addition, the Governor's Office, working with state agencies and other officials is preparing a comprehensive study and report on Texas' Coastal Zone, to be completed late this year. That report addresses the need for adequate port facilities. Only recently the Governor's Office testified before the Corps of Engineers, along with federal, state and local leaders regarding the location of deep water port facilities for Texas.

Several of our major universities are presently involved in determining the environmental and engineering feasibility of expanding Texas' port facilities. In addition, the Texas Council on Marine Related Affairs, which the 62nd Legislature created, and the Conference on Goals for Texas in the Coastal Zone and the Sea, sponsored by the Governor's Office have actively considered maritime transportation issues as extremely important to Texas' economic growth.

In April of this year, I asked the Interagency Council on Natural Resources and the Environment and the Interagency Transportation Council to analyze and report to me on the status of Texas' maritime facilities. That report is presently being printed and will be distributed early next week. Major conclusions are that Texas is highly dependent on a competitive and efficient maritime transportation system, that Texas requires greatly increased importation of foreign oil to meet its growing energy needs, and that the present trend in world shipping dictates the need for a capacity for receiving and handling ships larger than existing port capabilities.

The most far-reaching recommendation in the report is that which calls for the creation of a temporary commission to begin immediately the necessary steps to support the development of Texas' Deep Draft Port Facilities. Therefore, I am suggesting that this Legislature consider appropriate legislation in line with this recommendation to maintain Texas' proper position in providing adequate and efficient maritime trade.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of

the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as an additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To consider legislation to define the role and responsibility of Texas State Government in the provision of adequate and efficient deep draft off-shore terminal facilities.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 27th day of September, A. D., 1972.

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

BOB BULLOCK
Secretary of State

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Honorable Speaker, Honorable Lieutenant Governor, and Honorable Members of the Legislature:

Today I am issuing a proclamation under the provisions of Article III, Section 40, of the Constitution of the State of Texas so that the Legislature may enact the following measures:

(1) To enact legislation making supplemental appropriations not to exceed \$365,000.00 for financing of primary elections held during the year 1972.

(2) To enact legislation granting to the Governor authority to meet situations presenting an emergency and an imperative public necessity and providing for funding and administration of emergency funds.

(3) To enact legislation making an appropriation to the Governor for emergency use.

(4) To enact legislation to establish the Texas Film Commission as a Division in the Office of the Governor.

On January 20, 1972, a three judge federal panel in the case of Johnston v. Bullock CA 3-5373-C held those portions of the Texas Election Code relating to assessments of candidates as a revenue raising device in order to pay for this state's primary elections to be unconstitutional and void. This decision was upheld by the United States Supreme Court on January 27, 1972.

Shortly thereafter on February 24, 1972, the U. S. Supreme Court in Bullock v. Carter upheld the lower court decision which invalidated the Texas system of primary filing fees. In addition the opinion stipulated that the state should assume the financial obligation of the primary election from the general revenue.

As a result of this series of court decisions, the Second Called Session of the 62nd Legislature passed the McKool-Stroud Primary Financing Law of 1972.

In both 1968 and 1970 the costs of the primary elections were approximately \$1.7 million. Based upon these statistics and projecting a thirty percent increase in costs, the Legislature appropriated \$2,150,000 for the purpose of making payments to county chairmen as provided in this act.

The impending deadlines for the May primary did not permit a restructuring of the present procedures for conducting the election. These procedures proved inefficient.

Spiraling costs of printing and supplies, a dramatic increase in the number of counties conducting Republican primaries for the first time, the increased hourly pay for workers passed in 1969, and in addition, an unusually large voter turnout drove the overall cost beyond expectations.

The total cost of the 1972 Primary was approximately \$2.8 million. The original appropriation of \$2,150,000 was exhausted leaving over 167 Democratic county chairmen and 37 Republican chairmen with outstanding debts to election judges and clerks, printers and other suppliers. These debts were incurred during May, and June by election workers who often put in as many as sixteen hours each of the election days. To date they remain unpaid.

The metropolitan counties were the hardest hit, leaving unpaid balances of \$72,000 in Harris County and \$40,000 in Dallas. Though one or two major counties have not reported, it appears that the outstanding debt and additional administrative costs are approximately \$365,000.00.

The second and third subjects which I am submitting today both relate to vesting certain budget execution powers in the Office of Governor. In my address to you on September 18, I outlined in detail the urgent need for this action.

I am extremely gratified by the positive manner in which both the House and Senate have responded to this call. As a result of many hours of hard work by various Legislators and staff members from the Attorney General's Office, the Legislative Budget Board, and the Governor's Office, three pieces of legislation have been developed which will make great strides toward providing the Governor of Texas with the type of budget execution authority which I think is absolutely essential to the effective management of the Executive Branch of State Government.

Today I am opening the call to legislation which outlines a procedure by which the Governor can respond to emergencies which arise at a time when the Legislature is not in session. The procedure calls for the Governor to certify that a situation exists for which no funds are available and which an imperative public necessity requires positive action. The Comptroller of Public Accounts is involved in this procedure in that he is called upon to endorse the facts which the Governor has certified. This legislation also authorizes an appropriation to the Governor's Office for use in meeting emergency requirements when the Comptroller endorses the fact that no other funds are available.

I am also opening the Call for the purpose of appropriating an emergency fund to the Governor's Office in accordance with the procedures contained in the legislation which I have outlined above.

The third piece of legislation which relates to budget execution authority would authorize the Governor, upon direction by the Legislature, to find that certain facts exist prior to the expenditure of certain appropriations. It is my understanding that this piece of legislation is adequately covered by my original call for the delegation of budget execution authority to the Governor.

I am extremely pleased with this progress and wholeheartedly endorse this package of legislation. Your positive consideration and ultimate enactment will definitely provide workable answers to one of the serious problems which necessitated this Special Session.

On Item four, the Texas Film Commission was created under an Executive Order by the Governor and has been operating in the Governor's Office for nearly one year. During that time, through the efforts of the Film Commission, several million dollars of new capital has been added to the Texas economy through the motion picture and television productions attracted to Texas.

Through the efforts of the Commission, many cities and film related industries have benefited from the increased television and motion picture production.

Furthermore, the Texas media production industry is now a growing influence on the educational, business, and cultural communities of Texas.

Therefore, in order to continue this successful endeavor, it is urgent that the Texas Film Commission be permanently and statutorily established.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature the following:

(1) To enact legislation making supplemental appropriations not to exceed \$365,000.00 for financing of primary elections held during the year 1972.

(2) To enact legislation granting to the Governor authority to meet situations presenting an emergency and an imperative public necessity and providing for funding and administration of emergency funds.

(3) To enact legislation making an appropriation to the Governor for emergency use.

(4) To enact legislation to establish the Texas Film Commission as a Division in the Office of the Governor.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 28th day of September, A. D., 1972.

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

BOB BULLOCK
Secretary of State

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Mr. Speaker, Lieutenant Governor Barnes, Members of the Legislature and Guests:

On July 26, 1972, I signed a message vetoing several items contained in SB 1, Sixty-second Legislature, Third Called Session. One of those items was a \$1 million appropriation to the Texas Department of Mental Health and Mental Retardation for design and construction of the Fort Worth State School for the Mentally Retarded.

In that veto message, I objected to the proposed \$1 million appropriation because it was an inadequate beginning for a costly and long term commitment. It would have provided no additional services and not one additional person would have been accommodated as a result of the appropriation.

The appropriation of \$1 million was an effort to obligate a future Legislature to a course of action in the hopes that sufficient funds would eventually be available to fund the entire facility. Fortunately, we now have the opportunity to do the job right and appropriate \$8 million for a new Fort Worth School for the Mentally Retarded.

The long-range need for such a facility to serve the North Central Texas area is growing more apparent despite the fact that new facilities have been added throughout the state. The addition of new schools and the expansion of dormitory space at existing facilities have merely enabled the Texas Department of Mental Health and Mental Retardation to keep pace with the growing number of handicapped persons seeking admission to our residential facilities.

Accordingly, I am expanding the Call for the Fourth Called Session of the Sixty-second Legislature to include the appropriation of \$8 million to the Texas Department of Mental Health and Mental Retardation to complete [sic]

phase one construction of the Fort Worth State School for the Mentally Retarded.

This \$8 million will provide necessary dormitories and ancillary service and program facilities for 384 mentally retarded citizens.

Plans for the Fort Worth facility have already been completed. We have been assured that if the money is made available immediately, the school will be ready for occupancy within the next eighteen months.

Sufficient funds are now available to meet our responsibilities in this critical area. We have the opportunity to gain a stride in our never-ending race to provide adequate facilities for the mentally retarded.

We can do no less than meet our obligations and our responsibilities.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To enact legislation appropriating eight (8) million dollars to the Texas Department of Mental Health and Mental Retardation for the design and construction of phase one of the Fort Worth State School for the Mentally Retarded.

In Testimony Whereof, I have
hereunto signed my name officially
and caused the Seal of State to be
affixed hereto at Austin, this the
3rd day of October, A. D., 1972.

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

BOB BULLOCK
Secretary of State

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To permit the Texas Board of Corrections to exchange land in Fort Bend County with Sugarland Industries, Inc., for land of equal acreage.

(2) To amend Sections 135.03 and 135.51 of the Texas Education Code to allow granting Bachelor Degrees of Technical Education.

(3) To amend Articles 1505a, 1525a, and 1525c, Vernon's Texas Penal Code, to allow spraying or other methods of treatment of livestock approved by Texas Animal Health Commission.

(4) To amend existing statutes relative to the use of and the fees charged for hunting and fishing licenses and allowing the issuance of combination licenses.

(5) To authorize appointment and payment of salaries and expenses of Juvenile Officers for Anderson, Henderson, and Houston Counties.

(6) To authorize the creation and funding of a county court at law for Anderson County.

(7) To authorize purchase of voting machines by counties of over 1,000,000 and for funding such purchases by issuance of negotiable certificates of indebtedness, and the levying of a tax to retire same.

(8) To authorize political subdivisions to acquire control and improve and lease air control facilities and to issue revenue bonds for such purposes.

(9) To amend Article 2338-1, Vernon's Texas Civil Statutes, by defining "child" as any person over 10 years of age and under seventeen years of age.

(10) To amend existing retirement statutes to provide credit for certain military, state employment, and judicial services.

(11) To amend Articles 5139PP and 1970-550, Vernon's Texas Civil Statutes by including the Judge of the Bell County Court at Law as a member of the Bell County Juvenile Board.

(12) To allow the State Board of Control to make purchases for political subdivisions of the State of Texas.

(13) To appropriate funds for the Central Education Agency to establish a junior college occupational extension center in Anderson County.

(14) To provide funds for Texas A&I University for a citrus and vegetable training center and for efficient beef production through intense forage management regimes.

(15) To amend Subsections (g) and (20) of Section 1.03a of Chapter 409, Acts of 1969, 61st Legislature (Article 7621d-2, Vernon's Texas Civil Statutes) to clarify the definition of the terms "waste" and "disposal system."

IN TESTIMONY WHEREOF, I have
hereunto signed my name officially
and caused the Seal of State to be
affixed hereto at Austin, this the
3rd day of October, A.D., 1972

(SEAL)

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

BOB BULLOCK
Secretary of State

MESSAGE FROM THE GOVERNOR

A messenger from the Governor was admitted to the House and read the following message from the Governor:

PRESTON SMITH
GOVERNOR OF TEXAS
October 11, 1972

Honorable Ben Barnes
Lieutenant Governor
President of the Senate
Austin, Texas

Honorable Rayford Price
Speaker of the House of Representatives
Austin, Texas

Honorable Members of the Legislature
Austin, Texas

Honorable Lieutenant Governor, Honorable Speaker and Honorable Members
of the Legislature:

Today I am issuing a proclamation under the provisions of Article III, Section 40, of the Constitution of the State of Texas so that the Legislature may enact the accompanying measures.

I urge your prompt consideration and enactment of these measures.

Respectfully submitted,
PRESTON SMITH
Governor of Texas

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of Texas, do hereby submit as an additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

To appropriate funds to the Department of Public Welfare for establishing, operating, and administering, under the authority of the Texas Medical Assistance Act of 1967, a program of medical care for the "medically needy" as defined in Title XIX of the Federal Social Security Act.

(SEAL)

IN TESTIMONY WHEREOF, I have
hereunto signed my name officially
and caused the Seal of State to be
affixed hereto at Austin, this the
11th day of October, A.D., 1972.

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

BOB BULLOCK
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

To All To Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature, the following subjects:

(1) To change the name of the Beaumont State Center of Human Development to the Will L. Smith Memorial Center for Human Development;

(2) To assess penalties for certain heinous crimes.

IN TESTIMONY WHEREOF, I have
hereunto signed my name officially
and caused the Seal of State to be
affixed hereto at Austin, this the
12th day of October, A. D., 1972.

(SEAL)

PRESTON SMITH
GOVERNOR OF TEXAS

ATTEST:

Bob Bullock
Secretary of State