

The House accordingly, at 12:35 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Temporary Committee on Rules: HSR 9.

Temporary Committee on Engrossed and Enrolled Bills: Correctly engrossed—HCR 4, HCR 8, HCR 9. Correctly enrolled—HCR 1, HCR 2, HCR 3, HCR 4, HCR 8.

SENT TO THE GOVERNOR
January 18, 1971

HCR 1

HCR 2

HCR 3

SIXTH DAY—WEDNESDAY, JANUARY 20, 1971

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

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

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

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

Absent-Excused

Atwood Cobb Ligarde

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

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

Mr. Cobb on motion of Mr. Calhoun.

Mr. Ligarde on motion of Mr. Santiesteban.

The following Member was granted leave of absence for today because of illness:

Mr. Atwood on motion of Mr. Finck.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 31, by Newton: Commending students of the Senior Class of Refugee High School.

RESOLUTION SIGNED BY THE SPEAKER

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

HCR 8, Providing for a Joint Session to hear an address by the Honorable Preston Smith, Governor of Texas.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

HSR 29, by McKissack: In memory of Joseph O. Neuhoff.

HSR 32, by Murray, Garcia, Sanchez, and Longoria: In memory of County Judge Oscar C. Dancy.

HSR 9—ADOPTED

(Adopting the Permanent Rules of the House of Representatives)

Mr. Hale moved to suspend Rule 30 of the Temporary Rules to take up and consider at this time, HSR 9.

The motion prevailed by the following vote:

Yeas—125

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

Nays—15

Allred	Braun	Harris	Mengden
Bigham	Farenthold	Head	Moore, T.
Blythe	Grant	Jones, E.	Nichols
Bowers	Graves	Lee	

Absent

Daniel	Moreno	Smith	Solomon
Earthman	Rodriguez		

Absent-Excused

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

HSR 9, Adopting the Permanent Rules of the House of Representatives.

Mr. Hale offered the following committee amendment to HSR 9:

Committee Amendment No. 1

Amend House Simple Resolution No. 9 by striking all below the resolving clause and inserting in lieu thereof the following:

That the Temporary Rules of the House of Representatives of the 62nd Legislature be and they are hereby adopted as the Permanent Rules of the House of Representatives of the 62nd Legislature with the following changes:

Section 1. That Rule I, Sections 2, 10 and 11 be amended and a new Section 12 be added to read as follows:

"RULE I
"DUTIES AND RIGHTS OF THE SPEAKER

"Section 2. He shall preserve order and decorum. In case of disturbance or disorderly conduct in the galleries or in the lobby, he may cause these areas to be cleared on his own order. No signs, placards or other objects of similar nature shall be permitted in the rooms, lobby, gallery and Hall of the House. He shall see that the Members of the House conduct themselves in a gentlemanly or ladylike manner in accordance with accepted standards of parliamentary conduct, and may, when necessary, order the Sergeant at Arms to clear the aisles and seat the Members of the House so that business may be conducted in an orderly manner. He shall enforce, apply and interpret these Rules in all deliberations of the House.

"Section 10. The Speaker shall have the right to name any Member to perform the duties of the Chair and may, if he desires, name a Member to serve permanently as Speaker Pro Tempore by delivering a written order to the Chief Clerk and a copy to the Journal Clerk. If a permanent Speaker Pro Tempore is named, he shall, in the absence or inability of the Speaker, call the House to order and perform all other duties of the Chair in presiding over the deliberations of the House and shall perform such other duties and exercise such other responsibilities as may be assigned by the Speaker. If the House is not in session, and a permanent Speaker Pro Tempore has not been named, or if the Speaker Pro Tempore is not available or for any reason is not able to function, the Speaker may deliver a written order to the Chief Clerk, with a copy

to the Journal Clerk, naming the Member who shall call the House to order and preside during his absence.

"Section 11. All officers and employees of the House shall be selected and appointed by the Speaker and he shall have the right to discharge any of them. In the event of the absence, resignation or death of any of the House Department Officers, the Speaker may designate a person to take charge of and attend to all the duties of the office affected until such officer returns or until his successor is chosen. Officers and employees of the House shall receive such compensation as the Speaker or Committee on House Administration shall determine. No officer or employee of the House, except the Chaplain, shall be permitted to receive, directly or indirectly, either by gift or otherwise, any compensation from any other source, except as may be specifically authorized by the Speaker or Committee on House Administration.

"Section 12. In the event of an emergency of such compelling nature that the Speaker must adjourn the House without fixing a date and hour of reconvening, the Speaker shall have authority to determine the date and hour of reconvening and to cause notice to be given to the Members of the House by such means as the Speaker deems to be adequate. Should the Speaker be disabled or otherwise unable to exercise these emergency powers, the permanent Speaker Pro Tempore, if one has been named, shall have authority to so act; or if there be no permanent Speaker Pro Tempore, or if he is unable to act, such authority shall be exercised by the Chairman of the Committee on State Affairs, who shall preside until the House can proceed to the selection of a presiding officer to function until the Speaker or the Speaker Pro Tempore, as the case may be, is again able to exercise the duties and responsibilities of his office.

"Section 13. If, when the House is not in Session, the Speaker determines that it would be a hazard to the safety of the Members, officers, employees and others attending on the Legislature to reconvene at the time determined by the House at its last sitting, the Speaker may clear the area of the Capitol under the control of the House and postpone the reconvening of the House for a period of not more than four hours. Upon making such determination, the Speaker shall order the Sergeant at Arms to post an assistant at each first floor entrance to the Capitol and other places and advise all persons entering of such determination and the time which he has set for the House to reconvene. The Speaker shall also notify the news media of his action and the Journal Clerk, who shall note such action in the House Journal."

Sec. 2. That Rule II, Sections 3 and 4, be amended to read as follows:

**"RULE II
"MASCOTS**

"Section 3. The Committee on House Administration shall not report such resolutions to the House separately, but shall hold all of the resolutions and shall report one resolution consisting of a complete list of the proposed mascots to the House.

"Section 4. After the House Mascots are elected, the Speaker shall issue a certificate showing the election of each mascot and deliver same, or a copy thereof, to the parent Member of such child."

Sec. 3. That Rule III be amended by adding a new section after Section 2 to be known as Section 3 and deleting Sections 7, 8 and 9 and renumbering the remaining sections, and said Rule III to hereafter read as follows:

"RULE III
"DUTIES OF THE SERGEANT AT ARMS

"Section 1. The Sergeant at Arms shall attend the House and the Committee of the Whole during all meetings and shall maintain order under the direction of the Speaker or other presiding officer.

"Section 2. Under the direction of the Speaker, he shall have charge of and shall maintain order in the Hall of the House, its lobbies, galleries and all other rooms in the Capitol Building assigned for the use of the House of Representatives.

"Section 3. The Sergeant at Arms shall remove and keep in his custody the voting machine keys of all absent Members.

"Section 4. He shall execute the commands of the House and shall serve the writs and processes issued by the authority of the House and directed to him by the Speaker.

"Section 5. He shall keep his office open on such days and for such hours as shall be determined by the Speaker, or by the Committee on House Administration.

"Section 6. Assistants to the Sergeant at Arms shall assist the Sergeant at Arms in the performance of his duties and shall have the same authority, subject to the control of the Speaker.

"Section 7. Other than newspapers that have been published at least once a week for a period of one year, the Sergeant at Arms shall not allow the distribution of any printed matter in the Hall of the House of Representatives unless first authorized in writing by at least one Member of the House; provided, that the name of the Member authorizing such distribution shall appear on any printed matter distributed in the Hall of the House of Representatives; and provided, further, that it shall be the responsibility of such Member to provide that his name so appear and the Sergeant at Arms shall refuse to accept for distribution any printed matter which does not bear the name of the Member or Members authorizing such distribution. The Sergeant at Arms shall keep a copy of the written authorization and a record of the matter distributed in the permanent files of the House."

Sec. 4. That Rule IV be amended to hereafter read as follows:

"RULE IV
"DUTIES OF THE CLERKS

"Chief Clerk.

"Section 1. The Chief Clerk shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and resolutions, noting whereon the date of their passage and the vote by which they were passed, if by record vote. He shall also note on the originals of

bills and resolutions all pertinent information regarding the action thereon by the House.

"Section 2. The Chief Clerk shall provide each Member, officer and employee of the House with an identification card, which shall be signed by the Speaker and the Chief Clerk, showing membership or service in the House of Representatives. For Members, such cards shall show the name of the Member and the years of the current biennium for which he was elected. The cost of the cards shall be paid out of the Expense Fund of the House.

"Section 3. The Chief Clerk shall number in their order of filing, with a separate sequence for each, all bills, joint resolutions, concurrent resolutions, and simple resolutions.

"Section 4. All petitions presented by Members of the House shall be filed with the Chief Clerk, and referred by the Speaker to the committee considering the question to which they relate.

"Section 5. All messages from the House to the Senate shall be transmitted by the Chief Clerk, or his representative, over the signature of the Chief Clerk.

"Section 6. The Chief Clerk shall transmit to the Senate typewritten copies of all amendments to Senate bills exactly as adopted by the House. In case an amendment as substituted is adopted, the Chief Clerk shall transmit the substitute as an original amendment.

"Section 7. The Chief Clerk shall notify the Speaker in writing when the Senate refuses to concur in House amendments to a bill or resolution and asks for a conference committee. Such notice shall contain a list of the names of the Senate conferees.

"Section 8. Reports of select committees shall be filed with the Chief Clerk and printed in the Journal or otherwise made available to Members of the House as directed by the Speaker. Reports of standing committees shall be listed in the Journal.

"Section 9. On the day the Chief Clerk numbers a bill relating to a conservation and reclamation district created under Section 59 of Article 16, Constitution of Texas, he shall send two copies of the bill, with two copies of the notice of intention to introduce the bill, to the Governor, and notify the Journal Clerk of such action if the bill is one to:

"(1) Create a particular conservation and reclamation district; or

"(2) Amend the act of a particular conservation and reclamation district to:

"(a) Add additional land to the District; or

"(b) Alter the taxing authority of the District; or

"(c) Alter the authority of the District with respect to issuing bonds; or

"(d) Alter the qualifications or terms of office of the members of the governing body of the District.

"Section 10. Not later than thirty days after the close of each session, each of the various clerks of the House, except the Journal Clerk, shall file with the Chief Clerk all reports, records, bills, papers, and other documents remaining in their hands, and all such material shall in turn be filed by the Chief Clerk with the Secretary of State, unless otherwise provided by law or dictated by custom.

"Calendar Clerk.

"Section 11. The Calendar Clerk shall keep a complete record of introduction and action on all bills and resolutions. This record shall include the number, author, brief description of the subject matter, and committee reference. It shall also show in time sequence the action taken on all bills and resolutions so as to reflect at all times their status in the legislative process.

"Section 12. All bills and resolutions referred to committee shall be filed with the Calendar Clerk, who shall be the custodian of such bills and resolutions while they are in committee and until they are assigned to an appropriate calendar by the Rules Committee. All such bills and resolutions shall be placed in individual file boxes assigned to the various committees. Bills and resolutions may be checked out by the Calendar Clerk to Members, to committee chairmen, to committee clerks, and other House employees and officers for official use. A record of check outs and returns shall be kept by the Calendar Clerk. He shall also obtain a receipt for bills, resolutions and conference reports transmitted under established procedures to the printer, the Speaker, and the Engrossing and Enrolling Clerk.

"Section 13. When the recommendation of the Texas Water Commission on a bill forwarded to the Commission for its recommendations under Section 59 of Article 16, Constitution of Texas, are filed with the Speaker of the House, the Speaker shall deliver the recommendations to the Chief Clerk, who shall attach them to the bill to which they apply, and notify the Calendar Clerk and the Journal Clerk that the recommendations have been filed. A copy of the recommendations shall be delivered to the Calendar Clerk.

"Section 14. The Calendar Clerk shall forward to the House printing office, for the purpose of being printed as provided by the Rules or by a vote of the House, correct copies of all bills, resolutions, Senate amendments to House bills, and conference reports. He shall keep an exact record of the date and the hours of the delivery of bills or resolutions sent to the printer.

"Section 15. He shall be responsible for distribution to the Members of the House of printed copies, at each printing of bills, resolutions, conference committee reports, and Senate amendments to House bills or resolutions. Such distribution shall be made as quickly as possible after receipt thereof from the printer. He shall maintain a record of the fact, date and hour of each such distribution, which record shall be prima facie evidence of the facts thus recorded.

"Section 16. He shall keep a record of the date and hour that printed bills, resolutions, conference committee reports, and Senate amendments to House bills are returned from the printer. He shall time-stamp such information on the originals of printed bills, resolutions, conference committee reports and Senate amendments to House bills, as well as the time the printed copies thereof are delivered to the post office for distribution to Members of the House.

"Section 17. If a committee requires copies of material to be distributed to its members, the distribution thereof shall be handled by the Calendar Clerk in the same manner and under the same procedures as for printed copies of bills.

"Section 18. When Senate amendments to House bills arrive at the Chief Clerk's desk from the Senate, copies thereof shall be made by the Calendar Clerk for insertion in the Journal, before the amendments and the bill or resolution to which they relate are sent to the Engrossing and Enrolling Clerk or to the Speaker's table, as the case may be.

"Section 19. The Calendar Clerk shall keep his office open on such days and for such hours as shall be determined by the Speaker or by the Committee on House Administration and at such other hours as the House or committees thereof may be in session. He shall have charge of all petitions, memorials and like matter referred to the committees. When such matters have been returned, he shall transmit them to the Chief Clerk.

"Journal Clerk.

"Section 20. The Journal Clerk shall keep a journal of the proceedings of the House, in which all proceedings shall be entered as precisely and accurately as possible, except when the House is acting as the Committee of the Whole. There shall be entered in the Journal the number, author and caption of every bill introduced. Except as otherwise provided herein, all simple and concurrent resolutions, motions, amendments, questions of order and decisions thereon, messages from the Governor, and messages from the Senate, shall be printed in full in the Journal. Notations shall be made in the Journal of the number and subject matter of all bills, joint resolutions, and concurrent resolutions signed in the presence of the House. Reports made by standing committees shall be listed in the Journal. Reports of select committees shall be printed in full in the Journal, unless otherwise ordered by the House.

"Section 21. Every record vote or registration of the House shall be entered in the Journal with a concise statement of the action and of the result.

"Section 22. All pairs shall be entered in the Journal as a part of a record vote. Reasons for vote may be filed with the Journal Clerk on the calendar day the vote was taken and not thereafter for publication in the Journal. Members may have their vote recorded in the Journal as 'Yea' or 'Nay' on nonrecord votes by filing such information with the Journal Clerk on the calendar day the vote was taken and not thereafter.

"Section 23. Senate amendments to House bills or resolutions shall be printed in full in the Journal when concurred in by the House.

"Section 24. The Journal Clerk shall note in the Journal the date each bill is transmitted to the Governor and the date recommendations of the Texas Water Commission are filed with the Speaker of the House concerning each bill subject to Section 59 of Article 16, Constitution of Texas.

"Section 25. The Daily Journal for each calendar day the House is in session shall be printed under the supervision of the Journal Clerk, and copies thereof provided each Member of the House at the earliest practicable date, if possible on the succeeding calendar day.

“Engrossing and Enrolling Clerk.

“Section 26. The Engrossing and Enrolling Clerk shall be responsible for the typing, without erasures, interlineations, or additions in the margin, all House bills and House joint resolutions that have passed second reading and have been ordered engrossed, all House bills and House joint resolutions that have passed third reading, and were amended on third reading, and all House concurrent resolutions that have passed the House. Engrossed riders shall not be used. All Engrossed and Enrolled Bills and Resolutions shall be submitted to the Committee on Engrossed and Enrolled Bills for its examination, correction and approval before the work is returned to the House. The Engrossing and Enrolling Clerk shall perform such other clerical work for the House, its Members, or its committees, as may be ordered by the House or by the Speaker. In the event that a joint facility for the enrollment of bills is provided by the Joint Legislative Committee on Administration, the physical task of engrossing and enrolling bills and resolutions shall be entrusted to such joint facility, and it shall be the duty of the Engrossing and Enrolling Clerk of the House to maintain liaison with such joint facility, to maintain accurate and complete records of all House bills and resolutions sent to the joint facility for engrossment or enrollment, and to report to the House Committee on Engrossed and Enrolled Bills any discrepancies noted or any unnecessary delays in the work of the joint facility in engrossing or enrolling House bills or resolutions.

“Section 27. The Engrossing and Enrolling Clerk shall retain a copy of each bill passed by the House which was amended on second or third reading. Any Member desiring copies of such bills may request them from the Engrossing and Enrolling Clerk, with the cost thereof to be charged to the expense account of such Member.

“Section 28. The Engrossing and Enrolling Clerk is authorized to amend the captions of all House bills and House joint resolutions which are ordered engrossed or which are finally passed, to conform to the bodies of such bills or resolutions; provided, however, that each caption so amended shall be submitted by the Clerk to the author or sponsor of the bills or resolutions and shall be approved in writing by such author or sponsor before becoming official.

“Section 29. The Engrossing and Enrolling Clerk shall enroll all House bills, House joint resolutions, and House concurrent resolutions which have passed both Houses and are ready to be signed and presented to the Governor. All such enrolled bills and resolutions shall be typewritten without erasures, interlineations, or additions in the margin. After typing has been completed, such bills or resolutions shall be presented to the Committee on Engrossed and Enrolled Bills, which committee shall examine such bills and resolutions and determine that each is truly and correctly enrolled, following which such bill or resolution shall be reported to the House for the signature of the Speaker prior to transmittal to the Senate and thence to the Comptroller or Governor, as the case may be. In the event a joint facility for the enrollment of bills is provided by the Joint Legislative Committee on Administration, the duties of the Engrossing and Enrolling Clerk with respect to the enrollment of bills shall be identical to those duties enumerated in Section 24 hereof with respect to engrossed bills and resolutions.

“Section 30. For every enrolled bill or resolution originating in the House, the Engrossing and Enrolling Clerk shall be responsible for noting

thereon, for certification by the Speaker of the House, by the Lieutenant Governor, by the Chief Clerk of the House and the Secretary of the Senate, as applied to their respective bodies, the following information:

"(1) Date of final passage, and the vote on final passage, if a record vote was taken; if no record vote was taken, such fact shall be noted as 'Nonrecord Vote'. If the bill was amended in the Senate, this fact shall also be noted.

"(2) Date of concurrence by the House in Senate amendments, and the vote by which the concurrence was made, if a record vote was taken; if no record vote was taken, such fact shall be noted as 'Nonrecord Vote'.

"(3) Date of adoption of the conference committee report by each House, and the vote by which the conference committee report was adopted, if a record vote was taken; if no record vote was taken, such fact shall be noted as 'Nonrecord Vote'.

"(4) Date a bill is forwarded to the Governor under Section 59(d) of Article 16, Constitution of Texas, and the date the recommendations of the Texas Water Commission concerning the bill were filed with the Speaker of the House.

"(5) If the bill contains an appropriation, a notation shall be added to the effect that the bill was passed subject to the provisions of Section 49a of Article 3 of the Constitution of Texas.

"(6) If a concurrent resolution is adopted by both Houses directing the Engrossing and Enrolling Clerk to make corrections in the enrolled copy of a bill, this fact shall also be noted in the certification.

"Reading Clerk.

"Section 31. The Reading Clerk shall call the roll of the House in alphabetical order of the names of the Members when ordered to do so by the Speaker. He shall control the opening and closing of the voting machine on registrations and shall record votes from the Floor, as directed by the Speaker. He shall read all bills, resolutions, motions and other matters required by the rules or directed by the Speaker to be read. He shall remain standing while reading, calling the roll, or taking a registration. He shall prepare official copies of all record votes for the Journal. He shall not make any additions, subtractions, or other changes in any record vote or registration unless the House specifically grants permission therefor, or unless directed to do so by the Speaker.

"All Personnel.

"Section 32. No clerk, employee, or officer of the House, other than the Speaker, shall, directly or indirectly, attempt to influence any Member of the House in favor of or against any measure pending before the Legislature, nor shall any clerk, employee or other officer use his official position in aiding anyone to lobby for or against any measure pending in the Legislature. Violation of this rule shall subject such clerk, employee or other officer of the House to discharge by the Speaker for misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any Member of the House. Any standing or

select committee of the House may, by majority vote, grant any clerk, officer or employee the right to appear before such committee and make known his views on any measure pending before such committee.

"Section 33. All employees of the House shall report and be on duty on such days and at such hours as may be determined by the Committee on House Administration, which shall include hours the House or committees to which they have been assigned may be in session, or as otherwise directed by the Speaker.

"Section 34. Clerks, employees, and officers of the House, whether serving during a session or in an interim between sessions, are hereby strictly prohibited from compiling or releasing to any person or persons information concerning the voting record of any Member of the House for any session of the Legislature. This rule shall not apply where a Member requests information about himself for his personal use, nor to the publication by officers and employees of the House of the Journal and other official records."

Sec. 5. That Rule VII, Sections 5, 6, 14, 22, 26, and 41 be amended and a new Section 46 be added to read as follows:

**"RULE VII
"STANDING COMMITTEES**

"Section 5. CLAIMS. Five members, with exclusive jurisdiction over all claims which may be filed with the Legislature against the State.

"Section 6. COMMERCE AND MANUFACTURING. Fifteen members, with jurisdiction over: (1) All matters relating to commerce, trade and manufacturing, and; (2) all matters relating to industry and industrial development of the State.

"Section 14. ENGROSSED AND ENROLLED BILLS. Five members, with jurisdiction over: (1) All bills and resolutions enrolled in the House, with the responsibility for examination and determination of their proper enrollment; and (2) all bills and resolutions engrossed in the House, with the responsibility for examination and determination of the accuracy of the engrossment and the proper insertion of all amendments adopted thereto.

"Section 22. RESOLUTIONS AND INTERIM ACTIVITIES. Seven members, with jurisdiction over: (1) All proposals for interim studies, interim investigations and other interim activities, and (2) all other resolutions not within the jurisdiction of another standing committee. The committee shall, when feasible, recommend that studies, investigations or other activities be made by the appropriate standing committee of the House, sitting en banc or through the medium of subcommittees, as the Chairman of the standing committee shall determine.

"Section 26. JUVENILE CRIME AND DELINQUENCY. Fifteen members, with jurisdiction over all matters pertaining to the prevention of juvenile offenses and the rehabilitation and correction of juvenile offenders.

"Section 41. SCHOOL DISTRICTS. Fifteen members, with jurisdiction over all bills creating, changing or otherwise affecting school districts of the State.

"Section 46. BUSINESS AND MARKETING AFFAIRS. Eleven members, with jurisdiction over all matters pertaining to or benefitting the encouragement and promotion of small business enterprises in Texas, the conduct and regulation thereof, and the programs of the State in aid thereof."

Sec. 6. That Rule VIII, Sections 11 and 23 be amended to read as follows:

**"RULE VIII
"ORGANIZATION, POWERS AND DUTIES OF COMMITTEES**

"Section 11. The Chairman, or the member acting as Chairman, shall keep or cause to be kept a complete record of the proceedings in committee. This record shall show the time and place of each meeting of the committee, the attendance of committee members, and an accurate record of all votes taken. This record shall also include such other information as the Chairman shall determine. Committee minutes shall be subject to correction only by direction of the Chairman and as authorized by a majority vote of the committee. Testimony before the Committee, or portions thereof, may be recorded at the discretion of the Chairman. Transcripts of any recorded testimony shall be made or released only with the written permission of the Chairman.

"Section 23. Each committee report on a bill or joint resolution, and to the extent deemed necessary by the Committee, on simple and concurrent resolutions, except those pertaining to recodification bills and to the General Appropriations Bill, must include in summary form a detailed analysis of the subject matter of the bill or resolution, specifically including (1) background information on the proposal, (2) what the bill or resolution proposes to do, (3) a section by section analysis of the content of the bill or resolution, and (4) a summary of the committee hearing on such bill or resolution. It shall be the duty of the committee chairman, on all matters reported by his committee, to see that all provisions of Rule XXVI are satisfied; provided, however, that insertions and underlining on second printing shall not be required on Appropriations Bills, Redistricting Bills, Local Bills, Game Bills, Recodification Bills, and bills not purporting to amend existing statutes. If the proposal to amend an existing portion of the Constitution, or a statute involves a complete redraft of the entire text thereof, to the extent that it would confuse rather than clarify to show additions and deletions, the requirement for insertion and underlining shall not apply; provided, however, the Chairman shall strictly construe this provision to achieve the purposes hereof."

Sec. 7. That Rule XI be amended by adding a new Section to be Section 11 and renumbering Section 11 to Section 12. Said new Section to read as follows:

**"RULE XI
"DECORUM AND DEBATE**

"Section 11. No person shall pass between the front and back microphones during debate or when a Member has the Floor and is addressing the House."

Sec. 8. That Rule XII, Sections 4 and 13 be amended to read as follows:

"RULE XII
"ON VOTING

"Section 4. A Member must be on the Floor of the House or in a room or hallway adjacent thereto, which room or hallway must be on the same level as the House Floor, in order to vote; but Members who are out of the House when a record vote is taken and who wish to be recorded shall be permitted to do so provided:

(a) They were out of the House temporarily, having been recorded earlier as present; and

(b) Permission to so vote is granted by unanimous consent; and

(c) The recording of their votes does not change the result as announced by the Chair.

"Section 13. During each calendar day in which the House is in session, it shall be the duty of the Sergeant at Arms to lock the voting machine of each Member who is excused or who is otherwise known to be absent and to remove the keys from such voting machines. Each such machine shall remain locked and the Sergeant at Arms shall retain the key thereto in his custody until such Member in person contacts the Sergeant at Arms and personally requests the unlocking of his machine. Unless otherwise directed by the Speaker, the Sergeant at Arms shall not unlock any machine or surrender custody of any voting machine key, except at the personal request of the Member to whom such machine is assigned. Any violation hereof, or any attempt by any Member or employee to circumvent the letter or spirit hereof, shall be reported immediately to the Speaker for such disciplinary action by the Speaker, or by the House, as may be warranted under the circumstances."

Sec. 9. That Rule XVII, Sections 4 and 11, be amended to read as follows:

"RULE XVII
"SIMPLE AND CONCURRENT RESOLUTIONS

"Section 4. All resolutions shall be referred to the appropriate committees except those either memorial or congratulatory in nature.

"Section 11. Mascot, congratulatory and memorial resolutions adopted by the House, except those for Members and former Members of the Legislature and those for state officials and former state officials, shall not be printed in full in the Journal, but shall be listed in the Journal by number, together with a brief caption of each indicating the person, persons or groups covered by it. This Rule shall be applicable both to Daily Journals and the Permanent Journal."

Sec. 10. That Rule XXII be amended to read as follows:

"RULE XXII
"OF THE ORDER OF BUSINESS

"Section 1. The daily order of business on a new legislative day shall be as follows:

"First: Call to order by Speaker.

"Second: Registration of Members, except when beginning a new calendar day in which case a roll call shall be used in lieu of such registration.

"Third: Prayer by Chaplain, unless the invocation has been given previously on the particular calendar day.

"Fourth: Excuses for absence of Members and officers.

"Fifth: Reading and adoption of memorial and congratulatory resolutions, and the Speaker shall not lay out such resolutions for consideration by the House at any other time.

"Sixth: First reading and reference to committees of bills filed with the Chief Clerk; and motions to introduce bills, when such motions are required.

"Seventh: Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

"The mover of a routine motion shall be allowed his choice of making the opening or the closing speech under this Rule. If the House, under a suspension of the Rules, extends the time of a Member under this Rule, such extensions shall be for three minutes. Applicable subsidiary motions shall be in order to routine motions, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original routine motions be allowed any additional time because of subsidiary motions.

"Eighth: Resolutions offered from the Floor for twenty minutes, if not sooner disposed of.

"Ninth: Unfinished business, to be considered until finally disposed of.

"Tenth: Disposal of business on the Speaker's desk, as follows:

"(1) Senate concurrent resolutions

"(2) Reports of committees, except those relating to bills and joint resolutions

"(3) Postponed bills, resolutions and other propositions, to be laid before the House in accordance with Section 16 of Rule XIII.

"Eleventh: Calendars of the House in their order of priority in accordance with Rule IX, unless a different order is otherwise determined under other provisions of these Rules.

"Section 2. When the House reconvenes the first time on a new calendar day following a recess, the daily order of business shall be:

"First: Call to order by the Speaker.

"Second: Roll Call of Members.

"Third: Prayer by the Chaplain.

"Fourth: Excuses for absence of Members and officers.

"Fifth: Pending business.

"Sixth: Calendars of the House in their order of priority in accordance with Rule IX, unless a different order is otherwise determined under other provisions of these Rules.

"Section 3. A special order, after the first eight items under the daily order of business for a legislative day have been passed, shall have precedence when the hour for its consideration has arrived, except as provided in Section 14 of Rule XIX."

Sec. 11. That Rule XXIV be amended by adding the following Section after Section 7, and renumbering remaining Sections accordingly:

"Sec. 8. Conference committees shall be restricted to adjusting the differences between the two Houses on a bill, resolution or other matter in disagreement, and they shall not change text to which both Houses have agreed, nor may such committees incorporate in their reports material not in disagreement between the Houses even though such material may be germane to a question at issue. The Speaker is authorized to rule out of order a conference committee report made in clear violation of this rule. When the Speaker is in doubt about whether or not a conference committee has exceeded its authority under this rule, he may submit the matter to the House for a decision.

"The following exceptions to this rule are hereby recognized:

"(a) When an amendment in disagreement strikes out an entire paragraph and inserts a new text, the entire subject matter of said paragraph is committed to the conferees.

"(b) When an amendment striking out an entire section of a bill and inserting a new section is in disagreement, the subject matter of the whole section is committed to the conferees.

"(c) When an amendment or group of amendments in disagreement are fundamental to the structure of a whole bill, thus requiring essentially a redraft of the entire bill by the conference committee, the entire subject matter of the bill is committed to the conferees.

"(d) When amendments striking out all below and all above the enacting clause of a bill and inserting in fact a new bill are in disagreement, the whole subject matter of the bill is committed to the conferees, and they shall have a wide discretion in incorporating germane material, and may report an entirely new bill on the subject."

Sec. 12. That Rule XXVI, Section 1, be amended to read as follows:

"RULE XXVI
"OF PRINTING

"Section 1. Except as otherwise provided herein, all bills and joint resolutions shall be printed and a copy provided to each Member at each of the following stages in the parliamentary progress of such bill or joint resolution, as follows:

"(a) At the time the bill or joint resolution is introduced and referred to committee, which shall be known as 'First Printing'.

"(b) At the time of the committee report on the bill or joint resolution, which shall be known as 'Second Printing'. The second printing shall consist of:

"(1) a complete text of the bill or joint resolution as reported from committee and in the event the bill or joint resolution proposes to amend an existing statute or constitutional provision, the language sought to be deleted shall be inserted in its appropriate place in parentheses and any language sought to be added shall be underlined, except as provided in Rule VIII, Section 23;

"(2) a complete copy of the committee bill analysis;

"(3) the text of the committee report;

"(4) the vote by which the measure was reported from committee; and

"(5) in the event the bill or joint resolution proposes an entirely new statute or constitutional provision, the second printing shall so state.

"(c) At the time the bill or joint resolution finally passes the Senate, Senate amendments, if any, will be printed, which shall be known as "Third Printing".

"(d) At the time the conference committee, if any, makes its report on the bill or joint resolution, which shall be known as 'Fourth Printing'."

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

Amend Committee Amendment No. 1 to HSR 9, Line 15, Page 1, by striking out the words, "a new Sec. 12." and inserting in lieu thereof "new Sections 12 and 13."

The above amendment was adopted without objection.

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

Amend Committee Amendment No. 1 to HSR 9 by

1. changing the words "Calendar Clerk" to "Chief Clerk" on page 7, line 17; and

2. changing "Section 24" to "Section 26" on line 18, page 9.

The above amendment was adopted without objection.

Mrs. Farenthold offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HSR 9, Section 6, page 12, by striking out the last two sentences of quoted Section 11, beginning on line 13, and inserting the following:

"The testimony of witnesses before committees of the House of Representatives shall be recorded by means of a tape recorder. The tapes of such testimony shall be placed on file in the Legislative Reference Library, along with a tape recorder, for use by Legislators, State employees, students of State Government, and the general public. Such testimony shall be reduced to writing upon the request of one-fourth of the present members of that committee before which the testimony was presented. Distribution of such testimony in written form to any committee of the House or Senate, or to all House and/or Senate Members may be made at the request of one-fourth of the present members of that committee before which such testimony was given."

Mr. Hale moved to table the above amendment.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

(Mr. Sherman in the Chair)

The motion to table the amendment by Mrs. Farenthold prevailed by the following vote:

Yeas—119

Adams	Craddick	Hendricks	Moore, A.
Agnich	Cruz	Hilliard	Moore, G.
Allen, Joe	Daniel	Holmes, T.	Murray
Allen, John	Davis, D.	Howard	Nabers
Angly	Davis, H.	Hubenak	Nelms
Atwell	Doran	Hull	Neugent, D.
Baker	Doyle	Ingram	Newton
Beckham	Dramberger	Jones, D.	Niland
Blanton	Finck	Jones, G.	Nugent, J.
Bowers	Finnell	Jungmichel	Ogg
Boyle	Finney	Kaster	Orr
Braecklein	Floyd	Kilpatrick	Parker, C.
Burgess	Foreman	Kost	Parker, W.
Bynum	Garcia	Kubiak	Pickens
Calhoun	Golman	Lee	Poerner
Carrillo	Grant	Lemmon	Poff
Cates	Hale	Lewis	Presnal
Cavness	Hanna, Joe	Lombardino	Price
Christian	Harding	Longoria	Rosson
Clark	Hawn	Lovell	Salem
Clayton	Haynes	McAlister	Salter
Coats	Head	McKissack	Santiesteban
Cole	Heatly	Moncrief	Schulle

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

Nays—26

Allred	Denton	Hawkins	Nichols
Bass, B.	Earthman	Holmes, Z.	Patterson
Bass, T.	Farenthold	Johnson	Reed
Bigham	Gammage	Jones, E.	Rodriguez
Blythe	Graves	Mengden	Truan
Braun	Hannah, John	Moore, T.	
Caldwell	Harris	Moreno	

Absent

Sanchez

Absent-Excused

Atwood Cobb Ligarde

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

Amend Rule VIII, page 12, line 15, add the words after chairman "or a majority of the membership of the Committee."

The above amendment was adopted without objection.

(Speaker in the Chair)

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

Amend Committee Amendment No. 1 to HSR 9, Rule VIII, in the following respects:

Sec. 6. That Rule VIII be amended by striking out Sections 2, 3 and 4 and inserting the following Sections and renumbering the remaining Sections, and by striking out Section 32 and inserting the following Sections appropriately numbered and renumbering the remaining Sections:

"Section 2. At the beginning of each Regular Session, the newly elected Speaker shall appoint the full membership of the Committee on Rules and the Committee on House Administration, and shall appoint to each of the other standing committees a sufficient number of members to fill all vacancies thereon. Except for the Committee on Rules and Committee on House Administration, appointments by the Speaker shall be limited to the filling of vacancies. Vacancies on a committee shall arise only by reason of death, failure to seek and obtain reelection, resignation, or removal by a majority vote of the entire elected membership of the House. Once appointed to a committee other than the Committee on

Rules and the Committee on House Administration, a Member shall be entitled as a matter of right to remain a member thereof as long as he is a Member of the House, unless removed therefrom for cause by a majority vote of the entire elected membership of the House.

"Section 3. At the beginning of each Regular Session, the newly elected Speaker shall select the Chairman and the Vice-Chairman of each standing committee, but until a new Chairman and a new Vice-Chairman are named by the Speaker, the old Chairman and the old Vice-Chairman shall continue to serve, if still Members of the House; otherwise, an acting Chairman and an acting Vice-Chairman shall be determined by seniority, as provided in Section 4 hereof, from among the holdover members of the committee.

"Section 4. Except for the Chairman and the Vice-Chairman, members of a standing committee shall rank according to their seniority, and members with the same seniority shall rank according to age. Seniority, as that term is used herein, shall mean total time served as a Member of the House, which service need not be consecutive. In the absence of both the Chairman and the Vice-Chairman of a committee, the senior member present shall act as Chairman.

"Section 5. Should a vacancy occur on a standing committee subsequent to its organization, the Speaker shall appoint an eligible member to fill such vacancy.

"Section 34. Standing committees of the House shall be, and hereby are, charged with the responsibility and duty of formulating legislative programs and initiating legislation on all matters within the jurisdiction of such committee. Each standing committee shall make a continuing study of the matters under its jurisdiction, conduct such investigations as it feels are necessary to supply it with adequate information, and shall recommend to the House such legislation within its area of jurisdiction as it deems necessary and desirable.

"It shall be the duty of the Chairman of each standing committee to introduce, or cause to be introduced, the legislative programs developed by such committee and to mobilize the efforts of such committee to secure passage of the proposals thus recommended.

"It is the intent of this rule to give each standing committee wide discretion in the matters to be considered by such committee within the area of its jurisdiction, to the end that the committee shall not be confined in its legislative endeavors to proposals submitted to it by individual Members of the House, but each committee shall be independent in seeking out the problems within its area of jurisdiction and in formulating legislative programs to solve such problems.

"Section 35. To the extent practicable during each Regular Session, standing committees shall conduct regular committee meetings in accordance with a schedule of such meetings to be promulgated by the Committee on House Administration. Standing Committees shall meet at such other times as may be determined by the committee, or as may be called by the Chairman thereof. When the Legislature is not in session, the Speaker shall have authority to determine the times and places that each standing committee shall meet, or he may delegate such autho-

rity to the committee itself, or the Chairman thereof. Interim work of each standing committee shall be as assigned by the Speaker or by resolution passed by the House. Each committee shall meet as often as necessary to transact effectively the business of the committee. Unless otherwise determined by the Committee, or by the Chairman thereof, all committee meetings shall be in Austin, but such committee may meet elsewhere within the State of Texas if deemed necessary by the Committee or its Chairman for the orderly transaction of its business.

"Section 36. Each standing committee shall have the power to issue process to witnesses at any place in the State of Texas, to compel their attendance, and to compel the production of all books, records, and instruments, and to issue attachments where necessary to obtain compliance with subpoenas or other process, all of which may be addressed to and served by either a Sergeant at Arms appointed by such committee, or by any peace officer of the State of Texas; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it, in the manner provided by law. The Chairman of the Committee shall issue, in the name of the committee, such subpoenas and other process as a majority of the entire membership of the committee may direct. Each standing committee is hereby authorized to request the assistance, when needed in the discharge of its duties, of the State Auditor's Department, the Texas Legislative Council, the Department of Public Safety, the Attorney General's Department, and all other state agencies and offices, and it shall be the duty of such departments, agencies and offices to assist the committee when requested to do so. Each standing committee shall have the power to inspect the records, documents and files of every state department, agency, and officer, to the extent necessary to the discharge of its duties within the area of its jurisdiction.

"Section 37. Witnesses attending proceedings of any standing committee under process of such committee shall be allowed the same mileage and per diem as is allowed members of the committee when in a travel status, to be paid out of the Expense Fund of the House of Representatives, on vouchers approved by the Chairman of the Committee and by the Speaker of the House.

"Section 38. All committees shall require all witnesses appearing before such committees to give their testimony under oath, and each committee may avail itself of such other additional powers and prerogatives as are authorized by the provisions of law.

"Section 39. Each standing committee shall be furnished with adequate committee staff, clerical assistance, and other personnel to enable it to satisfactorily discharge its responsibilities under these Rules. Requests for such staff and other personnel shall be directed by the Chairman of the Committee to the Committee on House Administration, who shall determine the reasonableness of such requests and shall include provision for such staff and other personnel in the housekeeping resolution adopted by the House. Interim staff and other personnel shall be provided to standing committees by the same procedure, and provision therefor shall be included in the resolution passed each session governing interim operations of the House. All personnel employed by, or assigned to, a standing committee, shall be under the control and direction of the Chairman thereof.

"Section 40. In addition to such other duties as may be assigned by the Chairman, the staff of each standing committee shall be responsible for the preparation of an analysis of each bill referred to such committee and for distribution of copies of such analysis to each member of the committee, in advance of any committee hearing scheduled thereon. Such analysis shall be prepared under the direction of the Chairman and shall be approved by him as to form and content before distribution to other members of the committee.

"Section 41. During each Regular Session, the Chairman of each standing committee shall prepare a budget for the operation of his committee for the next biennium. Such budget shall be completed and submitted to the Committee on House Administration on or before a deadline date to be set by such committee. Individual committee budgets shall then be consolidated and coordinated by the Committee on House Administration, who shall be charged with the responsibility of submitting to the House Appropriations Committee a consolidated budget to cover all operations of all standing committees for the ensuing biennium. Appropriations in support of such budget shall be included by the House Appropriations Committee in the General Appropriations Bill.

"Section 42. Members of all standing committees shall be reimbursed for their actual and necessary expenses incurred while engaged in the work of the committee and while traveling between their places of residence and the places where meetings of the committee are held, provided, however, that no such reimbursement is authorized for meetings of committees held in Austin during such time as the Legislature is in Session. All such expenses of the committee and its members shall be paid out of the Expense Fund of the House of Representatives. All expense vouchers shall be approved by the Chairman of the Committee and by the Speaker of the House."

Mr. Hale moved to table the above amendment.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The motion to table the amendment by Mr. Bigham prevailed by the following vote:

Yeas—115

Adams	Cates	Dramberger	Hendricks
Agnich	Cavness	Finck	Hilliard
Allen, Joe	Christian	Finnell	Holmes, T.
Allen, John	Clark	Floyd	Howard
Atwell	Clayton	Foreman	Hubenak
Baker	Coats	Gammage	Hull
Bass, T.	Cole	Garcia	Ingram
Blanton	Craddick	Golman	Johnson
Boyle	Cruz	Hale	Jones, D.
Braecklein	Daniel	Hanna, Joe	Jungmichel
Burgess	Davis, D.	Harding	Kaster
Bynum	Davis, H.	Hawn	Kilpatrick
Calhoun	Doran	Haynes	Kost
Carrillo	Doyle	Heatly	Lee

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

Nays—28

Allred	Braun	Hannah, John	Mengden
Angly	Caldwell	Harris	Moore, T.
Bass, B.	Denton	Hawkins	Moreno
Beckham	Earthman	Head	Nichols
Bigham	Farenthold	Holmes, Z.	Reed
Blythe	Grant	Jones, E.	Rodriguez
Bowers	Graves	Kubiak	Truan

Absent

Finney	Jones, G.	Sanchez
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Absent-Excused

Atwood	Cobb	Ligarde
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RESOLUTION SIGNED BY THE SPEAKER

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

SCR 3, In memory of the Honorable Virgil E. "Red" Berry.

ESCORT COMMITTEE APPOINTED

The Speaker announced the appointment of the following committee to escort Governor Preston Smith to the Speaker's Rostrum:

Representatives Delwin Jones, John Allen, Cates, Craddick, Daniel, Howard, Lewis, Carl Parker, Rosson, Sanchez, Santiesteban, Schulle, Simmons, Stroud, and Williams.

HOUSE AT EASE

At 11:48 a.m. the Speaker stated that the House would stand at ease pending the arrival of the Governor and his party.

(Mr. Wieting in the Chair)

The Chair called the House to order at 11:54 a.m.

Lieutenant Governor Ben Barnes and Members of the Senate were announced at the Bar of the House and were admitted.

(Speaker in the Chair)

ADDRESS BY GOVERNOR PRESTON SMITH

(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of HCR 8, providing for a Joint Session of the Senate and the House of Representatives at 12:00 noon today, for the purpose of hearing an address by the Honorable Preston Smith, Governor of Texas, Lieutenant Governor Ben Barnes and the Honorable Senators occupied seats arranged for them.

Lieutenant Governor Ben Barnes was escorted to a seat on the Speaker's Rostrum.

At 12 noon, Governor Preston Smith and Mrs. Smith, and Mr. and Mrs. Conrad Schmid, escorted by Senators Herring, Brooks, Blanchard, Kothmann, and Wallace, Committee on the part of the Senate, and Representatives Delwin Jones, John Allen, Cates, Craddick, Daniel, Howard, Lewis, Carl Parker, Rosson, Sanchez, Santiesteban, Schulle, Simmons, Stroud, and Williams, Committee on the part of the House, were announced at the Bar of the House and, being admitted, were escorted to the Speaker's Rostrum.

Lieutenant Governor Ben Barnes called the Senate to order.

A quorum of the Senate was announced present.

The Honorable G. F. (Gus) Mutscher, Speaker of the House, called the House of Representatives to order.

Speaker Mutscher directed the Clerk to call the roll of the House.

The roll of the House was called.

A quorum of the House was announced present.

Speaker Mutscher stated that the two Houses were in Joint Session for the purpose of hearing an address by His Excellency, Preston Smith, Governor of Texas.

Speaker Mutscher then presented Governor Smith to the Joint Session.

Governor Smith addressed the Joint Session, speaking as follows:

Mr. Speaker of the House . . . Mr. President of the Senate . . . Members of the 62nd Texas Legislature. . . Ladies and Gentlemen. . . .

Beginning 26 years ago, as a Member of this House, and on many occasions since, I have observed or participated in this ceremony—the occasion of the Governor's first Message to the Texas Legislature.

As I recall, these occasions differed somewhat in characters and plot; yet, there was a certain sameness.

Each Governor spoke of the challenges the next few months would bring. The problems and issues had no parallels in recorded history. The most critical need was for money. There was truth in all these assertions. Every Legislative Session is like others, but with its own script and its own destiny.

Every Session is demanding upon a conscientious Legislator. This one, I can assure you, will be no exception. Legislatures are always looking for money. This one is certainly no exception.

I have noticed this, too: no Session, however difficult, is quite impossible.

Whatever the challenges, a conscientious Member and a strong Legislature can survive them—with honor, and at least a reasonable measure of success. And this Legislature will be no exception.

It is well for us to think for a moment of Who We Are.

This is the first Texas Legislature that ever represented the nation's fourth most populous State. It is the first Legislature to deal with the welfare, health, safety, education, economic opportunities, citizenship rights, and voting rights of 11,200,000 people—including their children, their automobiles, their credit cards, their monthly payments, their prosperity or their poverty . . . the privileged, the underprivileged, the strong, the handicapped, the unemployed, those on country club rolls, and those on relief rolls.

We are among the first lawmakers who—as an almost unanimous group—are worried about the water that our people have to drink, the air that they breathe, the alcohol that they misuse, the drugs they abuse, how much DDT there is in their vegetables, and how much mercury in their tuna. And why a lot of them throw their garbage on the freeway.

We do concern ourselves now with the environment; we do care about the quality of life. We do want our people and our State to compete on fair terms in the meeting place and in the market place. And for all of this, I remind you, we have to pay.

I speak of these trends in our exciting and new-patterned times because I want everyone to understand something of what we face in this Legislative Session.

With one more word, I shall turn to the business at hand. That word is confidence—confidence in Lieutenant Governor Ben Barnes . . . confidence in Gus Mutscher . . . and confidence in you, the Members of the 62nd Legislature.

Because you know as well as I what we must do here, I am confident we will do it—not satisfactorily to every constituent, but acceptable in our own hearts. We will work with good will to compromise our disagreements in the public interest.

Time is too short and is too precious for pettiness.

Disaster is too near for anything short of dedicated response.

Great challenges can inspire great responses. I go into this Session with high hopes of working things out for Texas. We will do this together—there is no other way.

I have already encountered one impossible assignment: that of presenting the Governor's Program and the Governor's Budget in a single message of endurable length.

Recognizing that I am legally and that I am morally obliged to report fully on what is often called "the state of State"—and to make recommendations in many areas, I shall do that in this manner:

1. I am today delivering to each of you copies of the Executive Budget, which anticipates the need for no new taxes, reflecting my suggestions for spending in the 1972-73 biennium, accompanied by an extended analysis of these recommendations.

2. In another written message, I am summarizing a number of my suggestions for new laws, amendments to existing laws and administrative procedures of general interest.

3. I am hereby noting that other significant topics will be covered in special messages as promptly as they can be prepared, or when a reason for them develops.

4. Finally, I shall devote these remarks today to three important topics:

(1) Emergency subjects, primarily our welfare dilemma, and recommendations for covering emergency revenue needs.

(2) Recommendations for constitutional amendments to be submitted to a vote at the earliest possible date.

(3) Recommendations for funding the general appropriations for the biennium.

I submit to you first for emergency consideration the subject of Public Welfare.

The word "emergency" may not be strong enough. Actually, Texas is living with three welfare crises—the past, the present and the future.

The past crisis was postponed last February when, under authority granted by the general appropriations bill, I, as Governor of Texas, transferred \$13.5 million from medical school building appropriations to the Public Welfare account.

This move prevented a special session and avoided reduction in payments during 1970 for Aid to Families with Dependent Children, Nursing Home Care and Medical Assistance.

We are committed to refunding this money.

The present crisis demands that we take steps during the next few days of this Session to avoid cuts in AFDC and Medical Assistance payments during the rest of this fiscal year, which of course ends August 31.

To accomplish this objective, we must do two things:

1- We must appropriate \$40 million in additional funds to the Department of Public Welfare.

2- We must submit a constitutional amendment to the people which would remove the \$80 million per year ceiling on categorical assistance payments.

At the current rate of expenditures, we will reach the \$80 million ceiling on about June 1. Unless the ceiling is removed by then, drastic cuts in the AFDC program will become necessary.

I submit both of these recommendations to you as emergency matters.

The future crisis in welfare financing is so serious as to be almost insoluble, and so complicated as to be almost unbelievable. A few facts will help us grasp the magnitude of the problem.

(1) We know that the Texas Department of Public Welfare has requested \$647 million in State funds for the 1972-73 biennium, which is an increase of over \$350 million over estimated expenditures this biennium. And fiscal demands for welfare are projected to double again in the next four years.

(2) We know that the AFDC caseload grew from 112,000 in September 1968 to 266,000 in December 1970, an increase of 135% in just over two years.

During the month of December, 1970, and maybe this will clarify the picture for you, the caseload grew 13,000.

Federal Court decisions have knocked out State provisions that attempted to limit increases; under court order, Texas has had to increase the AFDC "standard of need" by about 50 percent, and State residency requirements have been overturned.

(3) We know that costs of medical and nursing home care are spiraling. The 61st Legislature appropriated \$124 million for medical assistance.

The request for 1972-73 is for \$274 million, an increase of \$150 million or an increase of 120%.

(4) We know that there is no reasonable and practical hope of reducing welfare rolls appreciably with "go-to-work" policies—for the blunt truth is that nearly 90% of welfare recipients in Texas are too young, too old, blind or handicapped physically or mentally to hold a job, and that most of the able-bodied are mothers with dependent children who cannot leave home to work.

(5) We know that, while the AFDC program is widely criticized, the average monthly grant in Texas is only 50% of the national average—and, at the maximum, 75% of a calculated "living income."

I am satisfied, and so are others who have objectively explored the welfare jungle, that "the Welfare Cadillac just doesn't run in Texas."

I am also convinced that, whatever the answer is to the fantastically complicated welfare mess, President Nixon's Family Assistance Plan as currently proposed is not it.

In its present and predictable form, the Family Assistance Plan would not improve matters. It further confuses the welfare recipient; it makes administration even more difficult for the States; and it would submerge our scant remaining controls deeper into a sea of red tape.

Truthfully, we have no substantial voice now in welfare matters under the Federal-State matching program.

On December 10th of last year, while engaged in a work session preparing these budget recommendations, I received an invitation to meet at the White House with President Nixon and the Governors of about 15 other States; the meeting was to discuss the Family Assistance Plan.

While debating whether to attend, the utter futility of attempting to plan a budget under existing circumstances suddenly became more clear than ever.

The Legislative Session at that time was only a month away.

Our welfare funding was in mass confusion; our eligibility rules in judicial tatters; and the number of welfare recipients was growing by over 10,000 per month.

Congress even at that time was debating amendments to the Family Assistance Plan with the handwriting of its doom obvious.

Any one of the amendments being considered by the Congress could have influenced demands for State revenue by hundreds of millions of dollars.

No government can plan intelligently for the future under such a burden of uncertainty.

On that day, December 10, 1970, I decided to accept the invitation and meet with the President and the other Governors the next day, December 11, in Washington. At that time, the Family Assistance Plan had been amended, it had been carved, gutted and, indeed, changed beyond any recognition.

It finally represented only another attempt to add a patch to an already overburdened system of welfare patches.

One thing was clear. This legislation was not the answer to welfare reform.

When I met with the President, I expressed my conviction that the States could not continue under such an unpredictable—and increasingly expensive—welfare “partnership farce.”

I also told the President that I was convinced the only practical solution, and only hope for welfare reform, is for the Federal Government to assume complete responsibility for financing welfare programs.

This one action on the part of the President and Congress would achieve many of the objectives of the Family Assistance Plan by providing a stronger, more uniform and more predictable nationwide program of public welfare.

Now, let's talk for just a moment about revenue-sharing.

The President is for it. The Vice-President is for it. Senator Tower is for it. He so stated at a Joint Session of the 61st Legislature. Many of our own State officials, including the Lieutenant Governor and the Speaker, are for it. Voices of support are heard throughout the land.

A federal take-over of the welfare system would provide a realistic, workable form of revenue-sharing, one which I wholeheartedly endorse.

Hundreds of millions of dollars of State revenue would be released.

That revenue is badly needed at the State level to solve other pressing problems which face the States and the cities.

Several governors in attendance at the White House meeting voiced agreement with my position, and, since I spoke out that day, support has been growing daily.

(1) In 1970, a transfer of \$1.2 million was made by the Governor to the Department of Public Safety from the Highway Fund to meet a temporary shortage in the operators and chauffeurs license fund.

I recommend now, on an emergency basis, that these funds be restored.

A total of \$1 million is now available in the Motor Vehicle Inspection Fund, with \$200,000 of the original transfer that was never committed also returning to the Highway Fund.

Bills effecting this transaction already have been introduced at the request of the Department of Public Safety.

(2) Various bills also have been introduced for a statewide school immunization law. I hereby designate this as a subject for emergency consideration.

Now, concerning general revenue needs, the Executive Budget recommendations which I present today project spending during the next biennium of \$6.8 billion from all funds, with \$1 billion 450 million from General Revenue.

Based on the Comptroller's latest forecast, my recommendations for the 1972-73 biennium would require \$390 million in new revenue. The funding requirements for public welfare for the remainder of 1971 increase the new revenue total to \$443.8 million.

How to bridge the gap between income and spending is a question that has been widely and intensely discussed for many months.

Most of the possibilities have been explored, or at least mentioned.

It has been reported it would cost the Federal government an estimated \$15 billion to assume welfare funding.

Secretary of Defense Melvin Laird said recently the cost of the war in Southeast Asia has dropped from \$30 billion annually to \$6 billion annually.

We might ask whether there is any better way to rechannel those funds than for the federal government to fully assume welfare funding, as well as administration, which it has already almost totally preempted.

When I met with President Nixon, I told him that I would express my views to the Texas Legislature and tell you, and the people of this State, that these views represent the only realistic road out of the welfare jungle in which we find ourselves today.

I now repeat that statement to you with as much emphasis as I can muster. I might add that the long-range prospect is more bleak than the short-range.

Knowledgeable experts calculate that under the present system and trend, our welfare load in Texas will double again in the next four years.

It is my belief that the President is sincere in his revenue-sharing plan, and that he is sincere in wanting to relieve the States of some of their financial burdens.

It is also my belief that because of remarks attributed to Congressman Wilbur Mills and other House Ways and Means Members, it actually appears federal assumption of welfare has a better chance as a revenue-sharing device than does the straight grant approach.

I have tried to express to you as briefly as I could my strong conviction that there must be a significant change in welfare financing within a short time if State programs are to be saved from virtual bankruptcy.

My most intense efforts during the coming year will be toward enlisting other governors and other legislators for a purely federal welfare program.

Some work has already been started.

In view of the unsettled and tangled condition of Federal-State welfare funding, and in the hope that a better arrangement can be affected:

I recommend to you that we appropriate State Welfare Funds now for only the first 10 months of the next biennium, which will be to the beginning of the Federal Fiscal Year 1973.

By then, it is my belief, our efforts will have been successful and our welfare programs will be federally funded.

As the budget will show, the recommended funding for Child Welfare Services (not Aid to Families with Dependent Children) is for the entire 24 months.

Also, let me stress and make it crystal clear that nothing in this proposal suggests that Texas will default on any of its obligations to its welfare recipients.

Rather, we are hoping and working for an improvement.

Texas welfare recipients will be far better off under a more uniform nationwide program.

I earnestly urge the Lieutenant Governor, the Speaker, each of you State officials, as well as concerned citizens, to weigh these proposals carefully—and I would respectfully solicit support from all quarters.

While on the subject of emergency designations, I mention two that require no General Revenue appropriations.

One main line of thinking involves a cutback in General Revenue requests, as well as in some substantial commitments, to bring demand down to the level of the available funds.

The other widely suggested alternative has been new tax legislation to produce the additional revenue required.

Three comments here come to mind:

(1) A third alternative obviously would be a combination of new revenues and reductions, in the right mix.

(2) The Governor's Budget shows a considerably lesser gap than the popularly mentioned estimate of \$800 million.

(3) The gap is also less by some \$200 million than that of the Legislative Budget Board's calculations, even though the Governor's Budget contains substantial items not covered by the LBB recommendations—for examples:

—\$71 million for buildings and equipment at six universities, dental and medical schools that were created by the 61st Legislature.

—A 5% salary increase each year for classified personnel at the State institutions of higher learning.

—A 6.8% across-the-board pay increase each year for all classified employees and provision for merit increases.

—A 64% increase in the funding of occupational (vocational-technical) programs in the public junior colleges, and many other increased appropriations that recognize both the growth of demands and the inroads of inflation.

—Increased support of existing State medical schools has been recommended to allow for larger entering classes, and also State aid to the Baylor Colleges of Medicine and Dentistry last session authorized but not funded.

On the other hand, I am recommending that the funding of some educational programs be held at the 1971 level and other savings be effected where the present funding suffices to keep them operating effectively.

For buildings and equipment at the six new institutions of higher learning, I propose that financing be done by the revenue bond route.

I recommend that bond-service funds be obtained by dedicating the tuition income of State higher educational institutions, including medical institu-

tions. Income obtained in this way would be sufficient to retire the bonds without reducing appropriations.

While it would be manifestly unfair to lay all our budget increases on education, it is true that approximately 51% of the funds I have recommended are for the purpose of providing educational opportunities for more than three million students each year of the next biennium.

The total would be \$3.5 billion—an increase of over \$607 million.

Of that, \$354 million is for the foundation school program and teachers' retirement; the remaining \$253 million is for public junior and senior colleges and the medical and dental institutions.

Sharp notice has been taken of salary increases for teachers and other notable advances in public schools voted by the 61st Legislature. Some have advocated a "freeze" of teachers' pay at 1971 levels. I cannot support that proposal.

I was convinced in 1969, and I am still convinced, that the public school advancement program we passed then was a triumph . . . not for the teachers, but for the school children of Texas.

We cannot turn back from the first design for improvement we have passed that finally put Texas somewhere near the national average in at least some measurable areas.

I have to say—with all respect to those who believe otherwise—that if we have to cut, let us not start with our children and their teachers.

I realize that merely because I feel this way does not necessarily mean reductions will not be made.

To tax or to cut is obviously a traumatic decision for both legislators and conscientious citizens.

I suggest to you that there is a third alternative which should be considered. It offers an opportunity to absorb the impact of a \$600 million increase in spending for education by proper use of the State's credit backed by the assured income from certain properties of the public schools themselves.

The Permanent School Fund of Texas now exceeds \$850 million, almost 10 times the size of comparable funds in any other State in this nation.

It has been growing during the last decade at an astonishing rate of over \$40 million a year.

Unfortunately, the purchasing power of this huge fund has been evaporating at an astonishing rate due to inflation. The term "purchasing power" is used as a familiar synonym for "dollar value."

Actually, the Fund cannot be used to purchase anything. As its name implies, and as our constitution provides, it must be held intact and income added—except for interest, which goes to the Available School Fund and can be spent for public school support.

Holdover Members of this Legislature, certainly, and I'm sure most of the new members, are familiar with another designation, "The Cavness Plan."

That name is applied to the proposal of Representative Don Cavness to direct most of the income from school land mineral royalties, leases, bonuses, and rentals to the Available School Fund where it would replace a comparable amount of General Revenue appropriations.

The Cavness Plan was part of my program for financing the current biennial budget; however, the Attorney General ruled that the proposed transfer could not be made without a constitutional amendment.

If such an amendment were in effect, it would now bring an additional amount to the available school fund of about \$78 million for the biennium and relieve the General Revenue to that same extent.

To repeat for emphasis, this procedure would not touch a penny of the Permanent School Fund; in fact, it would continue to grow by over \$8 million a year from the 27½% royalty it would receive under terms of the original plan.

Probably I should note here that the original "Cavness Planner" was the distinguished Mr. C. H. Cavness, who, while he was State Auditor in 1955, presented the essentials to the Governor's Office and the Legislature.

His supporting statement then is even more pertinent now, 15 years later: the Permanent School Fund was growing to unpredicted proportions; the value of the money was steadily declining; the current income from mineral holdings could be "better utilized" by turning it to the contemporaneous uses of the public schools at considerable relief to the taxpayers.

That concept is still sound, in my opinion, and ought to be validated by constitutional amendment.

In fact, Representative Don Cavness did sponsor such an amendment late in the 61st Session and has announced that he will do so this Session.

His amendment was approved by the House in 1969 by a vote of 123-19, and favorably reported out of the committee in the Senate, where it was caught by the end of the Session.

If this approach is legally and morally viable, and obviously I believe that it is, I suggest and recommend a further step which would, in practical effect, cover most of the new spending for education in the next biennium and free enough money to fund the rest of the budget with no additional taxes.

My recommendation is this:

(1) That you submit a constitutional amendment at the earliest possible date incorporating the "Cavness Plan" as I have described it.

(2) That in the same resolution, you authorize the Comptroller to issue "Public Free School Bonds" in an amount not to exceed \$450 million, these bonds to be obligations of the State of Texas to be serviced and retired with

future income from school land mineral leases, awards, bonuses, rentals and 72½% of future royalties.

These bonds would be issued and they would be sold under conditions and terms prescribed by the Comptroller.

We are convinced, from our investigations, that these bonds would sell at very favorable terms in the currently favorable bond climate, and that the "Cavness Plan" income would suffice to cover them.

It is my further conviction that if this bond issue was authorized, the Comptroller would be able to certify General Revenue appropriations to the extent required by my recommendations for the 1972-73 biennium.

A constitutional amendment covering these recommendations has been prepared and will be made available for your action.

The proceeds from this recommended bond program should also be sufficient to cover the emergency requirements of public welfare programs for the remainder of 1971.

This immediate emergency can be met and a tax bill avoided by utilizing the vehicle offered in Section 49-A, Article III of the Texas Constitution.

That section recognizes that emergencies just like the one we face today must sometimes be dealt with immediately, with revenue to cover the appropriations coming at a later date as part of the total package.

Therefore, I recommend that you appropriate the necessary funds to provide for welfare programs for the remainder of 1971 and replace the funds transferred in February 1970; and that you do so by an affirmative vote of 120 Members of the House and 25 Members of the Senate.

With such a four-fifths vote of the total membership of each House, the Comptroller will not be required to certify the bill before it is sent to me for my signature.

If this can be done, we will avoid the necessity of enacting a tax bill to produce approximately \$70 million in only six months, and the necessary revenue will be provided by the same bonding program which will provide funds for the 1972-73 biennium.

Now, I realize that this can be termed deficit financing but the recommendation is sound. It permits us to solve our funding problem in a more orderly manner than by using a hastily-enacted, short-term plan.

It avoids an immediate tax bill and it is contemplated and provided for in the Texas Constitution.

Furthermore, temporary deficits in the State Treasury are not at all unusual.

On any given day, temporary deficits in the General Revenue Fund may reach \$100 million and within the last two years have reached as much as \$135 million.

In 1959, when the Texas Legislature convened they were facing a deficit

of \$65 million in General Revenue, and this was not wiped out until the third special session.

We now encounter another situation which calls for temporary deficit financing.

SUMMARY

You have heard my recommendations for meeting the State's fiscal requirements through the next biennium without resorting either to drastic reductions in the budget or drastic new tax programs.

Is this unprecedented approach a sensible and defensible way of meeting our present obligations? My response to that is: Yes.

I remind you that the term "unprecedented" connected with bond issues applies only in Texas and a very few other States.

I could recite at great length the fiscal history of major states which, historically and as a matter of orderly budgeting, regularly use the bond issue process.

I note further that the suggested route is closely tied, if not actually legally interwoven, with the public schools whose proper financing we would assure by using their prospective income in a sound, realistic, and businesslike way.

We must all keep in mind that none of our alternatives are without criticism or flaw.

There is no happy solution. This Legislature retains the options of (1) appropriation-cutting and of (2) new taxation that is disturbingly high for Texas (although I would say, within our capability, if not our mood of acceptability.)

Further—and this is important—the approach I have recommended gives a decisive voice to an important group frequently mentioned, but rarely consulted—all the taxpayers of Texas.

Submitting the "Public Free School Bond Issue" to a vote of the people is—in my view—an appropriate exercise in democracy. If the voters turn it down, they will have given us a message: that message: Do something else.

If this happens, we will be back with our old options.

Clearly, if my recommendation is going to be tested, the testing must start quickly so the people can vote before the close of this Session.

Meanwhile, as a logical procedure, the Legislature must continue to explore the tax jungle and the appropriations thicket. We must be prepared to take other action and promptly, if the bond issue should be rejected by the people.

One of the most pressing problems facing the State is a looming water shortage. As I reported to you two years ago, Texas will soon pass from a water surplus State to one of water scarcity.

The inevitable water shortage is of such a grave nature that it will be the subject of a special message to you in the near future.

Meanwhile, two facets of the water problem are of such a grave nature that I recommend immediate action.

First, I recommend to you that a constitutional amendment be submitted to the voters of Texas at the earliest possible date to increase or remove the constitutional interest ceiling limitation on water development bonds.

Successful adoption of such an amendment will make it possible for the State through the Water Development Fund to assist local communities in the financing of urgently needed projects.

Directly related to the development of our water resources and the enhancement of our environment, is the compelling need for adequate sewage treatment facilities.

Federal funds have been allocated on a matching basis for such facilities.

Along with the constitutional amendment to raise the interest rate on Water Development Bonds, I would also recommend to you that a constitutional amendment be submitted to the voters of Texas at the earliest possible date to provide \$100 million to be used as the State's matching share for waste treatment facility construction.

Passage of this amendment would permit the State to make the necessary grants to local and regional government entities.

The construction of these facilities will contribute significantly to increasing the utilization of our present water supplies and improving our environment.

In closing this portion of my opening message, I take this opportunity to thank you for your invitation and for your attention, and for the consideration that I know you will continue to give to solving the problems of Texas for which we share concern and responsibility.

EXECUTIVE DEPARTMENT
Status Of Fiscal Year 1971 Appropriations
As Of December 31, 1970

Fund 1	Purpose		Amount Of Appropriation	Cumula Expendi
1-13139	Salary-Governor		\$ 55,000.00	\$ 18,333.
1-13140	Salary-Lt. Gov., Acting Governor		10,000.00	602.
1-13141	Salary-Executive Assistant		26,500.00	8,833.
1-13142	Salaries-Adm. Assts., Class & Operating Expenses	\$1,061,859.00		
	Transfer In Agri.	6,200.00		
	Reimbursements, Refunds, Etc.	32.92		
	Transfer Out To 1-13146	(17,952.00)	1,050,130.92	349,727.
1-13143	Mansion Expenses		60,000.00	13,368.
1-13144	Memberships		115,000.00	44,117.
1-13145	Regional Planning Assistance		700,000.00	183,952.
1-13146	State Office of Economic Opportunity	86,000.00		
	Transfer In From 1-13142	17,952.00	103,952.00	21,966.
1-13147	Deficiency Grants			
	Transfer In From 0-13152	143,458.74		
	Transfer Out To 1-11093	(6,408.00)		
	Transfer Out To 1-11116	(20,000.00)		
	Transfer Out To 1-17028	(5,975.00)	111,075.74	-0-
1-13148	Governor's Committee On Aging		25,000.00	6,574.
1-13149	Special Projects	644,728.00		
	Transfer In From 1-17060	20,000.00		
	Transfer In From 1-23646	4,500.00		
	Transfer Out	(15,000.00)	654,228.00	208,290.
1-13150	National Guard Troops			
	Transfer In UB	145,415.83	145,415.83	-0-
1-13411	Southern Interstate Nuclear Board		12,000.00	10,000.
	Source Of Funds			
	House Bill 2	2,796,087.00		
	Transfers In Less Transfers Out	272,191.57		
	Reimbursements, Refunds, Etc.	32.92		
		<u>\$3,068,311.49</u>	<u>\$3,068,311.49</u>	<u>\$865,766</u>

EXECUTIVE DEPARTMENT
Status Of Fiscal Year 1971 Appropriations
As Of December 31, 1970

	Amount Of Deposits	Cumulative Expenditures
Fund 29		
1-23232 Traffic Safety	\$3,547,929.53	\$2,197,179.30
Fund 127		
1-23233 Office Of Economic Opportunity—Federal	110,000.00	89,386.98
1-27047 Public Service Careers	28,000.00	23,669.48
1-27048 Youth Opportunities Program	21,400.00	17,353.72
Total Fund 127	\$ 159,400.00	\$ 130,410.18
Fund 134 Aging		
1-23234 Administrative Expenses	34,335.00	27,883.07
1-23235 Grants	137,108.00	85,123.79
1-23236 Hogg Foundation	-0-	-0-
Total Fund 134	\$ 171,443.00	\$ 113,006.86
Fund 224 Criminal Justice Council		
1-23237 Admin. Expense and Planning Grants	395,000.00	345,281.26
1-23238 Action Grants	87,167.44	81,280.66
1-27020 Grants	1,196,426.03	1,102,516.99
1-27021 Discretionary Grants FY 70	266,923.96	226,923.96
1-27022 Discretionary Grants FY 71	70,068.50	70,068.50
1-27050 Discretionary Grants FY 71	13,735.94	944.77
1-27056 Grants	200,000.00	200,000.00
Sub-Total—Criminal Justice	\$2,229,321.87	\$2,027,016.14
1-27019 Comprehensive Health Planning	106,855.00	81,882.19
1-27049 Manpower Development	47,596.00	16,738.86
1-27018 Project Tex PL 1219	188.67	-0-
Total 224	\$2,383,961.54	\$2,125,637.19
Total Federal Funds	\$6,262,734.07	\$4,566,233.53
GRAND TOTAL—ALL FUNDS	\$9,331,045.56	\$5,482,000.34

At the conclusion of the address by Governor Smith, Speaker Mutscher presented Ima Smith, wife of Governor Smith, and Mr. and Mrs. Conrad Schmid, daughter and son-in-law of Governor and Mrs. Smith, to the Joint Session.

SENATE RETIRES

At 12:47 p.m., Lieutenant Governor Ben Barnes stated that the business of the Joint Session had been accomplished and that the Senate would, in accordance with a previous motion, stand adjourned until 11:00 a.m. tomorrow.

HOUSE AT EASE

Speaker Mutscher announced that the House would stand at ease pending the departure of the guests.

(Mr. Carl Parker in the Chair)

The Chair called the House to order at 1:00 p.m.

(Speaker in the Chair)

HSR 9—PENDING BUSINESS

The House resumed consideration of HSR 9 with Committee Amendment No. 1 pending.

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

Amend Committee Amendment No. 1 to HSR 9 in the following respects:

Sec. 11. That Rule XXIV be amended by adding new Sections 9, 10, 11, 12, 13 and 14 after the present Section 8 and renumber the subsequent accordingly:

"Section 9. Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. A conference committee shall have no authority with respect to any bill or resolution:

"(a) To change, alter or amend text which is not in disagreement;

"(b) To omit text which is not in disagreement;

"(c) To add text on any matter which is not in disagreement; or

"(d) To add text on any matter which is not included in either the House or the Senate version of the bill or resolution.

"This rule shall be strictly construed by the Speaker to achieve the purposes hereof.

"Section 10. Conference committees on appropriations bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to

the limitations contained elsewhere in these rules, a conference committee on an appropriation bill shall be strictly limited in its authority as follows:

“(a) If an item of appropriation appears in both House and Senate versions of the bill, such item must be included in the conference report.

“(b) If an item of appropriation appears in both House and Senate versions of the bill, and in identical amounts, no change can be made in such item or the amount thereof.

“(c) If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

“(d) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

“(e) If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

“This rule shall be strictly construed by the Speaker to achieve the purposes hereof.

“Section 11. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

“(a) If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

“(b) If a tax item appears in both House and Senate versions of the bill, and in identical form and with identical rates, no change can be made in such item or the rates therein provided.

“(c) If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be at the discretion of the conference committee, provided that such rates shall not exceed the higher version nor shall be less than the lower version.

“(d) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rates thereof shall not exceed the rates specified in the version containing such item.

“(e) If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

"This rule shall be strictly construed by the Speaker to achieve the purposes hereof.

"Section 12. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat where reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

"(a) If the matters in disagreement affect only certain districts, and other districts are identical in both House and Senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

"(b) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two Houses.

"(c) Insofar as the actual structure of the districts is concerned, and only to this extent, the provisions of Section 9 of this rule shall not apply to conference committees on reapportionment bills.

"Section 13. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

"(a) If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered or amended.

"(b) If it develops in conference committee that material has been inadvertently omitted from both House and Senate versions which properly should be included if such recodification is to achieve its purpose of being all inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

"Section 14. Limitations imposed on certain conference committees by the provisions of Sections 10, 11, 12, and 13 of this rule may be suspended in part, by permission of the House, to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by resolution passed by a majority vote of the House, with yeas and nays thereon to be recorded in the Journal. Such resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered, (2) specific limitation or limitations to be suspended thereby, (3) specific action contemplated by the conference

committee thereon, and (4) the reason why the suspension of such limitations is being requested. Permission thus granted shall suspend such limitations only for the matter or matters, and the bill, clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

(Mr. Hale occupied the Chair temporarily)

(Speaker in the Chair)

Mr. Jim Nugent offered the following substitute amendment for the Hannah amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HSR 9 by inserting a new Sec. 11 to read as follows:

"Sec. 11. That Rule XXIV be amended by adding the following Sections after Section 7, and renumbering remaining Sections accordingly:

"Sec. 8. Conference committees shall be restricted to adjusting the differences between the two Houses on a bill, resolution or other matter in disagreement, and they shall not change text to which both Houses have agreed, nor may such committees incorporate in their reports material not in disagreement between the Houses even though such material may be germane to a question at issue. The Speaker is authorized to rule out of order a conference committee report made in clear violation of this rule. When the Speaker is in doubt about whether or not a conference committee has exceeded its authority under this rule, he may submit the matter to the House for a decision.

"The following exceptions to this rule are hereby recognized:

"(a) When an amendment in disagreement strikes out an entire paragraph and inserts a new text, the entire subject matter of said paragraph is committed to the conferees.

"(b) When an amendment striking out an entire section of a bill and inserting a new section is in disagreement, the subject matter of the whole section is committed to the conferees.

"(c) When an amendment or group of amendments in disagreement are fundamental to the structure of a whole bill, thus requiring essentially a redraft of the entire bill by the conference committee, the entire subject matter of the bill is committed to the conferees.

"(d) When amendments striking out all below and all above the enacting clause of a bill and inserting in fact a new bill are in disagreement, the whole subject matter of the bill is committed to the conferees, and they shall have a wide discretion in incorporating germane material, and may report an entirely new bill on the subject.

"Section 9. All reports of conference committees shall be delivered to the Members of the House in the time required by these rules, along with an analysis of such report showing wherein the report differs from the House and Senate versions of the bill, resolution or other matter in disagreement. No conference committee report shall be considered by the House unless such analysis has been prepared and distributed to each member.

"Section 10. House conferees, when meeting with Senate conferees to adjust differences, shall meet in public, and shall give a reasonable amount of notice of such meeting in the place designated to give notice of meetings of House standing committees. Any such meeting shall open to the News Media. Any conference committee report adopted in private shall not be considered by the House."

Signed: Jim Nugent, Tom Bass, Adams, Calhoun, Pickens, Cruz, Cavness, Sherman, Carl Parker, and Delwin Jones.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The substitute amendment offered by Mr. Jim Nugent to the Hannah amendment to Committee Amendment No. 1 was adopted by the following vote:

Yeas—102

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

Nays—38

Agnich	Craddick	Head	Nelms
Allred	Daniel	Hendricks	Nichols
Angly	Denton	Holmes, Z.	Patterson
Bass, B.	Earthman	Howard	Poff
Beckham	Farenthold	Jones, E.	Reed
Bigham	Gammage	Kubiak	Rodriguez
Blythe	Grant	Lee	Salem
Bowers	Graves	Mengden	Truan
Braun	Hannah, John	Moore, T.	
Christian	Harris	Moreno	

Absent

Caldwell	Moore, G.	Smith
Hanna, Joe	Slack	Stewart

Absent-Excused

Atwood	Cobb	Ligarde
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A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The Hannah amendment, as substituted, was adopted by the following vote:

Yeas—134

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

Nays—8

Bigham	Moore, T.	Nelms	Salem
Denton	Moreno	Patterson	Truan

Absent

Caldwell Hanna, Joe Moore, G. Stewart

Absent-Excused

Atwood Cobb Ligarde

Mr. Sherman moved to reconsider the vote by which the Hannah amendment, as substituted, was adopted and to table the motion to reconsider.

The motion to table prevailed.

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

Amend Committee Amendment No. 1 to HSR 9 by the following:

That Rule XXIV be amended by adding the following section after Section 12:

Section 13. "Any bill that passes the House and the Senate before two (2) calendar weeks before the end of the session and is sent to a conference committee must be returned to the House within one (1) calendar week after assignment of said bill to said conference committee."

Mr. Hale moved to table the above amendment.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The motion to table the amendment by Mr. Edmund Jones prevailed by the following vote:

Yeas—125

Adams	Clark	Hale	Kost
Agnich	Clayton	Harding	Kubiak
Allen, Joe	Coats	Hawkins	Lemmon
Allen, John	Cole	Hawn	Lewis
Allred	Cruz	Haynes	Lombardino
Angly	Daniel	Head	Longoria
Atwell	Davis, D.	Heatly	Lovell
Baker	Davis, H.	Hendricks	McAlister
Bass, T.	Doran	Hilliard	McKissack
Beckham	Doyle	Holmes, T.	Moncrief
Bigham	Dramberger	Holmes, Z.	Moore, A.
Blanton	Finck	Howard	Moore, T.
Boyle	Finnell	Hubenak	Murray
Braecklein	Finney	Hull	Nabers
Burgess	Floyd	Ingram	Nelms
Bynum	Foreman	Johnson	Neugent, D.
Calhoun	Gammage	Jones, D.	Newton
Carrillo	Garcia	Jones, G.	Niland
Cates	Golman	Jungmichel	Nugent, J.
Cavness	Grant	Kaster	Ogg
Christian	Graves	Kilpatrick	Orr

Parker, C.	Salter	Slider	Von Dohlen
Parker, W.	Sanchez	Solomon	Ward
Patterson	Santiesteban	Spurlock	Wayne
Pickens	Schulle	Stroud	Wieting
Poerner	Semos	Swanson	Williams
Poff	Shannon	Tarbox	Williamson
Presnal	Sherman	Traeger	Wolff
Price	Short	Truan	Wyatt
Reed	Silber	Tupper	
Rosson	Simmons	Uher	
Salem	Slack	Vale	

Nays--13

Blythe	Denton	Jones, E.	Rodriguez
Bowers	Earthman	Lee	
Braun	Farenthold	Mengden	
Craddick	Harris	Nichols	

Absent

Bass, B.	Hanna, Joe	Moore, G.	Smith
Caldwell	Hannah, John	Moreno	Stewart

Absent-Excused

Atwood	Cobb	Ligarde
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Mr. Harding offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Simple Resolution No. 9 by adding a Section 13 to read as follows:

Section 13. That Rule XIX be amended by adding a Section 31 to read as follows:

"Section 31. Any bill or resolution concerning lands or streams owned by the State of Texas is not local in character."

The amendment was adopted without objection.

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

Amendment No. 1

Amend Committee Amendment 1, Page 5, Line 10 by striking the word "he" and adding in lieu thereof the words "the Chief Clerk."

Amendment No. 2

Amend Committee Amendment 1, Page 5, Line 28 by striking the word "his" and adding in lieu thereof the letter "a".

Amendment No. 3

Amend Committee Amendment 1, Page 6, Section 13, Line 30; Section 14, Line 46; Section 15, Line 49, by striking the word "he" and adding in lieu thereof "the Calendar Clerk."

Amendment No. 4

Amend Committee Amendment 1, Page 7, Section 16, Lines 3 and 6, by striking the word "he" and adding in lieu thereof the words "the Calendar Clerk."

Amendment No. 5

Amend Committee Amendment 1, Page 7, Section 19, Line 21, by striking the word "his" and adding in lieu thereof the word "the."

The above amendments offered by Mr. Salem were severally adopted without objection.

Mr. Earthman offered the following amendment to HSR 9:

Amend HSR 9 by creating a new Rule No. XXXII titled Financial Disclosure.

Sec. I. All Members of the Texas House of Representatives shall be required to submit an annual financial statement of disclosures.

Sec. II. This statement shall list all personal assets and liabilities for the past calendar year. It shall also list amounts and sources of income.

Sec. III. This statement shall be filed no later than Jan. 1 with the Chief Clerk of the House of Representatives annually and shall be public record.

Mr. Hale raised a point of order on further consideration of the above amendment on the grounds that it seeks to amend a resolution which is not before the House.

The Speaker sustained the point of order, stating that Committee Amendment No. 1 was before the House.

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

Amend the Committee Amendment to HSR 9 by adding a new section to be numbered Section 13.

Add the following to Section 2 of Rule XII:

When it becomes apparent that a Member at any time in the past has violated this rule a special investigating committee of the House shall be appointed to inquire into such apparent dereliction upon the motion of 30 Members of the House.

The appointed committee shall within 30 days after being appointed make its findings known to the Legislature and its recommendations for Legislative action including reprimand and/or censorship.

Mr. Delwin Jones raised the point of order that the amendment offered by Mr. Lee is vague and indefinite.

The Speaker overruled the point of order.

Mr. Hale moved to table the above amendment.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The motion to table the amendment by Mr. Lee prevailed by the following vote:

Yeas—127

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

Nays—13

Agnich	Blythe	Head	Patterson
Allred	Bowers	Jones, E.	
Angly	Craddick	Lee	
Bass, B.	Earthman	Mengden	

Absent

Finney	Hannah, John	Smith
Hanna, Joe	Moore, G.	Stewart

Absent-Excused

Atwood	Cobb	Ligarde
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Mr. Earthman offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HSR 9 by creating a New Rule No. XXXII titled Financial Disclosure.

Sec. I. All Members of the Texas House of Representatives shall be required to submit an annual financial statement of disclosures.

Sec. II. This statement shall list all personal assets and liabilities for the past calendar year. It shall also list amounts and sources of income.

Sec. III. This statement shall be filed no later than Jan. 1 with the Chief Clerk of the House of Representatives annually and shall be public record.

Mr. Hale moved to table the above amendment.

Mr. Salter raised a point of order against further consideration of the above amendment on the grounds that it seeks to amend matter which is not in the rules of procedure of the House.

The Speaker overruled the point of order.

A record vote was requested by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

The motion to table the amendment by Mr. Earthman prevailed by the following vote:

Yeas—118

Adams	Cates	Finnell	Howard
Agnich	Cavness	Floyd	Hubenak
Allen, Joe	Christian	Foreman	Hull
Allen, John	Clark	Gammage	Ingram
Allred	Clayton	Garcia	Johnson
Atwell	Coats	Golman	Jones, D.
Baker	Cole	Grant	Jones, G.
Bass, B.	Cruz	Hale	Jungmichel
Bass, T.	Daniel	Harding	Kaster
Blanton	Davis, D.	Hawkins	Kilpatrick
Boyle	Davis, H.	Hawn	Kost
Braecklein	Denton	Haynes	Lee
Burgess	Doran	Heatly	Lemmon
Bynum	Doyle	Hendricks	Lewis
Calhoun	Dramberger	Hilliard	Lombardino
Carrillo	Finch	Holmes, T.	Longoria

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

Nays—24

Angly	Caldwell	Harris	Moreno
Beckham	Craddick	Head	Nichols
Bigham	Earthman	Holmes, Z.	Patterson
Blythe	Farenthold	Jones, E.	Reed
Bowers	Graves	Kubiak	Rodriguez
Braun	Hannah, John	Mengden	Truan

Absent

Finney	Hanna, Joe	Moore, G.	Smith
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Absent-Excused

Atwood	Cobb	Ligarde	
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A record vote was requested on the adoption of Committee Amendment No. 1 by Representatives Angly, Lee, Agnich, Earthman, Blythe, Mengden, Bowers, Christian, Craddick, and Edmund Jones.

Committee Amendment No. 1, as amended, was adopted by the following vote:

Yeas—134

Adams	Caldwell	Dramberger	Hawn
Agnich	Calhoun	Farenthold	Haynes
Allen, Joe	Carrillo	Finck	Head
Allen, John	Cates	Finnell	Heatly
Allred	Cavness	Finney	Hendricks
Atwell	Christian	Floyd	Hilliard
Baker	Clark	Foreman	Holmes, T.
Bass, B.	Clayton	Gammage	Holmes, Z.
Bass, T.	Coats	Garcia	Howard
Beckham	Cole	Golman	Hubenak
Bigham	Cruz	Grant	Hull
Blanton	Daniel	Graves	Ingram
Boyle	Davis, D.	Hale	Johnson
Braecklein	Davis, H.	Hannah, John	Jones, D.
Braun	Denton	Harding	Jones, G.
Burgess	Doran	Harris	Jungmichel
Bynum	Doyle	Hawkins	Kaster

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

Nays—9

Angly	Craddick	Lee
Blythe	Earthman	Mengden
Bowers	Jones, E.	Patterson

Absent

Hanna, Joe	Moore, G.	Smith
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Absent-Excused

Atwood	Cobb	Ligarde
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HSR 9, as amended, was adopted.

Mr. Hale moved to reconsider the vote by which HSR 9 was adopted and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Cruz moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 2:22 p.m., adjourned until 10:00 a.m. tomorrow.

 APPENDIX

SENT TO THE GOVERNOR
January 20, 1971

HCR 4

HCR 8

In Memory of

R. B. "Dick" Moncrief

Mr. Shannon offered the following resolution:

HCR 10

Whereas, The untimely death of R. B. "Dick" Moncrief, one of Fort Worth's most prominent businessmen, on Thursday, June 25, 1970, at the age of 48, leaves a vast void in the lives of his family and his many friends and associates; and

Whereas, Although Dick was a native of Kansas, the son of W. A. "Monty" and Elizabeth Moncrief, he had lived in Fort Worth most of his life; and

Whereas, He was graduated from Culver Military School, and he was attending The University of Texas when he enlisted in the Army in October, 1942; he was stationed at Fort Worth Army Air Field as a member of the ground crew until his transfer to Officer Candidate School. He received his commission in 1943, and his first assignment was as an engineering officer with the Army Air Corps; for 18 months he was stationed in North and Central China with the 315th Service Group. During his outstanding military career he was awarded the Asiatic Pacific ribbon with two battle stars, the Chinese Defense ribbon with one star, the Victory ribbon and the American Defense ribbon; and

Whereas, Dick Moncrief had distinguished himself in many ways: He had a highly successful business career for 25 years; in 1951 Governor Allan Shivers appointed him to the State Commission for the Blind where, in addition to his duties as commissioner, he contributed to projects which the commission could not finance; he also gave freely of his time to training dogs for the blind. He was a renowned dog fancier, and during his tenure with the Blind Commission he went to Morristown, New Jersey, at his own expense, to learn the technique of training lead dogs. It was his desire to set up a training center in Texas, but the program was not adopted; and

Whereas, He was a member of the board of All Saints Hospital; he belonged to the Petroleum Club, River Crest and Ridglea Country Clubs; and, at the time of his death he was serving on the vestry of St. Elizabeth Episcopal Church; and

Whereas, The eminent business and civic careers of Dick Moncrief were marked by his dedication to humanitarian deeds, and to his family; Members of the House of Representatives and the Senate of Texas desire to honor this beloved and respected gentleman, the father of our colleague, State Representative Mike Moncrief; now, therefore, be it

Resolved, by the House of Representatives of the 62nd Legislature, the Senate concurring, That by this Resolution the Texas Legislature show honor and respect to this worthy and distinguished Texas citizen, R. B. Moncrief, and extend deep sympathy to the members of his family on their great loss: to his wife, Mrs. Dee Wylie Moncrief; to his sons, Mike Moncrief and R. B. "Monty" Moncrief, Jr.; to his daughter, Lee Wylie Moncrief; to his parents, Mr. and Mrs. W A. Moncrief; to his brother, W. A. Moncrief, Jr.; and to his one grandson, Mitchell Key Moncrief, all of Fort Worth; and, be it further

Resolved, That official copies of this Resolution be prepared for the members of his family, and that when the two Houses of the Legislature adjourn this day, they do so in respect to the memory of R B. "Dick" Moncrief.

Signed: Shannon, Sherman, Finney, Lewis, Spurlock, Hull and Hilliard.

The resolution was read and unanimously adopted by a rising vote.

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

In Memory of
J. Warren Hitt

Mr. Heatly offered the following resolution:

HSR 27

Whereas, On January 5, 1970, Texas lost a most distinguished leader in the field of public education with the passing of J. Warren Hitt, Deputy Commissioner of Education; and

Whereas, J. Warren Hitt had served the State of Texas faithfully for many years in various positions of leadership in the public school system of Texas; and

Whereas, Mr. Hitt's career of 38 years in the field of public education gave him a thorough background of knowledge and experience. He rose from teacher in the rural schools of Johnson County to become a nationally recognized authority in the field of public education. His clear understanding of inter-governmental activities was strengthened by eight years of work with the Federal Works Agency; and

Whereas, J. Warren Hitt participated in establishing the Foundation School Program which has become the backbone of our entire public school system; and

Whereas, For many years the Texas Legislature relied on J. Warren Hitt for advice and information because the Members knew and respected his high standards of personal conduct and his rare capability to determine the truth and his ability to precisely evaluate and explain problems that confronted the Texas Legislature; and

Whereas, It was widely known that J. Warren Hitt would not accept dogma nor would he grasp proposed innovations merely because they were new; now, therefore, be it

Resolved, by the House of Representatives of the 62nd Legislature, That the services of J. Warren Hitt and the indebtedness the State of Texas has for his services and achievements be formally recognized and that copies of this Resolution be furnished to Mrs. J. Warren Hitt and to Mr. J. Cahill Hitt.

The resolution was read and unanimously adopted by a rising vote.