

The Speaker then expressed his appreciation to all who participated in the Joint Session to honor the wives and families of the prisoners of war from Texas.

#### HOUSE AT EASE

At 3:53 p.m., the Speaker stated that the House would stand at ease pending the departure of the guests.

Speaker Mutscher called the House to order at 3:56 p.m.

#### ADJOURNMENT

Mr. Atwell moved that the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

The House accordingly, at 3:56 p.m., adjourned until 11:00 a.m. next Monday.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

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

Engrossed and Enrolled Bills: Correctly engrossed-HCR 39.

Judicial Districts: HB 2.

Urban Affairs: HB 15, HB 37, HB 283.

#### TWENTY-SECOND DAY—MONDAY, FEBRUARY 15, 1971

The House met at 11:00 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	Bigham	Cates	Davis, H.
Adams	Blanton	Cavness	Denton
Agnich	Blythe	Christian	Doran
Allen, Joe	Bowers	Clark	Doyle
Allen, John	Boyle	Clayton	Dramberger
Allred	Braecklein	Coats	Earthman
Angly	Braun	Cobb	Farenthold
Atwell	Burgess	Cole	Finck
Atwood	Bynum	Craddick	Finnell
Baker	Caldwell	Cruz	Finney
Bass, T.	Calhoun	Daniel	Floyd
Beckham	Carrillo	Davis, D.	Foreman

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

**Absent**

Bass, B.	Hannah, John	Slack	Uher
Hale	Moore, G.		

**Absent-Excused**

Gammage	McKissack
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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. Gammage on motion of Mr. Nelms.

Mr. McKissack on motion of Mr. Golman.

**MEMORIAL RESOLUTION ADOPTED**

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

HSR 115, by Calhoun and Grant Jones: In memory of Oscar Rose.

**HCR 40—ADOPTED**

(Condemning the repressive and cruel treatment of American and Allied prisoners)

Mr. Mengden offered the following resolution:

HCR 40

Whereas, The government of North Vietnam and the National Liberation Front have shown consistent disregard for universally accepted principles of humanitarian conduct in their treatment of prisoners of war and have continually violated their own international treaty agreements upholding these basic precepts; and

Whereas, It is the duty of all citizens of this nation to support captured American and Allied fighting men and those missing in action in the Vietnam conflict by demanding that they be given fair and humane treatment; and

Whereas, Solemn promises were ratified at the international conference at Geneva, Switzerland, that all prisoners of war captured would be given the respect of humane treatment; Article 2 of the convention provides that it "shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them"; and

Whereas, The government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 14, 1955; the government of the United States was signatory to the convention on August 2, 1955. No pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite a request from them to do so, which was made on June 11, 1965, by Jacques Freymond, vice-president of the International Committee of the Red Cross, and despite numerous appeals by other international humanitarian organizations subsequently; and

Whereas, The United States has adhered firmly to its treaty agreements at the Geneva Convention in accordance with Article VI of the United States Constitution, which specifically states:

. . . provisions of treaties ratified by the United States Government become the "supreme law of the land," notwithstanding contrary limitations of the Constitution itself . . . ; and

Whereas, Repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of the North Vietnamese and Viet Cong disregard for fundamental precepts of humanitarian conduct have proven ineffective through diplomatic, military, and humanitarian channels; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Texas Legislature condemn in the strongest terms the repressive and cruel treatment of American and Allied prisoners, and petition that the government of North Vietnam act as follows:

(1) Observe the international accords of the Geneva Convention in the same manner the government of South Vietnam does for captured troops of the North Vietnam government and its allies;

(2) Release names and physical condition of all prisoners held;

- (3) Immediately release sick and wounded prisoners;
- (4) Provide for impartial inspections of prisoner of war facilities by international humanitarian organizations;
- (5) Provide for medical treatment of all prisoners;
- (6) Provide for regular flow of mail, food, and comfort items;
- (7) Cease using prisoners for purposes of public degradation, political propoganda and mental torture of prisoners and their innocent families;
- (8) Agree to immediately negotiate through international humanitarian organizations for the fair and equitable exchange of prisoners of both sides; and, be it further

Resolved, That the Legislature of the State of Texas appeal to all people who believe in the principles set forth by the Geneva Convention to prevail upon the government of North Vietnam and the National Liberation Front by public outcry to bring about the just treatment of all prisoners of war.

Signed: Mengden, Edmund Jones, Craddick, Blythe, Bowers, Agnich, Angly, Earthman, Ligarde, Braun, Graves, Christian, Bynum, Nichols, Golman, Zan Holmes, Jr., and Dee John Davis.

The resolution was adopted without objection.

#### BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 213, Providing for emergency appropriations and adjustments to certain funds.

HCR 35, Recognizing National Negro History Week.

HCR 36, Congratulating Astronauts Alan B. Shepard, Jr., Edgar D. Mitchell and Stuart A. Roosa.

#### HSR 114—REFERRED TO COMMITTEE

(Creating a committee to study the banking industry)

Mr. Edmund Jones offered the following resolution:

HSR 114

Whereas, Some of the leaders of the government of the State of Texas are known to be associated with some of those who presently stand accused of fraud and deceitful practices involving misuse of their positions; and

Whereas, The disclosures concerning these prominent public figures have created an atmosphere of suspicion and distrust at a crucial time in legislative history which could be disastrous to Texas government; and

Whereas, The Members of the House of Representatives desire that the good names of all state government officials and all state governmental agencies be clearly removed from the cloud of suspicion and distrust; and

Whereas, The Members of the House of Representatives desire that there be a thorough and rational study and investigation to probe all channels of possible breaches of public trust in hopes of ending such breaches and betrayals; now, therefore, be it

Resolved by the House of Representatives, That the Honorable Speaker of the House is hereby authorized and directed to appoint immediately a nine man House Investigative Committee to study and investigate (1) the Texas banking industry, in general (2) the granting of state bank charters and (3) the fraudulent and deceitful use and operation of state banks. The Honorable Speaker of the House is further authorized and directed to appoint immediately the following six House Members to the House Investigating Committee: Representative Edmund E. "Sonny" Jones, Representative W. J. "Bill" Blythe, Representative Charles Patterson, Representative Frances Farenthold, Representative A. C. "Bud" Atwood and Representative Tom Moore, Jr. The Honorable Speaker of the House is further authorized and directed to appoint immediately three other House Members of his own choosing to the said House Investigating Committee. If a vacancy on the said committee should arise the Honorable Speaker shall appoint another House Member to fill this vacancy, subject to House approval.

Signed: Edmund Jones and Blythe.

The resolution was referred to the Committee on Rules.

#### 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 D. Jones:

HB 514, A bill to be entitled An Act relating to regulations governing the absence of faculty members of state-supported colleges and universities; and declaring an emergency.

Referred to Committee on Higher Education.

By Cole, Lemmon, Gammage, Z. Holmes, and Bigham:

HB 515, A bill to be entitled An Act relating to mental retardation, establishing the Texas Department of Mental Retardation; defining the powers and authorities of the Texas Department of Mental Retardation; providing for the operation of the Department; and declaring an emergency.

Referred to Committee on Appropriations.

By Ligarde:

HB 516, A bill to be entitled An Act defining the term "eligible city" as any incorporated city which owns and operates any portion of a toll bridge over the Rio Grande River; authorizing each eligible city to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain property, buildings, structures, activities, or other facilities for any public purpose; authorizing each eligible city to issue revenue bonds for public purposes; providing the terms, conditions, payment, and security of said revenue bonds, and liens, pledges, and encumbrances in connection therewith; providing for refunding bonds, enacting other provisions relating to the subject; prescribing a severability provision; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Finck:

HB 517, A bill to be entitled An Act relating to the transfer of voluntary mental patients; amending Sections 73, 74, and 75, Texas Mental Health Code (Article 5547-73, 5547-74, and 5547-75, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Mental Health and Mental Retardation.

By D. Jones:

HB 518, A bill to be entitled An Act relating to rules and regulations concerning feed lot operators; amending Sections 1.201 and 7.102, and adding a Section 7.604, Business and Commerce Code; and declaring an emergency.

Referred to Committee on Agriculture.

By Atwood:

HB 519, A bill to be entitled An Act relating to the abolition and subdivision of common school districts; amending Section 19.401, Texas Education Code; and declaring an emergency.

Referred to Committee on School Districts.

By Clayton:

HB 520, A bill to be entitled An Act prohibiting certain disruptive activities at state-supported institutions of higher education; providing sanctions for persons who engage in disruptive activities; creating a board to administer the Act; and declaring an emergency.

Referred to Committee on Higher Education.

By Clayton:

HB 521, A bill to be entitled An Act relating to rules promulgated by the State Board of Education; amending Section 11.26, Texas Education Code; and declaring an emergency.

Referred to Committee on Public Education.

By Clayton:

HB 522, A bill to be entitled An Act authorizing the governing board of a state-supported institution of higher education to levy and collect from applicants to that institution a nonrefundable application fee of not more than \$20, as determined by the governing board of the institution, from each person applying for admission to the institution; providing that this Act shall be cumulative; providing for severability; and declaring an emergency.

Referred to Committee on Appropriations.

By Clayton:

HB 523, A bill to be entitled An Act relating to the creation of a Juvenile Board for Deaf Smith County; and declaring an emergency.

Referred to Committee on Counties.

By Clayton:

HB 524, A bill to be entitled An Act providing for the creation of the Deaf Smith County Hospital District over all of Deaf Smith County, Texas; providing procedure for annexation of additional territory to said district; providing that the district shall assume any outstanding debt of Deaf Smith County incurred for hospital purposes and any outstanding debt incurred by any city or town within said County for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

Referred to Committee on Counties.

By D. Jones:

HB 525, A bill to be entitled An Act amending Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), relating to assessments on agricultural commodities, as follows: amending Section 1, relating to the statement of policy; amending Section 2, relating to definition of terms; amending Section 3(a), relating to authorized programs; amending Section 12, relating to the status of a commodity producers board; amending Section 14, relating to the powers and duties of a board; adding a Section 17A, relating to remedies for violations; and adding a Section 17B, relating to adding new territory to the jurisdiction of a board; providing for severability; and declaring an emergency.

Referred to Committee on Agriculture.

By Denton:

HB 526, A bill to be entitled An Act exempting from state college and university tuition and fees the dependent children of Texas military personnel missing in action or taken prisoner of war; and declaring an emergency.

Referred to Committee on Appropriations.

By Farenthold, Salem, Truan and Hale:

HB 527, A bill to be entitled An Act to amend Section 7, House Bill No. 263, Chapter 877, Acts of 61st Legislature, Regular Session, 1969 (Article 5890e, Section 7, Vernon's Texas Civil Statutes); to amend Section 8, House Bill No. 263, Chapter 877, Acts of 61st Legislature, Regular Session, 1969 (Article 5890e, Section 8, Vernon's Texas Civil Statutes); to amend Section 10, House Bill No. 263, Chapter 877, Acts of 61st Legislature, Regular Session, 1969 (Article 5890e, Section 10, Vernon's Texas Civil Statutes); thereby, in said Section 7, to further enumerate, without limitation, notice requirements of ordinances; adding in said Section 7, provisions to provide for such cities and towns to effect establishment, after commencement of such disaster or calamity, temporary, emergency housing, for persons rendered homeless or made occupants of disaster, calamity-caused unfit habitations, or for purposes of governmental operations, upon any and all lands to which such cities and towns have right of possession or custody, irrespective of local zoning ordinances, rules and regulations, or deed restrictions, then effective, for not longer than three hundred sixty consecutive days; adding provisions, in said Section 7, upon finding of substantial disruption of the local free, competitive market in the purchase and sale of specified classes of goods and services, empowering such cities and towns to promulgate regulations to prevent exorbitant retail prices therein, for a period of fifteen days or less, after such disaster or calamity, and providing methods of charge determination as to such goods and services, in whole or in part, consistent with the National Housing Act, as amended, as concerns federally insured housing units; requiring such city or town setting price maximums to establish prompt appeals procedure for any person dissatisfied with such city's or town's governing body's maximum determinations, including public hearings, receipt of evidence, representation by counsel, such appeal being prerequisite to resort to a court of law for relief; granting jurisdiction to the District Court and applying the substantial evidence rule; placing the burden of proof of erroneous prevalent price determination upon the contestant; providing immunity for such city or town, its governing body, officers, employees, or agents from pecuniary liability for any losses or damages attributable to such price regulation; permitting, after such initial declaration, higher retail price maximums; permitting ordinance or order moratorium of competitive bidding requirements of Article 2368a, V.A.T.C.S., and applicable local law for a period of not more than ninety (90) days after calamity occurrence-date; amending Article 5890e, Section 8 to increase, prior to automatic termination, the longest period for declaration of state of emergency by such cities and towns for Article 5890e, Section 7 purposes, or the effective period of regulations made thereunder, from 72 hours to seven (7) days after date of such local governing body declaration; amending Article 5890e, Section 10, "Violations" by adding the remedy of injunction to the enforcement powers hereunder of the Governor and local governing bodies; providing a validation clause; keeping all other provisions of Article 5890e in full force and effect; repealing all laws in conflict herewith to the extent of such conflict; providing for severance of any portion of this Act that is held invalid; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hull:

HB 528, A bill to be entitled An Act relating to the fees to be paid to

the Board of Barber Examiners for renewal and issuance of certificates of registrations and examinations; amending Subsection (G) of Section 3, Subsections (f) and (h) of Section 9, Sections 20, 20a, and 23, and adding Section 23a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Wayne:

HB 529, A bill to be entitled An Act relating to proof of financial responsibility on registration of a motor vehicle and on application for a driver's license and maintenance of proof of financial responsibility; amending the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Insurance.

By D. Jones, G. Moore, Golman, Ogg, Atwell, McKissack, Stroud, Blanton, and Hawn:

HB 530, A bill to be entitled An Act relating to creation of the Real Estate Research Center at Texas A&M University; increasing the fees for certain real estate license renewals and providing for disposition of the fees; amending Sections 22 and 24 of the Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Wolff:

HB 531, A bill to be entitled An Act requiring an owner or holder of a vendor's lien, deed of trust lien, or mechanic's lien on real property, upon payment or satisfaction of the indebtedness which it secures, to prepare, execute, and deliver a release of the lien to be recorded by the property owner and specifying the liability of a lienholder who fails or refuses to prepare, execute, and deliver a release; repealing all laws or parts of law in conflict with the provisions of this Act to the extent of the conflict; and declaring an emergency.

Referred to Committee on Judiciary.

By Cavness:

HB 532, A bill to be entitled An Act amending Subsection (6) of Section (a), Article 6686, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 30, Acts of the 58th Legislature, 1963, Regular Session, so as more specifically to specify that licensed dealers and buyers therefrom may transport their unregistered vehicles by certain methods and under specific conditions; repealing laws in conflict; providing for severability; and declaring an emergency.

Referred to Committee on Motor Transportation.

By Lombardino:

HB 533, A bill to be entitled An Act relating to the proof of prior convictions for driving while intoxicated; amending Article 802b, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 534, A bill to be entitled An Act relating to the punishment for threatening a witness in a criminal proceeding; amending Article 1265, Penal Code of Texas, 1925; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Lombardino:

HB 535, A bill to be entitled An Act amending Article 44.04 Code of Criminal Procedure, 1965, by adding a new Section (i) to provide for the transfer of certain persons to the custody of the Texas Department of Corrections pending their appeals; and declaring an emergency.

Referred to Committee on Counties.

By Lombardino:

HB 536, A bill to be entitled An Act amending Article 4399, Revised Civil Statutes of Texas, 1925, to provide that the Attorney General shall give, upon request, written advice on certain questions to Members of the Legislature while not in session; and declaring an emergency.

Referred to Committee on Judiciary.

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

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#### HB 84 ON THIRD READING

The Speaker laid before the House on its third reading and final passage, HB 84, To increase teacher retirement benefits.

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Representatives Hale and Griffith Moore entered the House and were announced present.

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#### HB 84—(Consideration continued)

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

## Yeas—145

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

## Absent

Hannah, John      Jones, D.

## Absent-Excused

Gammage            McKissack

Mr. Jungmichel moved to reconsider the vote by which HB 84 was passed and to table the motion to reconsider.

The motion to table prevailed.

Representatives Bill Bass and John Hannah entered the House and were announced present.

## HB 207 ON THIRD READING

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

HB 207, Permitting the district attorney and district clerk of the 124th Judicial District to serve in the 188th Judicial District.

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

Yeas—146

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

Absent

Jones, D.

Absent-Excused

Gammage      McKissack

Mr. John Allen moved to reconsider the vote by which HB 207 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HB 102 ON SECOND READING

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

HB 102, A bill to be entitled An Act amending Sections 1 and 2, Chapter 447, Acts of the 58th Legislature, 1963 (Article 29d, Vernon's Texas Civil Statutes), relating to the date on which the federal decennial census is to be recognized and acted upon by the state and its agencies and political subdivisions; and declaring an emergency.

The bill was read second time.

Mr. Sherman raised a point of order against further consideration of the bill on the grounds that the bill contravenes Article III, Section 28 of the Constitution.

The Speaker overruled the point of order.

(Mr. Solomon in the Chair)

Mr. Sherman offered the following amendment to HB 102:

Amend HB 102 by adding between the words "thereof" and "shall" on line 19, page one, second printing, the following: "except the Legislature".

The amendment was adopted without objection.

HB 102, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 102.

#### MOTION TO PLACE HB 102 ON THIRD READING

Mr. Niland moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 102 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—99

Adams	Baker	Braecklein	Carrillo
Allen, John	Bass, B.	Burgess	Cates
Allred	Bigham	Bynum	Cavness
Angly	Blanton	Caldwell	Christian
Atwell	Boyle	Calhoun	Clayton

Coats	Heatly	Moore, T.	Semos
Cobb	Hilliard	Moreno	Shannon
Cole	Holmes, T.	Murray	Short
Craddick	Howard	Nabers	Slack
Daniel	Hubenak	Neugent, D.	Slider
Davis, D.	Hull	Newton	Smith
Davis, H.	Ingram	Niland	Spurlock
Denton	Jungmichel	Orr	Stewart
Finnell	Kaster	Parker, C.	Swanson
Finnney	Kilpatrick	Parker, W.	Tarbox
Foreman	Kost	Pickens	Tupper
Garcia	Lee	Poerner	Uher
Golman	Lemmon	Poff	Von Dohlen
Grant	Lewis	Presnal	Ward
Hale	Lombardino	Price	Wayne
Hanna, Joe	Longoria	Rosson	Wieting
Harding	Loveil	Salem	Williams
Hawkins	Moncrief	Salter	Williamson
Hawn	Moore, A.	Santiesteban	Wyatt
Haynes	Moore, G.	Schulle	

## Nays—44

Agnich	Doyle	Johnson	Patterson
Allen, Joe	Dramberger	Jones, E.	Reed
Atwood	Earthman	Jones, G.	Rodriguez
Bass, T.	Farenthold	Kubiak	Sanchez
Beckham	Finck	Ligarde	Sherman
Blythe	Floyd	McAlister	Silber
Bowers	Graves	Mengden	Simmons
Braun	Harris	Nelms	Stroud
Clark	Head	Nichols	Truan
Cruz	Hendricks	Nugent, J.	Vale
Doran	Holmes, Z.	Ogg	Wolf

## In The Chair

Solomon

## Absent

Hannah, John      Jones, D.      Traeger

## Absent-Excused

Gammage      McKissack

## HB 332 ON SECOND READING

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

HB 332, A bill to be entitled An Act amending Section 3 of Article 913, Texas Penal Code, as amended, to permit the Parks and Wildlife Department to prescribe rules applying to propagation in captivity of protected species; and declaring an emergency.

The bill was read second time.

Mr. Jim Nugent and Mr. Agnich offered the following amendment to HB 332:

Amend HB 332, Second Printing, page 1, line 19, by inserting after the word "wildlife" the phrase, "species indigenous to the State of Texas or fish indigenous to the State of Texas" and striking the words "or fish" before the word "for" in line 19.

The amendment was adopted without objection.

HB 332, as amended, was passed to engrossment.

Mr. Foreman moved to reconsider the vote by which HB 332 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HB 357 ON SECOND READING

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

HB 357, A bill to be entitled An Act repealing Article 191, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

The bill was read second time.

(Speaker in the Chair)

HB 357 was passed to engrossment.

#### HB 378 ON SECOND READING

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

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.

The bill was read second time.

Mr. Poerner offered the following amendment to HB 378:

Amend Section 1 of HB 378 by striking the words "wild deer".

Mr. Floyd moved to table the above amendment.

The motion to table the amendment by Mr. Poerner prevailed.

HB 378 was passed to engrossment.

Mr. Floyd moved to reconsider the vote by which HB 378 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HB 396 ON SECOND READING

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

HB 396, A bill to be entitled An Act relating to including armed services personnel as eligible for resident hunting licenses under certain conditions; amending Section 1, Chapter 370, Acts of the 55th Legislature, Regular Session, 1967 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

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

Mr. Harding moved to reconsider the vote by which HB 396 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mr. Cavness requested to be recorded as voting Nay on the passage to engrossment of HB 396.

#### ADJOURNMENT

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

The motion prevailed without objection.

The House accordingly, at 12:08 p.m., adjourned until 10:00 a.m. tomorrow.

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#### APPENDIX

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#### STANDING COMMITTEE REPORTS

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

Engrossed and Enrolled Bills: Correctly engrossed—HB 84, HB 207. Correctly enrolled—HCR 35, HCR 36, HB 213.

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#### TWENTY-THIRD DAY—TUESDAY, FEBRUARY 16, 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: