

## REASON FOR VOTE

I oppose HB 213 because this bill is going to require deficit spending, and I do not believe in deficit spending.

I do not want to have to go back to the days before the pay-as-you-go amendment when the state employees and those receiving state aid had to discount their paychecks up to 25 percent in order to buy groceries for their families.

Signed: Walter Mengden

## ADJOURNMENT

Mr. Sherman moved that the House adjourn until 9:30 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 2:04 p.m., adjourned until 9:30 a.m. tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

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

Elections: SB 110.

Engrossed and Enrolled Bills: Correctly engrossed—HCR 23, HCR 24, HB 43. Correctly enrolled—HCR 18, HCR 19, HCR 21.

Revenue and Taxation: SB 1.

## FIFTEENTH DAY—THURSDAY, FEBRUARY 4, 1971

The House met at 9:30 a.m. and was called to order by the Speaker.

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

Mr. Speaker	Bass, T.	Caldwell	Craddick
Adams	Beckham	Calhoun	Cruz
Agnich	Bigham	Carrillo	Daniel
Allen, Joe	Blanton	Cates	Davis, D.
Allen, John	Blythe	Cavness	Denton
Allred	Bowers	Christian	Doyle
Angly	Boyle	Clark	Dramberger
Atwell	Braecklein	Clayton	Earthman
Atwood	Braun	Coats	Farenthold
Baker	Burgess	Cobb	Finck
Bass, B.	Bynum	Cole	Finnell

Finney	Johnson	Neugent, D.	Silber
Floyd	Jones, D.	Newton	Simmons
Foreman	Jones, E.	Nichols	Slack
Gammage	Jones, G.	Niland	Slider
Garcia	Jungmichel	Nugent, J.	Smith
Golman	Kaster	Ogg	Solomon
Grant	Kilpatrick	Orr	Spurlock
Graves	Kost	Parker, C.	Stewart
Hale	Kubiak	Parker, W.	Stroud
Hanna, Joe	Lee	Patterson	Swanson
Hannah, John	Lemmon	Pickens	Tarbox
Harding	Lewis	Poerner	Traeger
Harris	Ligarde	Poff	Truan
Hawkins	Lombardino	Presnal	Tupper
Hawn	Lovell	Price	Uher
Haynes	McAlister	Reed	Vale
Head	McKissack	Rodriguez	Von Dohlen
Heatly	Mengden	Rosson	Ward
Hendricks	Moncrief	Salem	Wayne
Hilliard	Moore, A.	Salter	Wieting
Holmes, T.	Moore, G.	Santiesteban	Williams
Holmes, Z.	Moore, T.	Schulle	Williamson
Howard	Moreno	Semos	Wolff
Hubenak	Murray	Shannon	Wyatt
Hull	Nabers	Sherman	
Ingram	Nelms	Short	

**Absent**

Davis, H.                      Sanchez

**Absent-Excused**

Doran                              Longoria

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. Cavness, temporarily for today, on motion of Mr. Cole.

Mr. Doran, temporarily for today, on motion of Mr. Floyd.

Mr. Longoria on motion of Mr. Truan.

Mr. Ingram on motion of Mr. Adams.

**MEMBERS OF APPROPRIATIONS COMMITTEE  
RECORDED PRESENT**

In accordance with a motion adopted on January 25, the following Members of the Appropriations Committee were recorded present and in the Appropriations Committee meeting: Representatives Heatly, Slack, John

Allen, Braecklein, Carrillo, Cobb, H. Davis, Haynes, Hull, Johnson, W. Parker, Presnal, Salter, Santiesteban, Slider, Swanson, Tarbox, Ward, and Wolff.

#### MEMORIAL RESOLUTIONS ADOPTED

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

HCR 26, by Sherman, Lewis, Moncrief, Spurlock, Shannon, Hull, Hilliard, and Finney: In memory of William J. Marsh.

SCR 16, In memory of Allan Pershing Brandes, Sr.

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Representative Harold Davis entered the House and was announced present.

#### VOTES RECORDED

By unanimous consent of the House, Representatives Bowers and Lee were granted permission to be recorded as voting Yea on the motion to reconsider the vote by which HSR 73 was adopted, the vote being on February 3, 1971.

By unanimous consent of the House, Representative Graves was granted permission to be recorded as voting Nay on the motion to reconsider the vote by which HSR 73 was adopted, the vote being on February 3, 1971.

By unanimous consent of the House, Representative Graves was granted permission to be recorded as voting Nay on the adoption of HSR 73, the vote being on February 3, 1971.

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 27, by Shannon, Sherman, Moncrief, Finney, Hull, Lewis, Spurlock, and Hilliard: Congratulating Bill Pierson.

HSR 74, by Cavness: Congratulating Hugh C. Yantis, Jr.

SCR 17, Commending television station KLRN-TV.

#### SCR 15—REFERRED TO COMMITTEE

(Requesting the University Interscholastic League to allow private schools to become members of the University Interscholastic League)

The Speaker laid before the House the following resolution:

SCR 15

Whereas, The development of the youth in our great state is one of

the foremost goals of the Texas Legislature, as evidenced by the work and recommendations of numerous interim committees and other government studies of recent years; and

Whereas, The existence of friendly interschool competition has long been recognized as an effective means of training our young citizens in the fundamental principles of teamwork, discipline, physical fitness, and good citizenship; and

Whereas, The University Interscholastic League was organized in 1910 for the avowed purpose of fostering interschool competition as an aid in the preparation for citizenship, a purpose to which the Legislature gives its wholehearted support; and

Whereas, The rules and policies of the University Interscholastic League limit membership in that organization only to public schools which receive apportionment from the Texas Education Agency, and such a limitation denies the benefits of the University Interscholastic League competition to hundreds of private schools throughout the State and to the thousands of students who attend such schools; and

Whereas, This severe and discriminatory restriction on membership in the University Interscholastic League confronts these nonpublic schools with a harsh choice of either completely abstaining from interschool competition or paying great sums of money to travel long distances to compete with other private schools; and

Whereas, Other policies of the University Interscholastic League have recently been reviewed and altered by League members; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the University Interscholastic League be and is hereby requested to take whatever action is necessary to allow private schools to become members of the University Interscholastic League so long as they are willing to abide by the other rules and regulations of the League; and, be it further

Resolved, That an official copy of this Resolution be transmitted to Dr. Rhea H. Williams, Director of the University Interscholastic League, for presentation to the Legislative Council of the League, with the hope that immediate action be taken to accomplish the expressed purpose of this Resolution.

The resolution was referred to the Committee on Public Education.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Clayton:

HJR 30, A Joint Resolution proposing an Amendment to Article III, Section 44, of the Texas Constitution, prohibiting the Legislature from

fixing the salary or allowances of any official or employee paid wholly from county funds.

HOUSE BILLS ON FIRST  
READING

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

By Cole:

HB 369, A bill to be entitled An Act authorizing the Board of Regents of East Texas State University to sell and convey certain lands to be used for the site of a motel in consideration of a sum agreeable to the board; specifying that the conveyance shall contain certain conditions, restrictions, and right of reverter; providing that the proceeds from the sale shall be part of the funds of East Texas State University for the purchase of additional land and appropriating the proceeds for that purpose; and declaring an emergency.

Referred to Committee on Higher Education.

By Adams:

HB 370, A bill to be entitled An Act amending and revising the following provisions of the Texas Probate Code: Subsections (c), (d), (e), and (f), Section 33, as amended; Sections 34; 48; 49; 50; 51; 53; 54; 55; 59, as amended; 72, as amended; 73; 74; 81; 87; 95; 100; 102; 106; 110; 155; 156; 161; 162; 163; 164; 165, as amended; 167; 168; 177; Subdivision 6, Section 194, as amended; and Section 234; adding Subsections (i) and (j), Section 33, and Sections 36A and 149A, to the Texas Probate Code; ratifying certain self proved wills; and declaring an emergency.

Referred to Committee on Judiciary.

By Golman:

HB 371, A bill to be entitled An Act relating to the execution of search warrants for narcotics in certain situations without giving notice of purpose; amending the Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Poerner:

HB 372, A bill to be entitled An Act relating to approval by the commissioners courts in Zavala, Uvalde, Frio, and Dimmit Counties of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Bynum and Poff:

HB 373, A bill to be entitled An Act relating to the Juvenile Board in

Potter County; amending Section 5, Chapter 426, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2338-3, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Sherman:

HB 374, A bill to be entitled An Act relating to the placing and the wording of yield right-of-way signs on state highways and local streets; amending Section 1, Chapter 342, Acts of the 55th Legislature, Regular Session, 1957, (Article 827e-1, Vernon's Texas Penal Code); providing a severability clause; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Sherman:

HB 375, A bill to be entitled An Act requiring special wording for town and city limit or name signs for towns or cities in the state; providing the procedure for prosecution of violations; establishing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Sherman:

HB 376, A bill to be entitled An Act making it a felony to transport more than a certain amount of copper pipe, copper wire, or copper cable in certain situations, and prescribing the penalty for violation; amending Sections 2 and 3, Chapter 457, Acts of the 60th Legislature, Regular Session, 1967 (Article 1436g, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Floyd:

HB 377, A bill to be entitled An Act prohibiting hunting from any type of aircraft and authorizing hunting from an automobile; amending Article 901, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Floyd:

HB 378, A bill to be entitled An Act relating to the use of a .22 caliber jetgun or rocketgun in the taking or shooting, or in attempting to take or shoot, certain wild animals; amending Section 1, Chapter 583, Acts of the 59th Legislature, Regular Session, 1965 (Article 879h-6, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Atwell:

HB 379, A bill to be entitled An Act relating to increasing the rate of the tax on cigarettes; amending Section (1), Article 7.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Poff and Bynum:

HB 380, A bill to be entitled An Act authorizing the City of Amarillo Hospital District to contract with West Texas State University for coordination of their B. S. Degree and diploma programs in nursing and for cooperative funding of the expense of a program in nursing with the hospital district providing services, funds, or equipment and making its facilities available to West Texas State University for clinical instruction; amending Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding a new Section 5a; and declaring an emergency.

Referred to Committee on Higher Education.

By Schulle:

HB 381, A bill to be entitled An Act amending Article 892, Texas Penal Code, as amended by the 60th Legislature, Regular Session, 1967, Chapter 374, deleting as a game animal the American bison or buffalo; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Schulle:

HB 382, A bill to be entitled An Act repealing Article 978h Texas Penal Code as amended by Chapter 94, Acts of the 54th Legislature, Regular Session, 1955, and by Chapter 31, Acts of the 42nd Legislature, 1st Called Session, 1931, declaring buffalo to be game animals and providing for the disposition of same by permit.

Referred to Committee on Parks and Wildlife.

By Clayton:

HB 383, A bill to be entitled An Act relating to the collection of a certain county vehicle registration fee under certain circumstances; amending Section 9, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-9, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Clayton:

HB 384, A bill to be entitled An Act relating to the authority and responsibility of the commissioners court of each county in the state to fix the compensation and allowances for all officials and employees paid

wholly from county funds; providing an effective date; repealing all laws or parts of laws relating to compensation and allowances for officials and employees paid wholly from county funds; and declaring an emergency.

Referred to Committee on Counties.

By Finck, Kost, Simmons, Silber, Vale, Wolff, Dramberger, Floyd, Johnson, and Lombardino:

HB 385, A bill to be entitled An Act relating to a pilot program to treat persons with various respiratory diseases at the San Antonio State Tuberculosis Hospital; and declaring an emergency.

Referred to Committee on Appropriations.

By Longoria and Atwood:

HB 386, A bill to be entitled An Act relating to the salary of the criminal district attorney of Hidalgo County; amending Section 2, Chapter 89, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency.

Referred to Committee on Counties.

By Atwood, Longoria, and Rodriguez:

HB 387, A bill to be entitled An Act relating to the salary of the judge of the County Court at Law of Hidalgo County; amending Subsection (a), Section 11, Chapter 25, Acts of the 52nd Legislature, 1951, as amended (Article 1970-341, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Atwell:

HB 388, A bill to be entitled An Act increasing the rate of the Limited Sales, Excise and Use Tax to four percent; exempting from the increase certain items contracted or bid for before the effective date; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

#### HB 213—VOTE RECONSIDERED

Mr. Heatly moved to reconsider the vote by which HB 213 was passed on yesterday.

The motion prevailed.

#### HB 213—SET AS SPECIAL ORDER

Mr. Heatly moved to set HB 213 as a Special Order for 11:00 a.m. next Monday.

The motion prevailed.

## HCR 12—ADOPTED

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

HCR 12, Memorializing Congress to completely reorganize the public welfare program.

The resolution was read and was adopted.

Mr. Lombardino moved to reconsider the vote by which HCR 12 was adopted and to table the motion to reconsider.

The motion to table prevailed.

## VOTES RECORDED

Mr. Edmund Jones and Mr. Sherman requested to be recorded as voting Nay on adoption of HCR 12.

## HCR 16—ADOPTED

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

HCR 16, Inviting H. Ross Perot to address a Joint Session of the Texas Legislature.

Mr. Shannon offered the following amendment to HCR 16:

Amend HCR 16 by striking all words after the word "on" on line 24, and all of lines 25 and 26; and substitute therefor the following: "February 12, 1971."

Signed: Shannon and Johnson

The amendment was adopted without objection.

The resolution, as amended, was adopted.

## HCR 17—ADOPTED

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

HCR 17, Setting aside the week of April 26 to May 1, 1971 as Trash Round-up Week.

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Representative Cavness entered the House and was announced present.

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## HCR 17—(Consideration continued)

HCR 17 was adopted.

Representative John Hannah entered the House and was announced present.

SB 1—ON SECOND READING  
(Mr. Wayne—House Sponsor)

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

SB 1, A bill to be entitled An Act amending Section (Z), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added, to exempt from the Limited Sales, Excise and Use Tax the receipts from the leasing or licensing of motion picture films of any kind to or by licensed television stations; and declaring an emergency.

The bill was read second time.

A record vote was requested by Representatives Harris, Rodriguez, and Nichols.

SB 1 was passed to third reading by the following vote:

Yeas—115

Agnich	Finck	Lemmon	Sanchez
Allen, John	Finnell	Lewis	Santiesteban
Allred	Floyd	Ligarde	Schulle
Angly	Foreman	Lombardino	Semos
Atwell	Gammage	Lovell	Shannon
Atwood	Garcia	McKissack	Sherman
Baker	Golman	Moncrief	Short
Bass, T.	Graves	Moore, A.	Silber
Beckham	Hale	Moore, G.	Simmons
Bigham	Hanna, Joe	Moore, T.	Slack
Blanton	Hannah, John	Murray	Slider
Boyle	Hawkins	Nabers	Smith
Braecklein	Hawn	Neugent, D.	Solomon
Bynum	Head	Newton	Spurlock
Calhoun	Heatly	Niland	Stewart
Carrillo	Hendricks	Nugent, J.	Stroud
Cates	Hilliard	Ogg	Swanson
Cavness	Holmes, T.	Orr	Tarbox
Christian	Holmes, Z.	Parker, C.	Traeger
Clayton	Howard	Patterson	Truan
Cobb	Hubenak	Pickens	Tupper
Cole	Hull	Poerner	Von Dohlen
Craddick	Jones, D.	Poff	Ward
Cruz	Jones, G.	Presnal	Wayne
Daniel	Jungmichel	Price	Wieting
Davis, D.	Kaster	Reed	Williamson
Davis, H.	Kilpatrick	Rosson	Wolff
Denton	Kost	Salem	Wyatt
Doyle	Kubiak	Salter	

## Nays—26

Adams	Clark	Haynes	Nichols
Allen, Joe	Dramberger	Johnson	Rodriguez
Blythe	Earthman	Jones, E.	Uher
Bowers	Farenthold	Lee	Vale
Braun	Finney	Mengden	Williams
Burgess	Grant	Moreno	
Caldwell	Harris	Nelms	

## Present—Not Voting

Coats	McAlister
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## Absent

Bass, B.	Harding	Parker, W.
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## Absent-Excused

Doran	Ingram	Longoria
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Mr. Wayne moved to reconsider the vote by which SB 1 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE

I am in favor of passage of SB 1; however I voted Present-Not Voting because a member of my law firm represented a TV station.

Signed: Sam Coats

## MOTION TO PLACE SB 1 ON THIRD READING

Mr. Wayne moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 1 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—98

Adams	Calhoun	Denton	Holmes, Z.
Agnich	Carrillo	Finnell	Howard
Allen, John	Cates	Floyd	Hubenak
Allred	Christian	Foreman	Hull
Angly	Clayton	Gammage	Jones, D.
Atwell	Coats	Golman	Jungmichel
Baker	Cobb	Hale	Kaster
Bass, T.	Cole	Hanna, Joe	Kilpatrick
Bigham	Craddick	Hawkins	Kost
Blanton	Cruz	Hawn	Kubiak
Boyle	Daniel	Head	Lemmon
Braecklein	Davis, D.	Heatly	Ligarde
Bynum	Davis, H.	Hilliard	Lombardino

Lovell	Ogg	Santiesteban	Stroud
McKissack	Orr	Schulle	Swanson
Moncrief	Parker, C.	Semos	Tarbox
Moore, A.	Patterson	Shannon	Traeger
Moore, G.	Poerner	Sherman	Tupper
Moore, T.	Poff	Short	Uher
Moreno	Presnal	Slack	Ward
Murray	Price	Slider	Wayne
Nabers	Rosson	Smith	Wieting
Neugent, D.	Salem	Solomon	Wolff
Newton	Salter	Spurlock	
Niland	Sanchez	Stewart	

**Nays—48**

Allen, Joe	Dramberger	Hendricks	Reed
Atwood	Earthman	Johnson	Rodriguez
Bass, B.	Farenthold	Jones, E.	Silber
Beckham	Finck	Jones, G.	Simmons
Blythe	Finney	Lee	Truan
Bowers	Garcia	Lewis	Vale
Braun	Grant	Mengden	Von Dohlen
Burgess	Graves	Nelms	Williams
Cavness	Hannah, John	Nichols	Williamson
Clark	Harris	Nugent, J.	Wyatt
Doyle	Haynes	Pickens	

**Absent**

Caldwell	Holmes, T.	McAlister	Parker, W.
Harding			

**Absent-Excused**

Doran	Ingram	Longoria
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**SB 110 ON SECOND READING**  
(Mr. Lombardino—House Sponsor)

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

SB 110, A bill to be entitled An Act relating to the period for voter registration for the 1971 and 1972 voting years; amending the Texas Election Code by adding Section 43c, providing for a supplemental registration period; and declaring an emergency.

The bill was read second time.

Mr. Cole offered the following committee amendment to SB 110:

**Committee Amendment No. 1**

Amend SB 110 by deleting the first sentence in Subdivision 1 of Section 1 and substituting in lieu thereof the following sentence:

“A supplemental registration period for the 1971 voting year shall begin

on the first day of February, 1971, and end on the last day of February, 1971."

The committee amendment was adopted without objection.

SB 110, as amended, was passed to third reading.

#### SB 110 ON THIRD READING

Mr. Lombardino moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 110 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—123

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

#### Nays—20

Atwood	Finck	Jones, E.	Nugent, J.
Bass, B.	Garcia	Jungmichel	Pickens
Bowers	Graves	Lee	Slack
Cobb	Heatly	Lovell	Ward
Daniel	Jones, D.	Mengden	Williamson

**Absent**

Holmes, T.            Hull                    Jones, G.

**Absent-Excused**

Doran                    Ingram                    Longoria

The Speaker then laid SB 110 before the House on third reading and final passage.

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

**Yeas—126**

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

**Nays—15**

Agnich	Daniel	Jungmichel	Rosson
Atwood	Garcia	Lee	Slack
Bowers	Heatly	Mengden	Ward
Cobb	Jones, E.	Pickens	

**Absent**

Cavness                    Hull                    Jones, G.                    Shannon  
Hubenak

Absent-Excused

Doran Ingram Longoria

Mr. Lombardino moved to reconsider the vote by which SB 110 was passed and to table the motion to reconsider.

The motion to table prevailed.

RECESS

Mr. Golman moved that the House recess until 1:00 p.m. today.

The motion prevailed without objection.

The House accordingly, at 10:48 a.m., recessed until 1:00 p.m. today.

AFTERNOON SESSION

The House met at 1:00 p.m. and was called to order by the Speaker.

RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 12, Honoring Howard P. Steinle on his retirement.

SCR 13, Providing for a Joint Session of the Texas Legislature to honor the wives and families of the Texas prisoners of war in Southeast Asia.

SCR 14, In memory of Harry B. Crozier.

VOTES RECORDED

Mr. Heatly requested unanimous consent to permit the Members of the Appropriations Committee to record their votes on record votes taken when the Committee is meeting, provided the votes do not change the results.

There was no objection offered and it was so ordered.

HOUSE AT EASE

At 1:18 p.m. the Speaker stated that the House would stand at ease.

(Mr. Traeger in the Chair)

The Chair called the House to order at 1:27 p.m.

MESSAGE FROM THE SENATE

Austin, Texas, February 2, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 110 by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SJR 5 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Wilson, Mauzy, Moore, Jordan, and Kennard.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HOUSE AT EASE

At 1:28 p.m., the Chair stated that the House would stand at ease.

(Speaker in the Chair)

The Speaker called the House to order at 1:40 p.m.

#### LEAVES OF ABSENCE GRANTED

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

Mr. Cruz on motion of Mr. Moreno.

Mr. Ogg on motion of Mr. Silber.

Mr. Earthman on motion of Mr. Bowers.

Mr. Cole on motion of Mr. Price.

Mr. Tom Holmes on motion of Mr. Price.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Wieting, and by unanimous consent, the House granted the request of the Senate for the appointment of a Conference Committee on SJR 5.

#### MOTIONS TO INSTRUCT CONFERENCE COMMITTEE ON SJR 5

Mr. Howard moved to instruct the Conferees on the part of the House on SJR 5 to maintain the \$55,000,000 limit on AFDC.

Mr. Foreman moved to table the motion to instruct the House Conferees.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—102

Adams	Dramberger	Lombardino	Santiesteban
Allen, Joe	Farenthold	Lovell	Schulle
Allen, John	Finck	McAlister	Semos
Allred	Finney	McKissack	Shannon
Atwell	Foreman	Moore, A.	Sherman
Atwood	Gammage	Moore, G.	Short
Baker	Golman	Moore, T.	Silber
Bass, B.	Graves	Moreno	Simmons
Bass, T.	Hale	Murray	Slack
Bigham	Hannah, John	Nabers	Slider
Blanton	Harris	Nelms	Smith
Boyle	Hawn	Newton	Solomon
Braecklein	Haynes	Nichols	Stewart
Braun	Head	Niland	Stroud
Burgess	Heatly	Nugent, J.	Swanson
Bynum	Hilliard	Orr	Traeger
Cates	Holmes, Z.	Parker, W.	Truan
Cavness	Hubenak	Pickens	Tupper
Clark	Hull	Poerner	Vale
Clayton	Johnson	Poff	Von Dohlen
Coats	Jones, D.	Presnal	Wieting
Cobb	Kaster	Price	Williams
Daniel	Kilpatrick	Reed	Wolff
Davis, D.	Kost	Rodriguez	Wyatt
Davis, H.	Lemmon	Salem	
Denton	Ligarde	Sanchez	

## Nays—33

Agnich	Floyd	Jones, G.	Spurlock
Angly	Garcia	Jungmichel	Tarbox
Beckham	Grant	Kubiak	Uher
Blythe	Hanna, Joe	Lee	Ward
Bowers	Harding	Lewis	Wayne
Calhoun	Hawkins	Mengden	Williamson
Christian	Hendricks	Moncrief	
Craddick	Howard	Rosson	
Finnell	Jones, E.	Salter	

## Absent

Caldwell	Doyle	Parker, C.	Patterson
Carrillo	Neugent, D.		

## Absent-Excused

Cole	Doran	Holmes, T.	Longoria
Cruz	Earthman	Ingram	Ogg

Mr. John Hannah moved to instruct the Conferees on the part of the House on SJR 5 to maintain the limits of not less than \$55,000,000 nor more than \$80,000,000 on AFDC.

Mr. Wieting moved to table the motion to instruct the House Conferees.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—82**

Adams	Foreman	McAlister	Shannon
Allen, John	Golman	McKissack	Short
Atwell	Hale	Moncrief	Silber
Atwood	Hanna, Joe	Moore, A.	Simmons
Baker	Harding	Moore, G.	Slack
Blanton	Hawn	Moore, T.	Slider
Boyle	Haynes	Murray	Solomon
Braecklein	Heatly	Newton	Stewart
Burgess	Hilliard	Nugent, J.	Stroud
Bynum	Hubenak	Orr	Swanson
Carrillo	Hull	Parker, C.	Tarbox
Cates	Johnson	Parker, W.	Traeger
Cavness	Jones, D.	Patterson	Tupper
Clayton	Jungmichel	Poerner	Vale
Coats	Kaster	Poff	Von Dohlen
Cobb	Kilpatrick	Presnal	Ward
Davis, D.	Kost	Price	Wieting
Davis, H.	Kubiak	Salem	Wolff
Dramberger	Lemmon	Santiesteban	Wyatt
Finnell	Ligarde	Schulle	
Finney	Lombardino	Semos	

**Nays—50**

Agnich	Craddick	Hendricks	Reed
Allen, Joe	Daniel	Holmes, Z.	Rodriguez
Allred	Denton	Howard	Rosson
Angly	Farenthold	Jones, E.	Salter
Bass, B.	Finck	Lee	Sherman
Bass, T.	Floyd	Lewis	Spurlock
Beckham	Gammage	Lovell	Truan
Bigham	Grant	Mengden	Uher
Blythe	Graves	Nabers	Wayne
Bowers	Hannah, John	Nelms	Williams
Braun	Harris	Nichols	Williamson
Christian	Hawkins	Niland	
Clark	Head	Pickens	

**Absent**

Caldwell	Garcia	Moreno	Sanchez
Calhoun	Jones, G.	Neugent, D.	Smith
Doyle			

**Absent-Excused**

Cole	Doran	Holmes, T.	Longoria
Cruz	Earthman	Ingram	Ogg

**SJR 5—HOUSE CONFERENCE COMMITTEE APPOINTED**

The Speaker announced the appointment of the following Conference Committee on the part of the House on SJR 5:

Representatives Traeger, Chairman; Wieting, Carrillo, Santiesteban, and Poff.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 78, by C. Parker: Congratulating the Thomas Jefferson High School Yellow Jackets of Port Arthur.

MESSAGE FROM THE SENATE

Austin, Texas, February 4, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

HCR 24, By McKissack: In memory of E. M. (Ted) Dealey.

HCR 23, By Atwell, et al: In memory of Walter C. Hornaday.

SJR 20, By Watson: Proposing Amendments to the Constitution of the State of Texas to exempt directors of soil and water conservation districts from prohibitions against dual office holding and dual compensation.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

SJR 20.

RECESS

Mr. Slider moved that the House recess until 3:00 p.m. today.

The motion prevailed without objection.

The House accordingly, at 2:01 p.m., recessed until 3:00 p.m. today.

AFTER RECESS

The House met at 3:00 p.m. and was called to order by the Speaker.

COMMITTEE MEETING

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

There was no objection offered.

Representative Doran entered the House and was announced present.

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**BILL SIGNED BY THE SPEAKER**

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

SB 110, Providing for extension of voter registration period and supplementary registration.

**MESSAGE FROM THE SENATE**

Austin, Texas, February 4, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has pursuant to Joint Rule No. 7 defeated HJR 7.

The Senate has adopted the Conference Committee Report on SJR 5 by the following vote: 27 Yeas, 4 Nays.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

**SJR 5—CONFERENCE COMMITTEE REPORT  
ADOPTED**

Mr. Traeger moved to suspend all necessary rules to take up and consider the Conference Committee Report on SJR 5.

The motion prevailed without objection.

Mr. Traeger submitted the following Conference Committee Report on SJR 5:

Austin, Texas, February 4, 1971

The Honorable Ben Barnes, President of the Senate.

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

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on SJR 5, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

On the part of the House: John A. Traeger  
H. Tati Santiesteban  
Leroy J. Wieting  
Oscar Carrillo, Sr.  
H. Bryan Poff, Jr.

On the part of the Senate: Wilson  
Moore  
Jordan  
Kennard  
Mauzy

SJR 5

A Joint Resolution proposing an Amendment to Article III, Section 51-a, of the Texas Constitution to remove the limitation on the total state appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind, and setting a limitation on the total state appropriations during any fiscal year for assistance grants for needy dependent children and the caretakers of such children.

Be It Resolved By The Legislature Of The State Of Texas:

Section 1. That Article III, Section 51-a, of the Texas Constitution, be amended to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of;

"(1) Needy aged persons who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of

state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of state funds paid for assistance grants for needy dependent children and the caretakers of the children shall not exceed Fifty-five Million Dollars (\$55,000,000) during any fiscal year.

“Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

“Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state.”

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on May 18, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: “The Constitutional Amendment removing the limitation on the total state appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind, and setting a limitation on total state appropriations during any fiscal year for assistance grants for needy dependent children and the caretakers of such children.”

Mr. Traeger moved to adopt the Conference Committee Report on SJR 5.

The Conference Committee Report on SJR 5 was adopted by the following vote:

Yeas—122

Adams	Braecklein	Daniel	Gammage
Allen, Joe	Braun	Davis, D.	Garcia
Allen, John	Burgess	Davis, H.	Golman
Atwell	Bynum	Denton	Grant
Atwood	Caldwell	Doran	Graves
Baker	Calhoun	Doyle	Hale
Bass, B.	Carrillo	Dramberger	Hanna, Joe
Bass, T.	Cates	Farenthold	Hannah, John
Beckham	Cavness	Finck	Harding
Bigham	Clark	Finnell	Harris
Blanton	Coats	Finney	Hawkins
Boyle	Cobb	Foreman	Hawn

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

**Nays—16**

Agnich	Bowers	Floyd	Lewis
Allred	Christian	Head	Mengden
Angly	Clayton	Hull	Patterson
Blythe	Craddick	Lee	Rosson

**Absent**

Johnson	Jones, E.	Neugent, D.	Sherman
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**Absent-Excused**

Cole	Earthman	Ingram	Ogg
Cruz	Holmes, T.	Longoria	

**MESSAGE FROM THE SENATE**

Austin, Texas, February 4, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

HJR 21, By Price: Proposing an Amendment to the Texas Constitution, to alter the procedure for amending the Constitution.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Mr. Traeger in the Chair)

**HOUSE AT EASE**

At 3:45 p.m., the Chair stated that the House would stand at ease.

(Speaker in the Chair)

At 4:00 p.m., the Speaker called the House to order.

PROVIDING FOR ADJOURNMENT

Mr. Jim Nugent moved that after receipt of a message from the Senate the House adjourn until 9:30 a.m. tomorrow.

The motion prevailed without objection.

(Mr. Orr and Mr. Pickens occupied the Chair respectively)

MESSAGE FROM THE SENATE

Austin, Texas, February 4, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

SJR 17, By Creighton: Proposing an Amendment to the Texas Constitution, providing for use of not more than 10 percent of the amount of money in the Water Development Fund for construction of waste treatment facilities; etc.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

SJR 17.

MESSAGE FROM THE SENATE

Austin, Texas, February 4, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

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

SJR 15, By Kennard, et al: Proposing an Amendment to the Texas Constitution establishing a commission to set rules of ethics for legislators, state officers and employees of the legislature and to prescribe compensation for legislators, the Lieutenant Governor and the Speaker of the House of Representatives.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

SENATE JOINT RESOLUTION ON FIRST READING

The following Senate Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

SJR 15.

ADJOURNMENT

In accordance with a previous motion, the House, at 6:40 p.m., adjourned until 9:30 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Appropriations: HB 278.

Constitutional Amendments: HJR 23, SJR 20, SJR 17.

Engrossed and Enrolled Bills: Correctly engrossed—HB 43, HB 213, HCR 26, HCR 27, HCR 12, HCR 16, HCR 17.

Higher Education: SB 2.

Highways and Roads: HCR 17.

House Administration: HCR 16.

Motor Transportation: HB 224, HB 115.

State Affairs: HCR 12.

SENT TO THE GOVERNOR  
February 4, 1971

HCR 18

HCR 19

HCR 20

HCR 21

SIXTEENTH DAY—FRIDAY, FEBRUARY 5, 1971

The House met at 9:30 a.m. and was called to order by the Speaker.

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