DOROTHY HALLMAN
Chief Clerk, House of Representatives

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 9:37 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

SEVENTY-SECOND DAY
(Thursday, May 10, 1973)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend John Auer, Pastor of St. Martin's Lutheran Church, Austin, Texas, offered the invocation as follows:

Dear Heavenly Father, the more and more we look about ourselves in this troubled and confused world of today the more we see the need of bringing You into our lives to give purpose and meaning.

We are thankful that in Your wisdom and love You have ordained government as one of your servants to bring peace and order to these trembling times.

We pray today that You will strengthen every member of this Senate to serve as a faithful steward of government, and that each member will sense anew the responsibilities that are so pressing in this complex society.

It is so easy for us to forget you, Lord. Don't let it happen to us. Rather we pray, give us the vision of our task that we may see what is to be done and finally the conviction and determination to do it to Your honor and to Your glory.

In the precious Name of Jesus our Savior we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 10, 1973

Honorable William P. Hobby
President of the Senate

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

The House has concurred in Senate amendments to House Bill 637 by vote of 125 Ayes, 0 Noes.

S.B. 283, A bill to be entitled An Act relating to workmen's compensation law: etc.; and declaring an emergency. (With amendments)

S.B. 2, A bill to be entitled An Act relating to capital improvements for the University of Houston at Clear Lake City and for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources; amending Subchapter B, Chapter 55, Texas Education Code. as amended; and declaring an emergency. (With amendments)

S.B. 3, A bill to be entitled An Act relating to the use of flashing red signal lights on church buses; requiring drivers of other vehicles to stop when approaching a church bus under certain circumstances; amending Section 104 and Subsections (b) and (d) of Section 124, the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Sherman submitted the following report for the Committee on Natural Resources:

H.B. 311

Senator Aikin submitted the following reports for the Committee on Finance:

H.B. 1611
C.S.S.B. 715 (Read first time)

Senator Brooks submitted the following reports for the Committee on Human Resources:

H.C.R. 74
H.B. 1414
S.B. 972 (Amended)
S.B. 368 (Amended)
S.B. 233 (Amended)
S.B. 471
C.S.S.B. 490 (Read first time)

Senator Sherman submitted the following reports for the Committee on Natural Resources:

H.B. 805
H.B. 765
H.B. 769

H.B. 1619
H.B. 825
S.B. 960
S.B. 959

Senator Moore submitted the following reports for the Committee on State Affairs:

H.B. 958
H.B. 959
H.B. 548 (Amended)
S.B. 842 (Amended)
S.B. 896
S.B. 895
C.S.S.B. 442 (Read first time)
S.B. 967
C.S.S.B. 804 (Read first time)
S.B. 966 (Amended)
C.S.S.B. 783 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Harrington:
S.B. 974, A bill to be entitled An Act relating to certain bids for certain materials supplied to a county; amending Article 1659, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.
To Committee on Intergovernmental Relations.

By Senator Clower:
S.B. 975, A bill to be entitled An Act relating to the qualifying age limits for entitlement to benefits under the foundation school program; amending Section 16.04, Texas Education Code; and declaring an emergency.
To Committee on Education.

By Senator Schwartz:
S.C.R. 101, Requesting the Texas Council on Marine-Related Affairs, in cooperation with other interested and knowledgeable parties to undertake a comprehensive study of the problem of providing estuarine inflows.
To Committee on Administration.

By Senator Schwartz:
S.C.R. 102, Endorsing the concept of utilization of desirable portions of surplus ships for creation of artificial reefs.
To Committee on Administration.

SENATE BILL 878 RE-REFERRED

On motion of Senator Aikin and by unanimous consent, S.B. 878 was withdrawn from the Committee on Finance and re-referred to the Committee on Administration.

COMMITTEE SUBSTITUTE SENATE BILL 847 ON SECOND READING

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 847, A bill to be entitled An Act amending parts of Chapter 11, Chapter 21 and Chapter 25, Water Code, relating to functions of the Texas Water Development Board, functions of the Texas Water Quality Board, Texas Water Development Bonds, funding provisions, financial assistance to political subdivisions for water development projects, financial assistance to political subdivisions for water quality enhancement purposes, notice of hearings and continuances under the Texas Water Quality Act, appeal of actions of the Texas Water Quality Board, conditions, amendments, revocation and suspension of permits under the Texas Water Quality Act, and definitions under the Regional Waste Disposal Act; by amending Sections 11.001, 11.141, 11.158, 11.202, 11.204, 11.207, 11.212, 11.213, 11.217, 11.301, 11.351, 11.401, 11.406, 11.409, 11.411, 11.413, 11.414, 11.415, 11.416, 21.602, 21.609, 21.612, 21.074, 21.079, 21.081, 21.451 and Section 25.003; by repealing Section 21.0891; by adding new Sections 21.613, 21.614, 21.615, 21.616 and 21.617 to Subchapter I, Chapter 21; by adding a new Subchapter M to Chapter 11; and by adding a new Subchapter J to Chapter 21; containing other provisions relating to the subject; and declaring an emergency.

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

COMMITTEE SUBSTITUTE SENATE BILL 847 ON THIRD READING

Senator Herring moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 847 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Moore and Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Moore and Santiesteban.

HOUSE CONCURRENT RESOLUTION 177 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 177, Authorizing House Enrolling and Engrossing Clerk to make certain corrections in H.B. 417.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Moore and Santiesteban.

COMMITTTEE SUBSTITUTE HOUSE BILL 433 ON SECOND READING

Senator Harris moved to suspend the regular order of business and take up C.S.H.B. 433 for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Hightower, Jones, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Schwartz, Sherman and Traeger.

Nays: Adams, Aikin, Clower, Creighton, Kothmann, Patman, Snelson, Wallace and Wolff.

Absent: Santiesteban.

The President laid before the Senate on its second reading and passage to third reading.

C.S.H.B. 433, A bill to be entitled An Act amending Paragraph D of Article 20.021, Chapter 20, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, and adding new Paragraph N; requiring the filing of certain designated type bonds or securities covering the collection of both State and local sales, excise and use taxes; providing certain exclusions therefrom; providing for payment on the bonds or securities, allowing petition for redetermination, providing show cause hearing and authorizing suit for collection or injunction; providing for demand for another or additional bond, providing show cause hearing and authorizing suit for injunction; providing for injunction suit on failure to file bond and obtain permit; providing for demand for bond in circumstances when person becomes delinquent, providing for show cause hearing and authorizing suit for collection or injunction; fixing venue and jurisdiction in suits brought under this Act in Travis County, Texas; amending Article 20.031, Chapter 20, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, to add new Paragraph M; providing a severability clause; providing a repealer clause and declaring an emergency.

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

RECORD OF VOTES

Senators Adams, Clower, Patman, Snelson, Braecklein, Wallace, Longoria and Wolff asked to be recorded as voting "Nay" on the passage of the bill to third reading.

SENATE JOINT RESOLUTION 8 WITH HOUSE AMENDMENT

Senator Gammage called S.J.R. 8 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

AMENDMENT NO. 1

Amend S.J.R. 8 on page 3 by adding on line 14 after the word salary, the words "of $15,000".

The House amendment was read.

Senator Gammage moved to concur in House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams and McKinnon.

LEAVE OF ABSENCE

Senator Creighton was granted leave of absence for the remainder of today on account of important business on motion of Senator Herring.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 166

Senator Wallace submitted the following Conference Committee Report:

Austin, Texas
May 7, 1973

The Honorable William P. Hobby
President of the Senate

The Honorable Price Daniel, Jr.
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on H.B. 166 have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

NICHOLS
HALE
SULLIVANT
HENDRICKS
WASHINGTON
On the part of the House

WALLACE
BROOKS
TRAEGER
SHERMAN

CLOWER
On the part of the Senate

The Conference Committee Report was read and was adopted by the following vote: Yeas 18, Nays 11.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz and Wallace.

Nays: Aikin, Blanchard, Hightower, Jones, McKinnon, Mengden, Moore, Sherman, Snelson, Traeger and Wolff.

Absent: Harris.

Absent: Creighton.

HOUSE RESOLUTIONS ON FIRST READING

The following resolutions received from the House, were read first time and referred to the Committee indicated:

H.C.R. 170, To Committee on Administration.
H.C.R. 173, To Committee on Administration.

SENATE BILL 283 WITH HOUSE AMENDMENTS

Senator Mauzy called S.B. 283 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 283 by striking all below the enacting clause and substituting the following:

Section 1. Section 2, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 2. The provisions of this law shall not apply to actions to recover damages for personal injuries nor for death resulting from personal injuries sustained by domestic servants or casual employees engaged in employment incidental to a personal residence, farm laborers, ranch laborers, nor to the employees of any person, firm or corporation operating any steam, electric, street, or interurban railway as a common carrier.

Sec. 2. Section 7, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7. The employee shall have the sole right to select or choose the persons or facilities to furnish medical aid, chiropractic services, hospital services, and nursing and the association shall be obligated for same or, alternatively, at the employee's option, the association shall furnish such medical aid, hospital services, nursing, chiropractic services, and medicines as may reasonably be required at the time of the injury and at any time thereafter to cure and relieve from the effects naturally resulting from the injury. Such treatment shall include treatments necessary to physical rehabilitation, including proper fitting and training in the use of prosthetic appliances, for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligation of the association to be responsible for hospital services as herein provided shall not be held to include any

obligation on the part of the association to pay for medical, nursing or surgical services not ordinarily provided by hospitals as a part of their services.

"Upon receipt thereof, the Board shall promptly analyze each notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Rehabilitation Commission and the Board immediately shall notify said Commission of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain general supervision of treatment of the injured employee and, should the employee request it, the Board shall consult with a physician or chiropractor specially trained in such treatment. The Board shall co-operate with said Texas Rehabilitation Commission with reference to the work of said Commission in providing said services and facilities to injured employees covered under the provisions of this law.

"Provided that any physician or chiropractor rendering medical or chiropractic care to any injured workman shall render an initial report as soon as practical identifying the injured workman and stating the nature and extent of the injury and thereafter shall render subsequent reports reasonably necessary to keep the status of the claimant's condition known. The reports are to be made to the Industrial Accident Board, the association, and the injured workman. The failure of the physician or chiropractor to make such reports shall relieve the association and the injured workman from any obligation to pay for the services rendered by the physician or chiropractor."

Sec. 3. Section 7a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7a. If it be shown that the employee is receiving medical aid, hospital services, chiropractic services, and medicines provided for by Section 7 hereof in such manner that there is reasonable ground for believing that the life, health or recovery of the employee is being endangered or impaired thereby, the Board may order a change in the physician, chiropractor or other requirements of said section after holding a hearing on the change. If the employee fails promptly to comply with such order after receiving it, the Board may relieve the association from its responsibility to pay for or alternatively furnish medical aid, hospital services, chiropractic services, and medicines until such time as the employee complies with the order of the Board."

Sec. 4. Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 8. (a) If death results from the injury, the association shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty-six and two-thirds per cent (66-2/3%) of the employee's average weekly wage, but not less than the minimum weekly benefit nor more than the maximum weekly benefit set forth in Section 29 of this article.

"(b) The weekly benefits payable to the widow or widower of a deceased employee shall be continued until the death or remarriage of the beneficiary. In the event of remarriage a lump sum payment equal in amount to the benefits due for a period of two (2) years shall be paid to the widow or widower. The weekly benefits payable to a child shall be continued until the child reaches eighteen (18) years of age, or beyond such age if actually dependent, or until twenty-five (25) years of age if enrolled as a full-time student in any accredited educational institution. All other legal beneficiaries are entitled to weekly benefits for a period of three hundred and sixty (360) weeks.

"(c) Upon the termination of the eligibility of any child to receive benefits, the portion of compensation paid to such child shall thereafter be paid to any remaining child or children entitled to benefits under the provisions of this Act. If there is no other eligible child then such benefits shall be added to those being paid to the surviving spouse entitled to receive benefits under the provisions of this Act.

"(d) The benefits payable to a widow, widower, or children under this section shall not be paid in a lump sum except in events of remarriage or in case of bona fide disputes as to the liability of the association for the death. Any settlement of a disputed case shall be approved by the board or court only upon an express finding that a bona fide dispute exists as to such liability.

"Upon settlement of all cases where the carrier admits liability for the death but a dispute exists as to the proper beneficiary or beneficiaries, the settlement shall be paid in periodic payments as provided by the law, with a reasonable attorney's fee not to exceed twenty-five per cent (25%) of the settlement. The attorney's fee shall be paid periodically and not in a lump sum.

Sec. 5. Section 10, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent (66-2/3%) of his average weekly wages, but not more than maximum weekly benefit nor less than the minimum weekly benefit set forth in Section 29 of this article, and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of injury."

Sec. 6. Section 11, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent (66-2/3%) of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than the maximum weekly benefit set forth in Section 29 of this article. The period covered by such compensation shall be in no case greater than three hundred (300) weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one (401) weeks from the date of injury. Compensation for all partial incapacity resulting from a general injury shall be computed in the manner provided in this Section, and shall not be computed on a basis of a percentage of disability."

Sec. 7. Section 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12. For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages of such employee, but not less than minimum weekly benefit per week nor exceeding the maximum weekly benefit set forth in Section 29 of this article, for the respective periods stated herein, to wit:

"For the loss of a thumb, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during sixty (60) weeks.

"For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during forty-five (45) weeks.

"For the loss of a second finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during thirty (30) weeks.

"For the loss of a third finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during twenty-one (21) weeks.

"For the loss of a fourth finger, commonly known as the little finger, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during fifteen (15) weeks.

"The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half (1/2) of such thumb; the loss of more than one-half (1/2) of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third (1/3) of such finger.

"The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger, provided that in no case shall the amount received for the loss of a thumb and more than one (1) finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

"For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or fingers above, add ten (10) weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one (1) hand be more than for the loss of the hand.

"For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

"For the loss of a hand, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during one hundred and fifty (150) weeks.

"For the loss of an arm at or above the elbow, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wage during two hundred (200) weeks.

"For the loss of one (1) of the toes other than the great toe, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during ten (10) weeks.

"For the loss of the great toe, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during thirty (30) weeks.

"The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half (1/2) of the toe.

"For the loss of a foot, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred and twenty-five (125) weeks.

"For the loss of a leg, at or above the knee, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during two hundred (200) weeks.

"For the total and permanent loss of the sight of one (1) eye, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred (100) weeks.

"In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

"For the complete and permanent loss of the hearing in both ears, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during one hundred and fifty (150) weeks.

"For the loss of an eye and leg above the knee, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and an arm above the elbow, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and a hand, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred and twenty-five (325) weeks.

"For the loss of an eye and a foot, sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages during a period of three hundred (300) weeks.

"Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this Section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one (1) member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

"In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw the same compensation as the loss of that member; but the compensation in and by said

schedule provided shall be in lieu of all other compensation in such cases.

"In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of the injury. The compensation paid therefor shall be calculated by first determining a basic figure amounting to sixty-six and two-thirds per cent (66-2/3%) of the average weekly wages of the employee, but which basic figure shall not exceed the maximum weekly benefit set forth in Section 29 of this article; such basic figure shall then be multiplied by the percentage of incapacity caused by the injury, and the result shall be the weekly compensation which shall be paid for such period not exceeding three hundred (300) weeks as the Board may determine. Whenever the weekly payments under this paragraph would be less than Three Dollars ($3) per week, the period may be shortened, and the payments correspondingly increased by the Board."

Sec. 8. Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 29 to read as follows:

"Section 29. (a) After August 31, 1973, and before September 1, 1974, the maximum weekly benefit shall be Sixty-three Dollars ($63) and the minimum weekly benefit shall be Fifteen Dollars ($15).

"(b) After August 31, 1974, the maximum weekly benefit shall be Seventy Dollars ($70) and the minimum weekly benefit shall be Sixteen Dollars ($16).

"(c) If the annual average of the manufacturing production workers average weekly wage in Texas exceeds by Ten Dollars ($10) the average weekly wage for those workers in 1974 as determined by the Texas Employment Commission and published in its report, 'The Average Weekly Wage,' the maximum weekly benefit shall be increased by Seven Dollars ($7) and the minimum weekly benefit shall be increased by One Dollar ($1) above the amounts specified in Subsection (b) of this section beginning with the commencement of the state fiscal year following the publication of the report. Thereafter, each additional Ten Dollar ($10) increase in the average weekly wage for manufacturing production workers in Texas as annually determined and reported by the Texas Employment Commission shall increase the maximum weekly benefit by an additional Seven Dollars ($7) and the minimum weekly benefit by an additional One Dollar ($1) beginning with the commencement of the state fiscal year following the publication of the report."

Sec. 9. The Insurance Code, as amended, is amended by adding Article 5.76-1 to read as follows:

"Article 5.76-1. ACCIDENT PREVENTION SERVICES

"(a) Any insurer desiring to write workmen's compensation insurance in Texas shall maintain or provide accident prevention facilities as a prerequisite for a license to write such insurance. Such facilities shall be adequate to furnish accident prevention services required by the nature of its policyholder's operations and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene and industrial health services, to implement the program of accident prevention services. Each field safety representative shall be either a college graduate who shall have a bachelor's degree in science or engineering, a registered professional engineer, a certified safety professional, a certified industrial hygienist, an individual with ten (10) years experience in occupational safety and health, or an individual who shall have completed a course of training in accident prevention services approved by the State Board of Insurance.

"(b) The insurer shall render accident prevention services to its policyholders reasonably commensurate with the risks and exposures and experience of the subscriber's business. To provide such facilities, the insuror may employ qualified personnel or retain qualified independent contractors.

"(c) If the Commissioner of Insurance shall determine that reasonable accident prevention services are not being maintained or provided by the insuror or are not being used by the insuror in a reasonable manner to prevent injury to employees of its policyholders, the fact shall be reported to the State Board of

Insurance, and the Board shall order a hearing to determine if the insuror is not in compliance with this Article. If it is determined that the insuror is not in compliance, its license to write workmen's compensation insurance in Texas shall be revoked.

"(d) The State Board of Insurance may promulgate reasonable rules and regulations for the enforcement of this Article after holding a public hearing on the proposed rules and regulations."

Sec. 10. Section 6a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 6a. Where the injury for which compensation is payable under this law was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may proceed either at law against that person to recover damages or against the association for compensation under this law, and if he proceeds at law against the person other than the subscriber, then he shall not be held to have waived his rights to compensation under this law. If the claimant is a beneficiary under the death benefits provisions of Section 8a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, a judgment shall not constitute an election but the amount of such recovery shall first pay costs and attorney's fees and then reimburse the association, and if there be any excess it shall be paid to the beneficiaries in the same ratio as they received death benefits and the association shall suspend further payments of benefits until the suspended benefits shall equal the amount of such excess at which time benefits shall be resumed. If compensation be claimed under this law by the injured employee or his legal beneficiaries, then the association shall be subrogated to the rights of the injured employee, and may enforce in the name of the injured employee or his legal benficiaries the liability of said other person, and in case the recovery is for a sum greater than that paid or assumed by the association to the employee or his legal beneficiaries, then out of the sum so recovered the association shall reimburse itself and pay said costs and the excess so recovered shall be paid to the injured employee or his beneficiaries. However, when the claimant is represented by an attorney, and the association's interest is not actively represented by an attorney, the association shall pay such fee to the claimant's attorney not to exceed one-third (1/3) of said subrogation recovery or as may have been agreed upon between the claimant's attorney and the association or in the absence of such agreement the court shall allow a reasonable attorney's fee to the claimant's attorney for recovery of the association's interest which in no case shall exceed thirty-three and one-third per cent (33-1/3%) payable out of the association's part of the recovery.

"If the association obtains an attorney to actively represent its interest and if the attorney actively participates in obtaining a recovery, the court shall award and apportion an attorney's fee allowable out of the association's subrogation recovery between such attorneys taking into account the benefit accruing to the association as a result of each attorney's service, the aggregate of such fees not to exceed thirty-three and one-third per cent (33-1/3%) of the subrogated interest.

"If at the conclusion of a third party action a workmen's compensation beneficiary is entitled to compensation, the net amount recovered by such beneficiary from the third party action shall be applied to reimburse the association for past benefits and medical expenses paid and any amount in excess of past benefits and medical expenses shall be treated as an advance against future benefit payments of compensation to which the beneficiary is entitled to receive under the Act. When the advance is adequate to cover all future compensation and medical benefit payments as provided by this law, no further payments shall be made by the association but if insufficient, the association shall resume such payments when the advance is exhausted. The reasonable and necessary medical expenses incurred by the claimant on account of the injury shall be deducted from the advance in the same manner as benefit payments."

Sec. 11. Section 1a, Article 8309, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 1a. Notwithstanding any other provision of this law, a subscriber may cover in its insurance contract a partner, a sole proprietor, or a corporate executive officer, except an officer of a state educational institution. The insurance contract shall specifically include the partner, sole proprietor, or corporate executive officer; and the elected coverage shall continue while the policy is in effect and while the named individual is employed by a subscriber.

Sec. 12. Subdivision 2, Section 2, Chapter 229, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person employed in the service of any institution as defined above, whose name appears on the payroll thereof.

Sec. 13. Subdivision 2, Section 2, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person in the service of The University of Texas System under any appointment or expressed contract of hire, oral or written, whose name appears upon the payroll of The University of Texas System.

Sec. 14. Subdivision 2, Section 2, Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8309f, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Workman' shall mean every person in the service of Texas Tech University under any appointment or expressed contract of hire, oral or written, whose name appears upon the payroll of the university.

Sec. 15. Subdivision 2, Section 2, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes), is amended to read as follows:

"2. 'Employee' shall mean every person in the service of the State Highway Department under any appointment or expressed contract of hire, oral or written, whose name appears upon the pay roll of the State Highway Department."

Sec. 16. The Revised Civil Statutes of Texas, 1925, as amended, are amended by adding Article 8309g to read as follows:

EMPLOYEES

"Section 1. DEFINITIONS. In this article:

"(1) 'Employee' means a person in the service of the state under an appointment or express contract of hire, oral or written, whose compensation is paid by warrant issued by the Comptroller, except a person employed by the State Highway Department or by an institution of higher education subject to a separate workman's compensation law.

"(2) 'Legal beneficiaries,' 'average weekly wages,' and 'injury sustained in the course of employment' have the meaning assigned to them in Section 1, Article 8309, Revised Civil Statutes of Texas, 1925, as amended.

"(3) 'Board' means the Industrial Accident Board.

"(4) 'Division' means the State Employees Division of the Attorney General's Office.

"(5) 'Director' means the director of the State Employees Division.

"Section 2. STATE SELF-INSURING. With respect to injuries sustained by employees in the course of their employment, the state is self-insuring.

"Section 3. STATE EMPLOYEES DIVISION; DIRECTOR. The Attorney General shall establish a state employees division within his office to administer this article. He shall appoint a director to act as the chief executive and administrative officer of the division, and shall provide him with office space and sufficient personnel to administer this article. The director shall administer this article with money appropriated by the legislature.

"Section 4. DIRECTOR'S STANDING AS EMPLOYER AND INSURER. In administrating and enforcing this article, the director shall act in the capacity of employer and insurer. He shall act as an adversary before the Board and courts, presenting the legal defenses and positions of the state as an

employer and insurer. For these purposes he is entitled to the legal counsel of the Attorney General of the State of Texas.

"Section 5. PROCEDURAL RULES. The director shall make procedural rules and prescribe forms necessary to the effective administration of this article.

"Section 6. RULES FOR ACCIDENT PREVENTION. The director shall make and enforce reasonable rules for the prevention of accidents and injuries. He shall hold hearings on all proposed rules under this section and afford reasonable opportunity for officers of the departments, boards, commissions, and agencies of the state to testify.

"Section 7. DISTRIBUTION OF COPIES OF RULES. The director shall furnish copies of all rules to the Board and to the administrative heads of all departments, boards, commissions, and agencies affected by this article.

"Section 8. RECORDS AND REPORTS OF INJURIES. The director shall keep a record of all injuries sustained by employees in the course of their employment. Within eight days after the occurrence of an accident resulting in an injury to an employee, causing his absence from work for more than one day, the director shall make a written report to the board on a form provided by the board. He shall submit a supplemental report within 10 days after the termination of the incapacity of the employee. If the incapacity extends beyond a period of 60 days, he shall submit a supplemental report before the 70th day. The director shall make other reports as required by the board.

"Section 9. REPORTS TO LEGISLATURE. The director shall make a report to the legislature at the beginning of each regular session. The report shall be dated January 1 and shall include the following:

"(1) a list of all recipients of benefits under this article, the nature and causes of their injuries, and the amounts paid in weekly compensation and for medical, hospital, and other services;

"(2) a summary of administrative expenses;

"(3) a statement showing how much of the money appropriated by the preceding legislature remains unexpended as of January 1, and estimating how much of this balance will be needed to administer this article for the remainder of the fiscal year;

"(4) an estimate, based on experience factors, of the amount of money which will be required to administer this article and pay for the compensation and services provided by this article during the next succeeding biennium.

"Section 10. DIRECTOR SUBJECT TO ACTIONS OF BOARD. The director is subject to the regulations, orders, and decisions of the Board in the same manner as private employers, insurers, and associations.

"Section 11. RIGHT TO COMPENSATION. (a) If an employee sustains an injury in the course of his employment, he is entitled to compensation by the director as provided in this article.

"(b) The director shall pay the compensation directly to the person entitled to it, from week to week and as it accrues, unless the liability is redeemed as provided in this article.

"Section 12. EFFECT OF SICK LEAVE. (a) An employee is not entitled to weekly payments of compensation under this article until he has exhausted his accrued sick leave.

"(b) The director has authority under Section 5 of this article to provide rules for the administration of this section.

"Section 13. BENEFICIARIES OF DECEASED EMPLOYEE. The provisions of this article and the rules of the director affecting an employee also apply to the legal beneficiaries of a deceased employee.

"Section 14. NOTICE BY CLERK ON APPEAL. (a) In every case appealed from the board to a district or county court, the clerk of the court shall within 20 days after the filing of the suit mail to the board a notice giving the style, number, and date of filing; and within 20 days after judgment is rendered in the suit, the clerk shall mail to the board a certified copy of the judgment. District and county clerks are not entitled to a fee for this service.

"(b) The attorney preparing the judgment shall file the original and a copy with the clerk of the court. However, the failure of the attorney to comply with this requirement does not excuse the clerk of the court from the duty to mail a certified copy of the judgment to the board.

"(c) Any clerk of a county or district court who fails to comply with this section is guilty of a misdemeanor, and on conviction he shall be punished by a fine of not more than $250.

"Section 15. ADOPTION OF GENERAL WORKMEN'S COMPENSATION LAWS. (a) All laws adopted and made part of the workmen's compensation law applicable to the State Highway Department by Section 7, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes), are adopted as part of this article to the extent that they are consistent with this article.

"(b) Wherever the words 'association,' 'insurer,' 'subscriber,' or 'employer' are used in the adopted laws, the word 'state,' 'division' or 'director,' whichever is applicable, is substituted for the purposes of this article.

"Section 16. ENTITLEMENT TO BENEFITS. An employee is not entitled to benefits under this article unless the accident causing his injury occurs at least 90 days after the effective date of this article."

Sec. 17. The Revised Civil Statutes of Texas, 1925, as amended, are amended by adding Article 8309h to read as follows:

"Article 8309h. WORKMEN'S COMPENSATION INSURANCE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS

"Section 1. The following words and phrases as used in this article shall unless a different meaning is plainly required by the context, have the following meanings, respectively:

"(1) 'Political subdivision' means a county, home-rule city, a city, town, or village organized under the general laws of this state, a special district, a school district, a junior college district, or any other legally constituted political subdivision of the state.

"(2) 'Employee' means every person in the service of a political subdivision who has been appointed in accordance with the provisions of the article. No person in the service of a political subdivision who is paid on a piecework basis or on a basis other than by the hour, day, week, month, or year shall be considered an employee and entitled to compensation under the terms of the provisions of this article.

"(3) 'Board' means the Industrial Accident Board.

"Section 2. (a) All political subdivisions of this state shall become either self-insurers, provide insurance under workmen's compensation insurance contracts or policies, or enter into interlocal agreements with other political subdivisions providing for self-insurance, extending workmen's compensation benefits to their employees.

"(b) Subsection (a) of this section and Sections 1 and 4, Article 8306, Revised Civil Statutes of Texas, 1925, as amended or as may hereafter be amended, shall not apply to political subdivisions having an annual budget within the amounts indicated below, until the effective date shown for such budget bracket:

Budget Bracket	Effective Date
$0 to $250,000	June 30, 1977
$250,001 to $500,000	June 30, 1976
$500,001 to $750,000	June 30, 1975

"(c) Each political subdivision shall notify the Board stating the method by which their employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll.

"(d) Notice shall also be given to the employees of a political subdivision of the provision so made for benefits and the effective date thereof; and employees of a political subdivision shall be conclusively deemed to have accepted the compensation provisions in lieu of common-law or statutory liability or cause of action, if any, for injuries received in the course of employment or

death resulting from injuries so received.

"(c) In cities, towns, or villages in which a public utility or utilities is operated by a board of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes of Texas, 1925, or any similar law, such board of trustees shall have all of the powers and authority of the governing body of the city with reference to the adoption of a program of self-insurance under this article or in the taking out of a policy or policies of workmen's compensation insurance hereunder, and all funds set aside or expended for such purposes shall be considered operating expenses of the municipal utilities. All funds set aside or paid by such boards of trustees in connection with self-insurance or for premiums on policies of insurance shall be paid out of the revenues of the utilities operated by the board of trustees and neither the provisions for self-insurance nor the obligations incurred under insurance policies shall be general liabilities of the city, town, or village, but shall constitute only obligations payable out of the revenues. The boards of trustees shall be authorized to adopt all resolutions, give all notices and to do all things concerning workmen's compensation under this article with reference to employees employed by the boards of trustees which the governing body of the city, town, or village would be authorized to do with reference to other city employees, or groups of employees.

"Section 3. (a) The following laws as amended or as they may hereafter be amended are adopted except to the extent that they are inconsistent with this article:

"(1) Sections 1, 3, 3a, 3b, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 7e, 8, 8a, 8b, 9, 10, 11, 11a, 12, 12a, 12b, 12c, 12c-1, 12c-2, 12d, 12e, 12f, 12g, 12h, 12i, 13, 14, 15, 15a, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended;

"(2) Section 1, Chapter 248, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Vernon's Texas Civil Statutes);

"(3) Sections 4a, 6a, 11, 12, 13 and 14 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended;

"(4) Article 8307b, Revised Civil Statutes of Texas, 1925, as added by Section 2, Chapter 261, Acts of the 45th Legislature, Regular Session, 1937;

"(5) Sections 1, 4 and 5, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and

"(6) Section 7, Chapter 178, Acts of the 53rd Legislature, Regular Session, 1933 (Article 8309a, Vernon's Texas Civil Statutes).

"(b) Provided that whenever in the above adopted sections of Articles 8306, 8306a, 8307, 8307b, 8309 and 8309a of the Revised Civil Statutes of Texas, 1925, as amended the words 'association,' 'Subscriber,' or 'employer,' or their equivalents appear in such articles, they shall be construed to and shall mean 'a political subdivision.'

"Section 4. A joint fund, as herein provided for, may be established by the concurrence of any two or more political subdivisions. The fund may be operated under the rules, regulations, and bylaws as established by the political subdivisions which desire to participate therein. Each political subdivision shall be and is hereby empowered to pay into said fund its proportionate part as due and to contract for the fund, by and through its directors, to make the payments due hereunder to the employees of the contracting political subdivision.

"Section 5. It is the purpose of this article that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein.

"Section 6. The political subdivision is authorized to promulgate and publish rules and regulations and to prescribe and furnish forms as may be necessary to the effective administration of this article, and the political subdivision shall have authority to make and enforce rules for the prevention of accidents and injuries as may be deemed necessary.

"Section 7. (a) The political subdivision is hereby authorized to set

aside from available appropriations, other than itemized salary appropriations, an amount sufficient for the payment of all costs, administrative expenses, charges, benefits, insurance, attorney fees, and awards authorized by this article.

"(b) The amount so set aside shall be set up in a separate account in the records of the political subdivision which account shall show the disbursements authorized by this article. A statement of the amount set aside for the disbursements from the account shall be included in an annual report made to the political subdivision treasurer and the duly and legally constituted governing body of the political subdivision.

"Section 8. The political subdivision attorney, his assistants, or outside counsel may represent the political subdivision in the bringing of defense or suits and proceedings in connection with workmen's compensation benefits provided by the political subdivision as a self-insurer, except in cases where municipal utilities are operated by boards of trustees set up and appointed in accordance with Article 1115, Revised Civil Statutes of Texas, 1925, and similar statutes, and in such instances the regularly employed attorneys or outside counsel for the boards of trustees shall represent the city in all cases and proceedings involving workmen's compensation for the employees employed under the jurisdiction of the boards of trustees and for whom benefits have been provided by the board of trustees on a self-insurer basis."

Sec. 18. The following laws are repealed: Chapter 428, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 8309c, Vernon's Texas Civil Statutes); Chapter 716, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 8309c-1, Vernon's Texas Civil Statutes); Section 14, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes); Chapter 493, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8309e-1, Vernon's Texas Civil Statutes); Chapter 22, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 8309e-2, Vernon's Texas Civil Statutes).

Sec. 19. Section 18a, Article 8308, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 18a. Whenever any employer of labor in this State becomes a subscriber to this law, he or the insurance company shall immediately notify the Board of such fact, stating in such notice his name, place of business, character of the business, approximate number of employees, estimated amount of his payroll and the name of the insurance company carrying his insurance, the date of issuing the policy and the date when the same will expire, and whenever any policy is renewed that fact shall be immediately made known to the Board and the notice thereof shall contain the above facts. Such subscriber's notice shall be acknowledged by the insurance company. The Board is authorized and directed to collect a Seven Dollar and Fifty Cent ($7.50) filing fee from the subscriber (including self-insurers) at the time of filing for each year of coverage or portion thereof on each legal entity on all policies including renewals and endorsements required to be filed with the Board in accordance with this Section. Said fee to be made payable to the Industrial Accident Board by the employer at the time of filing and shall not be an expense of the association nor considered in any premium rate making procedure. The association shall transmit said fee to the Board. The fees collected hereunder shall be allocated and disbursed according to the terms and provisions of Section 28, Article 8306, Revised Civil Statutes of Texas, The Workmen's Compensation Fund. Any employer or association willfully failing or refusing to make any such report shall be liable for and shall pay to the State of Texas a penalty of not more than one thousand dollars for each offense. The Executive Director of the Board shall notify the Board of any willful failure or refusal to comply with this Section and after notice and hearing, the Board shall make a finding and if said finding is against the employer or association assess a penalty not to exceed one thousand dollars. The employer or association may appeal the Board's ruling de novo as provided in Section 5, Article 8307, Revised Civil Statutes of Texas, 1925, as amended. The Board's ruling if adverse to the employer or

association and not appealed as provided in Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended."

Sec. 20. Section 3b, Article 8309, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Section 3b. No inchoate, vested, matured, existing or other rights, remedies, powers, duties or authority, either of any employee or legal beneficiary, or of the board, or of the association, or of any other person shall be in any way affected by any of the amendments herein made to the original law hereby amended, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments hereby adopted had never been made, and to that end it is hereby declared that said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties and authority; and further this law in so far as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment. The maximum weekly benefit and the total amount payable in effect upon the date of injury shall remain the applicable maximum weekly benefit and total amount payable for the injury or death regardless of the increase of any benefits that shall take effect at any later date."

Sec. 21. Section 1 of this Act takes effect January 1, 1974; Section 16 takes effect on the first day that money becomes available for its administration, pursuant to legislative appropriation; and Sections 17 and 18 of this Act take effect July 1, 1974. All other sections of this Act take effect September 1, 1973.

Sec. 22. 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. 23. 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.

COMMITTEE AMENDMENT NO. 2

Amend S.B. 283 by striking all above the enacting clause and substituting the following:

"A BILL

TO BE ENTITLED

An Act relating to workmen's compensation insurance for private and governmental employees and to companies providing such insurance; amending Sections 2, 7, 7a, 8, 10, 11, and 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Section 29; amending Section 6a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended; amending Section 18a, Article 8308, Revised Civil Statutes of Texas, 1925, as amended; amending Sections 1a and 3b, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; amending Subdivision 2, Section 2, Chapter 229, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes); amending Subdivision 2, Section 2, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes); amending Subdivision 2, Section 2, Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8309f, Vernon's Texas Civil Statutes); amending Subdivision 2, Section 2, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes); amending the Revised Civil Statutes of Texas, 1925, as amended, by adding Articles 8309g and 8309h; amending the Insurance Code by adding Article 5.76-1; repealing Chapter 428, Acts of the 51st Legislature, Regular Session,

1949, as amended (Article 8309c, Vernon's Texas Civil Statutes); repealing Chapter 716, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 8309c-1, Vernon's Texas Civil Statutes); repealing Section 14, Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951 (Article 8309d, Vernon's Texas Civil Statutes); repealing Chapter 493, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8309e-1, Vernon's Texas Civil Statutes); repealing Chapter 22, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 8309e-2, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency."

AMENDMENT NO. 1

Amend S.B. 283, Second Printing, by striking lines 19 and 20, page 14, and substituting the following:

"such facilities, the insurer may employ qualified personnel, retain qualified independent contractors, contract with the policyholder to provide qualified accident prevention personnel and services, or use a combination of the methods enumerated in this subsection. Such personnel shall have the qualification required for field safety representatives as provided in subsection (a)."

The House amendments were read.

Senator Mauzy moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard, Hightower, Jones, McKinnon and Moore.

Absent-excused: Creighton.

SENATE JOINT RESOLUTION 35
ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order o business was suspended to take up for consideration at this time on it secon reading and passage to engrossment:

S.J.R. 35, Proposing an amendment to Article III, Section 9, of th Texas Constitution, to authorize the legislature by law to limit or regulate th terms for which a member may be elected Speaker.

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

SENATE JOINT RESOLUTION 35
ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 6 requiring resolutions to be read on three several days be suspended and tha S.J.R. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Gammag

Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson and Wolff.

Nays: Blanchard, Longoria, Patman, Traeger and Wallace.

Absent-excused: Creighton.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time.

Senator Blanchard offered the following amendment to the resolution:

Amend S.J.R. 35 by adding the following language "or any member thereof" wherever it is applicable.

The amendment was read.

On motion of Senator Mauzy the amendment was tabled.

Question, Shall S.J.R. 35 be finally passed?

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate (Senator McKinnon having given notice yesterday).

Senator Mauzy moved that the Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 15, Nays 13.

Yeas: Aikin, Braecklein, Brooks, Clower, Harrington, Hightower, Longoria, Mauzy, McKnight, Ogg, Patman, Santiesteban, Schwartz, Sherman and Wolff.

Nays: Adams, Andujar, Blanchard, Harris, Herring, Jones, Kothmann, McKinnon, Meier, Mengden, Snelson, Traeger and Wallace.

Absent: Gammage and Moore.

Absent-excused: Creighton.

Accordingly, the President at 11:30 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:57 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees heard in Executive Session.

NOMINEES CONFIRMED

MEMBERS OF THE BOARD OF REGENTS OF TEXAS TECH UNIVERSITY

For terms to expire January 31, 1979:
Mr. A. J. Kemp of Fort Worth, Tarrant County;
Mr. J. Fred Bucy, Jr. of Dallas, Dallas County;
Mr. Judson F. Williams of El Paso, El Paso County.

MEMBERS OF THE TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

For terms to expire January 31, 1979:
Mr. Lynn Darden of Wichita Falls, Wichita County;
Mr. Paul Leonard of Fort Worth, Tarrant County.

For terms to expire April 31, 1973:
D. J. Lerma of Brownsville, Cameron County;
The Honorable Bill Rapp of Raymondville, Willacy County;
Joe A. Besterio of Brownsville, Cameron County;

For terms to expire April 30, 1974:
Paul G. Veale of McAllen, Hidalgo County;
Maurice Bell of Donna, Hidalgo County;
Colbert J. Glenn, Jr., of McAllen, Hidalgo County.

MEMBERS OF THE HOSPITAL LICENSING ADVISORY COUNCIL

For a term to expire December 3, 1973:
David A. Garrett of San Antonio, Bexar County;

For a term to expire December 7, 1975:
Richard L. Stratton, D.O., of Arlington, Tarrant County;

For terms to expire December 7, 1977:
Van D. Goodall, M.D., of Clifton, Bosque County;
Jack G. Maxfield of Carrollton, Dallas County;
Mrs. Marcella V. Henke of Hallettsville, Lavaca County;

MEMBER OF THE TEXAS BOARD OF CORRECTIONS

Dr. Robert Bacon of Houston, Harris County, term to expire February 2, 1979.

MEMBERS OF THE TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS

For terms to expire January 31, 1979:
Mr. Francis A. Flynn of Austin, Travis County;
Mrs. Johnnie M. Benson of Fort Worth, Tarrant County;

Mr. Judson W. Robinson, Jr., of Houston, Harris County, term to expire February 1, 1979.

MEMBERS OF THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY

For terms to expire January 31, 1979:
Mrs. George P. Cullum, Jr., of Dallas, Dallas County;
Mr. Ernest Powers of Carthage, Shelby County.

MEMBER OF THE BOARD OF REGENTS OF MIDWESTERN UNIVERSITY

Mr. Frank Douthitt of Henrietta, Clay County, term to expire February 25, 1976.

The nominees were confirmed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Manzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

SENATE JOINT RESOLUTION 35 ON THIRD READING

The Senate resumed consideration of the pending business, same being S.J.R. 35 on its third reading and final passage.

Question, Shall S.J.R. 35 by finally passed?

The resolution was finally passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Manzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Patman.

Absent-excused: Creighton.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

H.B. 115
H.B. 487
H.B. 376
H.B. 403

HOUSE BILL 169 RE-REFERRED

On motion of Senator Jones and by unanimous consent, H.B. 169 was withdrawn from the Committee on Finance and re-referred to the Committee on Administration.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 637, A bill to be entitled An Act relating to providing Group Life, Accident and Health Insurance and Benefits Coverages on employees of the State of Texas; creating the "Texas Employees Uniform Group Insurance Benefits Act"; defining terms; stating legislative purposes and policies; creating, establishing and vesting authority in a Board of Trustees to administer and carry out the purposes of the Act; providing certain specifications, procedures and practices in regard to providing insurance coverages and benefits; creating the Employees Life, Accident and Health Insurance and Benefits Fund; exempting certain employees from provisions of the Act; providing a repealing clause; making the provisions of this Act severable; and declaring an emergency.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend C.S.S.B. 637 by striking the words "Chapter 30" wherever they appear in Section 3 of the Bill and inserting in lieu thereof the words "Chapter 3".

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend C.S.S.B. 637 by striking the period at the end of the first sentence of Section 14 of the Bill and adding the following:

"or by the governing board of state departments in their respective official operating budgets if their employees are compensated from funds appropriated by such budgets rather than by the General Appropriations Act."

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend S.B. 637 by adding the following paragraph at the end of Section 15 of the bill:

"The Trustee shall certify to the governing boards of those state departments who provide contributions for their employees from operating budgets provided from sources other than the General Appropriations Act the proportionate amounts needed to pay their respective contributions. Such certification shall be made at least 30 days prior to the meeting at which the governing board adopts its operating budget."

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend S.B. 637 by striking the word "in" where it appears in the first sentence of Section 16(a) of the bill and substituting in lieu thereof the word "with".

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend C.S.S.B. 637, Section 8(c) by striking all of same and substituting in lieu thereof the following: "(c) The Trustee shall establish a formula under which the amount of insurance retained by an issuing company after ceding

reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each carrier's group insurance, excluding insurance purchased under this Act, in force in the State of Texas on the determination date, which is the most recent December 31 for which information is available to the Trustee."

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 637 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Creighton.

HOUSE BILL 998 RE-REFERRED

On motion of Senator Andujar and by unanimous consent, H.B. 998 was withdrawn from the Committee on Intergovernmental Relations and re-referred to the Committee on Administration.

SENATE BILL 506 ON SECOND READING

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 506, A bill to be entitled An Act to amend Texas Education Code, to authorize and provide for the establishment and administration of a comprehensive Crime and Narcotics education program encompassing the services and efforts of regional education service centers and Texas school districts; etc.: and declaring an emergency.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S.B. 506 by renumbering sections 2 and 3 as 3 and 4 and inserting a new section 2 to read as follows:

"Section 2. There is hereby appropriated to the Central Education Agency from the General Revenue Fund for the items prescribed by Section 21.118 (d)(1) and (2), Texas Education Code, as added by this Act, the sum of $560,000 for the school year beginning September 1, 1973, and $560,000 for the school year beginning September 1, 1974."

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S.B. 506 by inserting "making appropriations;" before "and declaring an emergency" in the title of the bill.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 506 ON THIRD READING

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 506 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE RESOLUTION 744

By unanimous consent, Senator Traeger offered the following resolution:

WHEREAS, The greatness of Texas can be attributed in large measure to citizens such as Mrs. Nelson G. Wolff, who is a leading lady in the civic activities of the San Antonio area and the mother of one of the Members of the Senate of Texas; and

WHEREAS, Born the daughter of Walter and Natie Williams in Jacksonville, Texas, on October 23, 1921, the former Miss Marie Hazel Williams attended the public schools in the Harlandale District of San Antonio; and

WHEREAS, This gracious lady was married to Nelson G. Wolff in Floresville on June 11, 1939. In addition to her beloved husband, Mrs. Wolff's family includes Senator Nelson William Wolff, George Adolph Wolff, and Gary Wayne Wolff, all of San Antonio; and

WHEREAS, Over the years, Mrs. Wolff has played a major role in assisting her husband and sons in the establishment of their family business, Alamo Enterprises Building Supplies, Incorporated, and is affectionately known

to all of the company's employees as "Mom Wolff"; and

WHEREAS, This prominent Texan devotes a great deal of her time and effort to one of her main civic interests, the community center in New Berlin, Texas; and

WHEREAS, It is especially appropriate, at this season of the year in which this nation takes occasion to recognize American mothers for their invaluable contributions to their families and to society as a whole, that the Members of the Senate of Texas salute an exemplary mother and wife such as Mrs. Wolff; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature of the State of Texas commend Mrs. Nelson G. Wolff of San Antonio during this Mother's Day Season, 1973, for her unselfish contributions to her family and community; and, be it further

RESOLVED, That a copy of this Resolution, under the Seal of the Senate of Texas, be prepared for this distinguished and well-loved lady as a token of esteem from all of her son's colleagues in this legislative body.

The resolution was read and was adopted.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Traeger:

S.B. 976, A bill to be entitled An Act to provide for a central record of all incorporated cities, towns and villages of every class in this state, their boundaries, annexation, disannexations, mergers and consolidations, and dates of incorporation; containing a provision relating to the effective date of all such annexations, disannexations, mergers and consolidations; requiring an annual report by cities, towns and villages having a population of less than 600 inhabitants according to the last preceding Federal Census; providing for certification of inactive municipal corporations to the Attorney General; providing for severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Friday, May 11, 1973

S.B. 117 - Senator Mengden
C.S.S.R. 138 - Senator Adams
C.S.S.B. 34 - Senator Santiesteban
S.B. 111 - Senator Wallace
C.S.S.B. 132 - Senator Brooks
S.B. 140 - Senator Santiesteban
S.B. 141 - Senator Santiesteban
S.B. 164 - Senator Adams
S.B. 201 - Senator Ogg
S.B. 368 - Senator Gammage
C.S.S.B. 456 - Senator Jones
S.B. 462 - Senator Mengden
S.B. 471 - Senator Wolff
S.B. 528 - Senator Schwartz
S.B. 688 - Senator Adams
S.B. 694 - Senator Mengden
C.S.S.B. 712 - Senator Mauzy

S.B. 772 - Senator Ogg
S.B. 729 - Senator Santiesteban
S.B. 778 - Senator Gammage
S.B. 800 - Senator Mauzy
S.B. 801 - Senator Snelson
C.S.S.B. 803 - Senator Mauzy
C.S.S.B. 815 - Senator Mauzy
C.S.S.B. 819 - Senator Wolff
C.S.S.B. 820 - Senator Wolff
C.S.S.B. 837 - Senator Jones
S.B. 901 - Senator Sherman
C.S.S.B. 904 - Senator Moore
H.C.R. 74 - Senator Wallace
C.S.H.B. 69 - Senator Brooks
H.B. 130 - Senator Sherman
H.B. 181 - Senator Patman
H.B. 264 - Senator Ogg
H.B. 285 - Senator Moore
C.S.H.B. 339 - Senator Brooks
C.S.H.B. 433 - Senator Harris
H.B. 460 - Senator Santiesteban
H.B. 596 - Senator Snelson
H.B. 628 - Senator Traeger

Monday, May 14, 1973

S.B. 227 - Senator Mauzy
S.B. 594 - Senator Mauzy
C.S.S.B. 687 - Senator Mauzy
S.B. 852 - Senator Mauzy
S.B. 874 - Senator Mauzy

MEMORIAL RESOLUTIONS

S.R. 737 - By Senator Snelson: Memorial resolution for William Oscar Brown.

S.R. 738 - By Senator Snelson: Memorial resolution for Mrs. C. O. Nesting.

S.R. 739 - By Senator Snelson: Memorial resolution for James Presley Stubblefield.

S.R. 740 - By Senator Snelson: Memorial resolution for Joseph Bruce Ashburn.

S.R. 741 - By Senator Snelson: Memorial resolution for Reverend O. F. Kattner.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 742 - By Senator Schwartz: Extending commendations to Ian L. McHurg.

S.R. 743 - By Senator Herring: Extending welcome to government students from Hays Senior High School.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:16 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

SEVENTY-THIRD DAY
(Friday, May 11, 1973)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senators were absent-excused: Longoria and Moore.

A quorum was announced present.

The Reverend Dr. E. E. Taylor, White Oak Baptist Church, Houston, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Longoria was granted leave of absence for today on account of illness on motion of Senator Clower.

Senator Moore was granted leave of absence for today on account of illness on motion of Senator Snelson.

REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 969

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 540 (Failed to receive affirmative vote of majority of committee)

Senator Herring submitted the following reports for the Committee on Jurisprudence:

C.S.S.B. 10 (Read first time)