

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 18, 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	Doyle	Jones, G.	Rodriguez
Adams	Dramberger	Jungmichel	Rosson
Agnich	Earthman	Kaster	Salem
Allen, Joe	Farenthold	Kost	Salter
Allen, John	Finck	Kubiak	Santiesteban
Angly	Finnell	Lee	Schulle
Atwell	Finney	Lemmon	Semos
Atwood	Floyd	Lewis	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Bass, T.	Garcia	McKissack	Silber
Beckham	Golman	Mengden	Simmons
Bigham	Grant	Moncrief	Slack
Blanton	Graves	Moore, A.	Slider
Blythe	Hale	Moore, G.	Smith
Bowers	Hanna, Joe	Moore, T.	Solomon
Boyle	Hannah, John	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	Nugent, J.	Tupper
Cates	Hendricks	Ogg	Uher
Cavness	Hilliard	Orr	Vale
Christian	Holmes, T.	Parker, C.	Von Dohlen
Clayton	Howard	Parker, W.	Ward
Coats	Hubenak	Patterson	Wayne
Cole	Hull	Pickens	Wieting
Craddick	Ingram	Poerner	Williams
Daniel	Johnson	Poff	Williamson
Davis, D.	Jones, D.	Price	Wolf
Denton	Jones, E.	Reed	Wyatt

**Absent**

Allred	Doran	Presnal	Sanchez
Cruz			

**Absent-Excused**

Clark	Holmes, Z.	Ligarde	McAlister
Cobb	Kilpatrick	Lombardino	Niland
Davis, H.			

A quorum of the House was announced present.

The Invocation was offered by the Reverend Gordon Graham, Assistant Pastor, Hyde Park Baptist Church, Austin, Texas, as follows:

"Father, we thank You for this, another day, that You have given us to live and to serve You. We thank You for the many blessings You have given to us, for the air we breathe, for the food that we eat, we are eternally grateful; but, most of all, we thank You this day for Jesus Christ. Lord, we pray for strength and courage this day as great decisions are made, and we pray above all things, Thy Will be done. In Jesus' Name we pray. Amen."

#### LEAVES OF ABSENCE GRANTED

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

Mr. McAlister on motion of Mr. Vale.

Mr. Harold Davis on motion of Mr. Christian.

Mr. Clark on motion of Mr. Nelms.

Mr. Niland on motion of Mr. Hilliard.

Mr. Lombardino on motion of Mr. Dramberger.

Mr. Zan Holmes, Jr., on motion of Mr. Reed.

Mr. Cobb on motion of Mr. Ogg.

Mr. Ligarde on motion of Mr. Santiesteban.

Mr. Kilpatrick, temporarily for today, on motion of Mr. Doyle.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 18, 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:

SCR 28, By Wilson: Correcting SB 228.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### MEMORIAL RESOLUTION ADOPTED

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

SCR 27, In memory of Monroe Odom.

#### CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 122, by Mendgen, Bowers, Edmund Jones, Blythe, and Earthman: Commending merchants of Sharpstown.

#### ESCORT COMMITTEE APPOINTED

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

Representatives Tom Holmes, Chairman; Moncrief, Nelms, Jungmichel, Atwell, Floyd, Smith, Garcia, Cates, and Jim Nugent.

#### RESOLUTIONS SIGNED BY THE SPEAKER

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

SCR 22, In memory of the Honorable Penrose B. Metcalfe.

SCR 25, Inviting Neil Armstrong, Michael Collins and Edwin E. Aldrin to participate in ceremonies opening Apollo 11 exhibit.

SCR 26, Commending those who participated in arrangements for Apollo 11 exhibit.

#### 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 16.**

#### SENATE BILLS ON FIRST READING

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

SB 91 to the Committee on Governmental Affairs and Efficiency.

SB 188 to the Committee on Penitentiaries.

SB 341 to the Committee on Urban Affairs.

#### HCR 44—REFERRED TO COMMITTEE

(Making all varieties of bluebonnet the official state flower)

Mr. Aubry Moore offered the following resolution:

**HCR 44**

Whereas, The *Lupinus Texensis* is considered the most beautiful species of bluebonnet and is to be found almost anywhere in the fields and along the highways of Texas; and

Whereas, Other varieties of bluebonnet also grow in the state, among

them the *Lupinus Subcarnosus*, which was named State Flower of Texas by the 27th Legislature on March 7, 1901, at the request of the Colonial Dames in Texas; and

Whereas, The National Society of the Colonial Dames of America in the State of Texas has asked this 62nd Legislature, 70 years after the bluebonnet was selected as official state flower, to include the *Lupinus Texensis* and any other variety of bluebonnet not heretofore recorded along with the *Lupinus Subcarnosus* for recognition as the official state flower of Texas; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the *Lupinus Texensis* and any other variety of bluebonnet not heretofore recorded be recognized along with the *Lupinus Subcarnosus* as the official state flower of the State of Texas.

The resolution was referred to the Committee on Governmental Affairs and Efficiency.

#### HCR 46—REFERRED TO COMMITTEE

(Memorializing Congress concerning an Amendment to the Constitution regarding proportion of taxes to be shared by the states)

Mr. Shannon offered the following resolution:

#### HCR 46

Whereas, A resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

Whereas, By its extensive reliance on the graduated income tax as a revenue source, the federal government has virtually preempted its use by state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments; and

Whereas, Increasing demands upon state and local governments for essential public services have compelled the states to concentrate revenue-raising efforts on highly regressive and inelastic consumer taxes and property taxes, resulting in an increase in major tax rates by more than 300 times over the past decade (1960-1969); and

Whereas, During the same period, while federal expenditures increased only 219 percent, state government expenditures increased by 415 percent, and even local government expenditures rose by 354 percent; in addition state and local debt rose by 108 percent, while the federal debt increase was only 26 percent; and

Whereas, Federal revenues based predominantly on income taxes have increased significantly faster than economic growth, but state and local revenues dependent primarily on sales and property taxes have fallen far below the economic growth rate; and

Whereas, The fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable

federal system, and the evident solution can only be a meaningful sharing of federal tax resources; and

Whereas, The United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue-sharing legislation; and

Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress calling for a constitutional convention; and

Whereas, The Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two-thirds of the several states; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature of the State of Texas, the Senate concurring, That the State of Texas hereby urges and memorializes the Congress of the United States to propose to the states an amendment to the Constitution of the United States as provided by Article V of the Constitution, which shall provide that a portion of the taxes on income levied by Congress pursuant to the Sixteenth Amendment of the United States Constitution shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and, be it further

Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature of the State of Texas; and, be it further

Resolved, That certified copies of this Resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the legislatures of each of the several states attesting the adoption of this Resolution by the 62nd Legislature of the State of Texas.

The resolution was referred to the Committee on Constitutional Amendments.

#### HCR 47—REFERRED TO COMMITTEE

(Directing the Highway Department concerning natural collection points for surface water)

Mr. Short offered the following resolution:

#### HCR 47

Whereas, In many arid areas of the State of Texas, natural collection points for surface water exist in close proximity to the right-of-way of state highways; and

Whereas, It is the practice of the State Highway Department to destroy the utility of these collection points by constructing drainage devices leading from them; and

Whereas, In many instances the preservation of these collection points is desired by abutting landowners and such preservation would not be detrimental to the public health, safety, or welfare; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature of the State of Texas hereby direct the State Highway Department to preserve the utility of natural collection points for surface water along a highway right-of-way when the Department is petitioned to do so by an abutting landowner whose property includes the collection point.

The resolution was referred to the Committee on Highways and Roads.

#### HSR 123—REFERRED TO COMMITTEE

(Granting the State DeMolay Association permission to use the Hall of the House of Representatives)

Mr. Shannon offered the following resolution:

#### HSR 123

Whereas, The State DeMolay Association is a constituent member of the International Supreme Council of the Order of DeMolay, which has chapters in countries throughout the world; and

Whereas, The Order of DeMolay has for its purpose the helping of all young men to live clean, manly, upright, and patriotic lives and is dedicated to youths between the ages of 14 and 21; and

Whereas, The State DeMolay Association of Texas will hold a moot session of the legislature on Saturday and Sunday, March 13 and 14, 1971, in which members of the organization will participate as officials; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby commend the State DeMolay Association of Texas and the International Supreme Council of the Order of DeMolay for the high principles of citizenship which the organization instills in young men of Texas; and, be it further

Resolved, That in accordance with Section 3, Rule 1, of the Rules of the House of Representatives, the State DeMolay Association of Texas be and it is hereby granted permission to use the Hall of the House of Representatives in the State Capitol on Saturday and Sunday, March 13 and 14, 1971, in order that this organization may hold a moot session of the Texas Legislature; and, be it further

Resolved, That Members of this House are requested to clear their desks of all books, papers, and other articles before the State DeMolay Association of Texas convenes in moot session, so that this organization may have full use of the Chamber of the House of Representatives.

The resolution was referred to the Committee on House Administration.

#### MASCOT RESOLUTIONS

The following Mascot Resolutions were referred to the Committee on House Administration:

HSR 124, by Ogg: To name James Neal Allen Mascot of the House.

HSR 125, by Blanton: To name Heather Brooke Orr Mascot of the House.

#### 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 T. Bass, Swanson, Ogg, Lemmon, Graves, Nichols, Cruz, Williams, Nelms, Clark, Gammage, Blythe, and Braun:

HB 565, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System and the governing boards of other health-related state-supported institutions and certain nonprofit health-related institutions located in certain medical centers to form an association to operate a laundry system on a cooperative basis solely for the benefit of such institutions; providing for the establishment and operation of a cooperative laundry association with authority to acquire such property, borrow money, and issue such bonds and other evidences of indebtedness as deemed necessary for the creation, operation, and maintenance of the system; providing that the association shall be tax-free; enacting other provisions relating to the subject; providing this Act shall be cumulative of other existing laws; providing a severability clause; and declaring an emergency.

Referred to Committee on Higher Education.

By T. Bass, Swanson, Lemmon, Graves, Nichols, Nelms, Gammage, Clark, Blythe, E. Jones, and Braun:

HB 566, A bill to be entitled An Act amending Art. 342-903, Revised Civil Statutes of Texas, as amended, concerning the prohibition of Branch Banking; and declaring an emergency.

Referred to Committee on Banks and Banking.

By T. Bass, Swanson, Ogg, Lemmon, Graves, Nichols, Cruz, Williams, Nelms, Gammage, Clark, Bowers, Blythe, E. Jones, Mengden, and Braun:

HB 567, A bill to be entitled An Act authorizing the Board of Regents of The University of Texas System to establish, maintain, and operate System Nursing Schools as branches of The University of Texas Nursing School (System-wide); providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By Floyd:

HB 568, A bill to be entitled An Act providing that a holder of certain contracts of sale covering real property may not revoke, cancel, or terminate such contract nor take possession of the property by reason of default in payments until he has given written notice of the default and allowed a grace period to expire, and providing that a holder must accept payment if made in a certain medium within the grace period; providing for certain exceptions in the application of the Act; defining certain terms; providing that the contract must be filed of record and a copy furnished the purchaser; providing that the contract and copy must disclose certain information; limiting the penalty for late payment; limiting the rate of interest charged on money advanced for insurance and taxes; providing that the purchaser shall have for 10 days the right to rescind and requiring notice of that right in the contract; providing that the contract must designate a place of payment and provide for payment in certain mediums; providing alternative methods of timely making payments; providing that the holder must give a receipt for payments; providing for the right to prepay; providing that upon final payment a deed must be delivered and documents cancelled and returned; providing that the provisions of this Act govern regardless of terms of the contract; and declaring an emergency.

Referred to Committee on Judiciary.

By Craddick:

HB 569, A bill to be entitled An Act relating to prerequisites for taking the regular examination for license to practice law; amending Chapter 3, General Laws, page 68, Acts of the 46th Legislature, Regular Session, 1939, as amended (Article 306a, Vernon's Texas Civil Statutes), by adding Section 2A; and declaring an emergency.

Referred to Committee on Judiciary.

By Craddick:

HB 570, A bill to be entitled An Act relating to per diem and travel allowances for distributive education teachers employed by the public schools of Texas; amending Chapter 2, Texas Education Code, by adding a new Section 2.11; and declaring an emergency.

Referred to Committee on Appropriations.

By C. Parker and Doyle:

HB 571, A bill to be entitled An Act relating to compensation of county officials in certain counties; amending Section 5, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By C. Parker and Doyle:

HB 572, A bill to be entitled An Act amending Section 8, Chapter 152, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article

1970-126a, Vernon's Texas Civil Statutes); relating to the salary of the Judge of the County Court of Jefferson County at Law No. 2; providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Counties.

By C. Parker and Doyle:

HB 573, A bill to be entitled An Act amending Section 13, Chapter 29, Acts of the 34th Legislature, Regular Session, 1915, as amended (Article 1970-122, Vernon's Texas Civil Statutes); relating to the salary of the Judge of the County Court of Jefferson County at Law; providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Counties.

By Doyle and C. Parker:

HB 574, A bill to be entitled An Act relating to the salary of the criminal district attorney of Jefferson County; amending Section 4, Chapter 53, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 1926-63, Vernon's Texas Civil Statutes), providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Counties.

By Daniel:

HB 575, A bill to be entitled An Act relating to increasing the filing fee for suits for divorce of dissolution of marriage in certain counties; and declaring an emergency.

Referred to Committee on Judiciary.

By Daniel:

HB 576, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Holiday Hills Public Utility District; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and

election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated and to situations where necessary to carry out the purposes for which District was created; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Simmons and Lombardino:

HB 577, A bill to be entitled An Act amending Subsection (b), Section 4.25, Texas Education Code, relating to penal provisions and juvenile court proceedings concerning truant children; and declaring an emergency.

Referred to Committee on Judiciary.

By Semos, Garcia, Angly, Kost, and Von Dohlen:

HB 578, A bill to be entitled An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund and other funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency.

Referred to Committee on Claims.

By Hale:

HB 579, A bill to be entitled An Act providing for the validation of certain actions of towns and cities of this state taken during the year 1970 pursuant to Article 5890e, V.T.C.S. and Article 1175, V.T.C.S., in implementation of a decision by the President of the United States or Governor of the State declaring the territory encompassing the city or

town to be a disaster area; providing for repeal of all laws in conflict; providing a severability clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hale:

HB 580, A bill to be entitled An Act amending Article 4399, V.T.C.S., by adding the several mayors, city managers, and city attorneys of any duly incorporated city or town to the group of people to whom the Attorney General may give written advice upon any question touching the public interest, or concerning their official duties provided such individual shall submit a written brief with the question to be answered; providing for repeal of all laws in conflict; providing a severability clause; and declaring an emergency.

Referred to Committee on Judiciary.

By Cavness:

HB 581, A bill to be entitled An Act making a supplemental appropriation to the Board of Architectural Examiners; increasing the salary of the Executive Secretary; and declaring an emergency.

Referred to Committee on Appropriations.

By Finney:

HB 582, A bill to be entitled An Act concerning the profession of physical therapy, requiring licensure of physical therapists, establishing a Board of Physical Therapy Examiners, establishing educational and training requirements for physical therapists; and declaring an emergency.

Referred to Committee on Public Health.

By Haynes:

HB 583, A bill to be entitled An Act relating to the authority of the Commissioner of Labor Statistics to publish and circulate lists of contractors who have failed to meet certain contractual and statutory specifications for public works projects; amending Chapter 45, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 5159a, Vernon's Texas Civil Statutes), and amending Article 5160, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on State Affairs.

By Haynes:

HB 584, A bill to be entitled An Act relating to the compensation of the court reporter of the County Court at Law of Orange County; amending Subsection (b), Section 4, Chapter 498, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-349, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By John Hannah and Lovell:

HB 585, A bill to be entitled An Act amending the Uniform Wildlife Regulatory Act to include Lake Livingston in Polk, Trinity, Walker and San Jacinto Counties; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Daniel:

HB 586, A bill to be entitled An Act repealing Section 1, Chapter 574, Acts of the 59th Legislature, Regular Session, 1965, and thereby causing the general law prohibiting hunting deer with dogs to be applicable to Liberty County; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Daniel:

HB 587, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as May Public Utility District; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated and to situations where necessary to carry out the purposes for which District was created; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V. T. C. S., shall not be applicable to this District; providing that notice

of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that District is subject to provisions of Article 1182c-1, V. T. C. S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By T. Moore:

HB 588, A bill to be entitled An Act amending Section 86, Chapter 421, Acts of the 50th Legislature, 1947 (Section 86, Article 6701d, Vernon's Texas Civil Statutes), relating to the obedience to a signal indicating an approach of a train; and declaring an emergency.

Referred to Committee on Common Carriers.

By Traeger:

HB 589, A bill to be entitled An Act relating to the power of the San Antonio River Authority to construct, own, operate, maintain or otherwise provide sewage gathering, treatment and/or disposal services, including solid waste disposal service, in certain counties; amending Section 3 (f) of Article 8280-119, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Smith:

HB 590, A bill to be entitled An Act renaming Lamar State College of Technology as Lamar University; amending Chapter 403, Acts of the 51st Legislature, Regular Session, 1949 (Articles 2637a et seq., Vernon's Texas Civil Statutes), by adding a Section 1a; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Adams:

HB 591, A bill to be entitled An Act amending Chapter 68, Acts of the 48th Legislature, 1943, as amended (Article 5172a, Vernon's Texas Civil Statutes); relating to hours of work for employees; providing penalties; and declaring an emergency.

Referred to Committee on Labor.

By Gammage and Williams:

HB 592, A bill to be entitled An Act providing for the compensation to county attorneys in certain counties; prohibiting certain county attorneys from engaging in the private practice of law; and declaring an emergency.

Referred to Committee on Counties.

By Stroud and T. Bass:

HB 593, A bill to be entitled An Act relating to the computation of the time price differential chargeable pursuant to a retail charge agreement; amending Section (4), Article 6.03, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-6.03, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Banks and Banking.

By Hale and McKissack:

HB 594, A bill to be entitled An Act providing for the legal sale of mixed beverages on a local option basis; providing for the regulation of the sale and service of certain alcoholic beverages; providing penalties; amending the following sections of Article I, Texas Liquor Control Act, as amended (Articles 666-1 through 666-57, Vernon's Texas Penal Code): Section 3; Section 3-a; Section 10; Section 11; Section 12; Subsection (a), Section 13; Section 15; Section 15(a); Subsections (5), (15), (35), and (37), Section 17; Subsection (5), Section 23(a); Section 25; Section 40; Section 49; and Subsection 7, Section 15(e); adding the following sections to Article I, Texas Liquor Control Act, as amended: Section 11-a; Section 15(g); Section 20b; Section 20c; Section 20e; and Section 58; adding a new Section 24-B, Article II, Texas Liquor Control Act (Article 667-1 through 667-33, Vernon's Texas Penal Code); repealing Section 14, Article II, Texas Liquor Control Act; and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Murray:

HB 595, A bill to be entitled An Act providing procedures to be employed by the State Judicial Qualifications Commission in the exercise of its power to censure, as provided in Article V, Section 1-a Subsection (6), of the Texas Constitution; amending Chapter 516, Acts of the 60th Legislature, Regular Session, 1967 (Article 5966a, Vernon's Texas Civil Statutes), by adding a new Section 6A; and declaring an emergency.

Referred to Committee on Judiciary.

By Rodriguez, Atwood, and Longoria:

HB 596, A bill to be entitled An Act authorizing certain types of property defined therein as "Urban Property," situated within, and subject to taxation by, certain types of water control and improvement districts, described in the Act, now existing or hereafter to be created, to be excluded from such districts by proceedings and upon conditions prescribed in the Act; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By T. Moore:

HB 597, A bill to be entitled An Act relating to the purposes for which an occupational driver's license may be issued; amending Subsection (a),

Section 23A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as added (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Santiesteban:

HB 598, A bill to be entitled An Act adopting Title 2 of the Family Code, relating to parent and child; amending Title 1 as follows: amending Section 1.01, relating to obtaining a marriage license; Section 1.02, relating to application for a marriage license; Section 1.03(b), relating to the content of the application form; Section 1.05, relating to application for a license by a person unable to appear personally before the clerk; Section 1.06, relating to execution of the application; Section 1.07, relating to issuance and refusal to issue the license; Section 1.82, relating to the marriage ceremony; Subchapter C, Chapter 1, relating to underage applicants; Subchapter E, Chapter 1, relating to marriage without formalities (including new Sections 1.90 and 1.93-1.95, relating to abolition of informal marriage, proof of identity and age of parties to a declaration of informal marriage, recordation of the declaration, and a penalty for violation by the county clerk or deputy); Subchapter B, Chapter 2, by adding a Section 2.20 relating to underage marriages which are void; Section 2.41, relating to annulment of underage marriages; Section 3.08(b), relating to the defense of condonation in a suit for divorce; Sections 3.21, 3.22, 3.23, and 3.24, relating to residence requirements in a suit for divorce; Section 3.52, relating to pleading in a suit for divorce or annulment; Section 3.53, relating to the respondent's answer in a suit for divorce or annulment; Section 3.54, relating to counseling of the parties to a suit for divorce; Section 3.55, relating to determination of managing conservatorship, possession, and support of and access to children in a divorce suit; Section 3.63, relating to division of property on divorce or annulment; adding Section 3.631, relating to a limited readjustment allowance in favor of either party on divorce or annulment; Subchapter C, Chapter 3, by adding a Section 3.641 relating to change of name in a suit for divorce or annulment; Section 4.04, relating to nonjoinder of spouses in civil suits; Section 5.03, relating to recordation of separate property; Section 5.22(b) and (c), relating to management, control, and disposition of community property; Section 5.24, relating to protection of third persons dealing with a spouse in regard to property; Section 5.25(g), relating to the effect of failure to record a court order providing for management, control, and disposition of certain community property under unusual circumstances; Section 5.41(e), relating to recordation of a marital property agreement and the effect of failure to record in the case of real property; Section 5.42(d), relating to recordation of a partition or exchange and the effect of failure to record in the case of real property; providing conforming amendments and repeals; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

By Salem:

HB 599, A bill to be entitled An Act relating to policies of term life insurance in which the designated beneficiary is directly or indirectly engaged in the business of burying the dead; amending the Texas Insurance Code, as amended, by adding Article 3.49-4; and declaring an emergency.

Referred to Committee on Insurance.

By Lombardino, Simmons, Smith, Allred, and Johnson:

HB 600, A bill to be entitled An Act relating to the authorization for transportation companies which operate in municipalities of the state to set special rates or fares for persons who are over the age of 65 or who are blind or disabled; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

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Representative Allred entered the House and was announced present.

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HSR 104—ADOPTED

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

HSR 104, Commending the Tourist Information Center.

The resolution was adopted without objection.

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

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Representative Kilpatrick entered the House and was announced present.

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SCR 28—ADOPTED  
(Mr. Burgess—House Sponsor)

(Making certain correction in SB 228)

The Speaker laid before the House the following resolution:

SCR 28

Whereas, SB 228 has passed both Houses of the Legislature; and

Whereas, SB 228 was amended in the House of Representatives by striking the words, "property-tax paying" where it appeared in the bill five (5) times; and

Whereas, These words also appear in Sec. 7a in the first paragraph and should have also been eliminated in that position; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be instructed to

remove the words, "property-tax paying" in Sec. 7a, first paragraph for clarification and conformity.

The resolution was read and was adopted without objection.

**SB 256 ON THIRD READING  
(Mr. Heatly—House Sponsor)**

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

SB 256, Allocating certain funds from the Teacher's Retirement System to the Department of Public Welfare.

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

**Yeas—118**

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

**Nays—19**

Agnich	Bigham	Denton	Mengden
Allen, Joe	Blythe	Earthman	Moore, T.
Allred	Bowers	Head	Patterson
Angly	Caldwell	Jones, E.	Williamson
Bass, B.	Craddick	Lee	

## Absent

Cruz	Doran	Hannah, John	Longoria
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## Absent-Excused

Clark	Davis, H.	Ligarde	McAlister
Cobb	Holmes, Z.	Lombardino	Niland

Mr. Sherman moved to reconsider the vote by which SB 256 was passed and to table the motion to reconsider.

The motion to table prevailed.

## REASON FOR VOTE ON SB 256

While I support needed funding of the Department of Public Welfare on an emergency basis, I believe that this "raid" on the Teacher Retirement System funds establishes a precedent which will prove to be highly regrettable in future years. Though the teachers of Texas are "assured" by the bill's sponsor that these funds will hereafter be replaced . . . the Teacher Retirement System is now subject to possible loss.

Sound government would be better served by responsible legislative action. Specifically such "raids" on similar funds in other states have proven very unfortunate in the long run.

My vote is in opposition to this manner of funding the Welfare Program.

Signed: Maurice Angly, Jr.

## HB 499 ON THIRD READING

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

HB 499, Appropriating funds to Attorney General's Department, Industrial Accident Board and Comptroller of Public Accounts transferred out of current appropriations to the House of Representatives.

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

Yeas—126

Adams	Boyle	Daniel	Grant
Allen, Joe	Braecklein	Davis, D.	Graves
Allen, John	Braun	Doyle	Hale
Angly	Burgess	Dramberger	Hanna, Joe
Atwell	Bynum	Farenthold	Harding
Atwood	Calhoun	Finck	Harris
Baker	Carrillo	Finnell	Hawkins
Bass, B.	Cates	Finney	Hawn
Bass, T.	Cavness	Floyd	Haynes
Beckham	Christian	Foreman	Heatly
Bigham	Clayton	Gammage	Hendricks
Blanton	Coats	Garcia	Hilliard
Blythe	Craddick	Golman	Holmes, T.

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

## Nays—12

Agnich	Caldwell	Earthman	Lee
Allred	Cole	Head	Mengden
Bowers	Denton	Jones, E.	Patterson

## Absent

Cruz	Doran	Hannah, John	
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## Absent-Excused

Clark	Davis, H.	Ligarde	McAlister
Cobb	Holmes, Z.	Lombardino	Niland

Mr. Longoria moved to reconsider the vote by which HB 499 was passed and to table the motion to reconsider.

The motion to table prevailed.

The Speaker stated that HB 499 was passed subject to the provisions of Section 49A, Article III of the Constitution of Texas.

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Representative Cruz entered the House and was announced present.

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## HB 216 ON SECOND READING

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

HB 216, A bill to be entitled An Act creating a Texas Surplus Property Agency and prescribing its power, duties, functions, finances, and procedures; and declaring an emergency.

The bill was read second time.

#### HOUSE AT EASE

At 10:50 a.m. the Speaker stated the House would stand at ease.

The Speaker called the House to order at 10:52 a.m.

#### INTRODUCTION OF THE HONORABLE BIRCH BAYH

Speaker G. F. (Gus) Mutscher presented Lieutenant Governor Ben Barnes who addressed the House and introduced the Honorable Birch Bayh, United States Senator from the State of Indiana.

Senator Bayh then addressed the House briefly.

#### ADDRESS BY GOVERNOR PRESTON SMITH

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

In accordance with the provisions of SCR 24, providing for a Joint Session of the Senate and the House of Representatives at 11:00 a.m. 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 11:00 a.m., Governor Preston Smith escorted by Senators Ratliff, Wallace, Kothmann, Sherman, and Blanchard, Committee on the part of the Senate and Representatives Tom Holmes, Chairman; Moncrief, Nelms, Jungmichel, Atwell, Floyd, Smith, Garcia, Cates, and Jim Nugent, 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, Lieutenant Governor Barnes, Members of the Legislature, and Guests:

My appearance before you today is for the purpose of tax and budget recommendations.

Speaking with total frankness, I did not expect to have to come back before you to discuss the topic of taxes.

In my opening message to the Legislature last month, I made recommendations on how I felt it would be best to finance our government for the next biennium.

I had hoped that we could avoid additional taxes.

My proposal to you at that time was what I considered the best, most businesslike approach to our financing the State for the next biennium. However, portions of my original proposal were not accepted, and you have requested by concurrent resolution that I appear again before you in joint session to provide alternate revenue proposals.

There is one portion of my earlier program which is still very much alive, and which I think is gaining ground every day.

I am most encouraged by our progress in the endeavor to promote total federal funding of welfare. Many of our key Congressmen are expressing optimism and preference to this idea rather than the President's revenue-sharing plan.

We have evidence that the State's share of public welfare costs will be substantially lower than we estimated last December.

Congressman Wilbur Mills, Chairman of Ways and Means in the Congress, has stated he would start federalization of the welfare program gradually, but once started, he would be determined to go all the way.

It has been my privilege to have personally talked with other governors and to have contacted each of them stating my views.

My office has corresponded with every single Congressman and Senator in Washington. We have again stressed our views to the President and key members of the Administration.

Our own welfare commissioner, Mr. Burton Hackney, has contacted his counterparts in other States, both in person and by telephone.

This is not the time to let up, but rather to strengthen our determination. On every hand, we find optimism—optimism that something will indeed be done during the next few months along the lines proposed.

This approach to solving our welfare problem will eventually be the single most significant step toward saving the States from fiscal ruin. If we are totally successful, by June, 1972, then there will be no need for a special session to fund the second half of welfare.

If we are only partially successful, there may be enough relief in sight to get around the imposition of additional taxes in a special session.

If, however, there is a need for a special session, it will be called for welfare funding alone.

I said last month, and I will repeat it now, nothing in this welfare proposal now before you suggests that Texas will default on any of its obligations to its welfare recipients.

We are hoping and working for an improvement.

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

We are not changing our original recommendations for State spending for other programs for the 1972-73 fiscal period.

Based on current action which is being taken to provide emergency welfare appropriations, and after taking into account an anticipated upward revision of the Comptroller's Biennial Revenue Forecast, it is estimated that my spending proposals will require approximately \$420 million in additional taxes.

My recommendations for raising the additional \$420 million are as follows:

1. I recommend that the rate of the general sales tax be raised to 4 percent, effective July 1, 1971. This will raise an anticipated \$300 million.

I believe, and I think you will agree, that increasing the rate of the sales tax is a more acceptable solution than removing exemptions.

As long as we continue to exempt food and drugs under the Texas sales tax, the burden of the sales tax is far lower in Texas than it is in practically any other state.

Increasing the rate to 4 percent will cost a family of four with an annual income of \$10,000, about \$20 more a year.

2. My second recommendation is that the tax rate on the sale of motor vehicles be increased from 3 percent to 4 percent to raise an additional \$70 million during the biennium.

3. My third and final recommendation is that tuition for nonresident students in our state-supported colleges and universities be raised from \$200 to \$500 per semester.

Also, that the tuition for Texas residents be increased from \$50 per semester to \$125 per semester.

These increases in tuition will produce an additional \$100 million during the next two-year fiscal period. Yet, the cost of attending college in Texas will still be low compared to other States.

We all realize that the students attending institutions of higher education cannot and should not be expected to bear all the costs of their education.

This, of course, raises the question of how much of the cost of education should students themselves be expected to bear?

There is no magic answer to this question; however, I believe it is certainly obvious that both the State and the student have the obligation to share these costs.

Tuition charges in Texas institutions have always been low, and I think we should continue keeping these charges reasonable.

While tuition charges at colleges throughout the nation have been increasing constantly, tuition at Texas public colleges has changed only once since it originated in 1933.

In 1957, the original fee of \$25 per semester for Texas residents was increased to \$50. This rate has now been in effect for 13 years, notwithstanding an increase of over 350 percent in appropriations to the public colleges and universities.

A nationwide survey of 350 colleges and universities showed that 90 percent of these institutions are charging tuition and required fees in excess of those charged Texas residents.

The same survey showed that 96 percent of these institutions charged higher nonresident fees than are charged to nonresidents by Texas colleges.

Higher tuition charges need not restrict the opportunity to those qualified students who lack the necessary financial resources to pay required tuition and fees.

The Executive Document which I presented on January 20th of this year, provides an additional one million dollars each year for student fellowships and scholarships.

This new expanded student aid program, coupled with the existing student loan programs, should open the doors of educational opportunity to even greater numbers of deserving Texas youth who are in financial need.

These three recommendations which I have just made will produce approximately \$470 million in additional revenue, about \$50 million more than my spending proposals require.

We should start now to develop a reserve to meet built-in needs that can now be projected with substantial accuracy.

By starting now, I think the prospects are good that we can avoid additional taxes during the 1972-73 biennium even if our efforts to shift the cost of welfare to the federal government are only partially successful.

Let me return now to the overall budget and tax picture.

I have repeatedly stated throughout these remarks that my recommendations are on a two-year basis. I want each one of you to hear me say to you that my position on a one-year versus a two-year budget has not changed from what it was on June 20, 1969. I vetoed a one-year appropriations bill on that date.

In August of 1969, the people of Texas expressed their views at the polls on the subject, and there is no reason why we should not enact a biennial appropriations bill.

As I conclude, let me leave you with this thought:

There is much to be done. This Legislative Session has had an unusual beginning. But, it can have a successful ending only if we all forget petty differences and personal quarrels and work together.

This we must do to keep faith with the people of Texas. This, I believe, we will do in the days and weeks ahead.

My office is always open to you, as it always has been, if you feel that I can be helpful.

#### SENATE RETIRES

At 11:16 a.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. next Monday.

#### HOUSE AT EASE

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

The Speaker called the House to order at 11:20 a.m.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 18, 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:

HB 224, By J. Nugent: Providing that certain truck tractors or commercial motor vehicles and semitrailers be registered in combination and establishing the registration fee rate thereof; and declaring an emergency.

HCR 12, By Lombardino: Memorializing the Congress of the United States to exercise its power to completely reorganize the public welfare system.

HCR 39, By E. Jones: Commending the Adolph Coors Company of Golden, Colorado, on its "cash-for-cans" aluminum recovery program.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HB 216—(Consideration continued)

The Speaker laid before the House on its passage to engrossment, HB 216.

HB 216 was passed to engrossment.

Mr. Cavness moved to reconsider the vote by which HB 216 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HB 229 ON SECOND READING

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

HB 229, A bill to be entitled An Act relating to the assessment equalization and collection of taxes by the Lovelady Independent School District; amending Section 4, Chapter 33, Special Laws, 36th Legislature, 2nd Called Session, 1919; and declaring an emergency.

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

#### HB 229 ON THIRD READING

Mr. Lovell moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 229 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adams	Denton	Kaster	Salter
Allen, Joe	Dramberger	Kilpatrick	Sanchez
Allen, John	Farenthold	Kost	Santiesteban
Allred	Finnell	Kubiak	Schulle
Angly	Finney	Lemmon	Semos
Atwell	Foreman	Longoria	Shannon
Baker	Garcia	Lovell	Short
Bass, B.	Golman	McKissack	Slack
Bass, T.	Grant	Moncrief	Slider
Beckham	Hale	Moore, A.	Smith
Bigham	Hannah, John	Moore, G.	Solomon
Blythe	Harding	Moore, T.	Spurlock
Boyle	Harris	Moreno	Stroud
Braecklein	Hawkins	Murray	Swanson
Braun	Hawn	Nabers	Tarbox
Burgess	Haynes	Nelms	Traeger
Bynum	Head	Neugent, D.	Truan
Caldwell	Heatly	Newton	Tupper
Calhoun	Hendricks	Orr	Uher
Carrillo	Hilliard	Parker, C.	Von Dohlen
Cates	Holmes, T.	Parker, W.	Ward
Cavness	Howard	Patterson	Wayne
Clayton	Hubenak	Poerner	Wieting
Cole	Hull	Poff	Williams
Craddick	Ingram	Presnal	Williamson
Cruz	Johnson	Price	Wolff
Daniel	Jones, E.	Reed	Wyatt
Davis, D.	Jungmichel	Salem	

## Nays—21

Agnich	Floyd	Jones, G.	Pickens
Atwood	Gammage	Lee	Rodriguez
Bowers	Graves	Mengden	Rosson
Coats	Hanna, Joe	Nichols	Silber
Earthman	Jones, D.	Nugent, J.	Simmons
Finck			

## Absent

Blanton	Doyle	Ogg	Stewart
Christian	Lewis	Sherman	Vale
Doran			

## Absent-Excused

Clark	Davis, H.	Ligarde	McAlister
Cobb	Holmes, Z.	Lombardino	Niland

The Speaker then laid HB 229 before the House on third reading and final passage.

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

## Yeas—140

Adams	Cole	Heatly	Murray
Agnich	Craddick	Hendricks	Nabers
Allen, Joe	Cruz	Hilliard	Nelms
Allen, John	Daniel	Holmes, T.	Neugent, D.
Allred	Davis, D.	Howard	Newton
Angly	Denton	Hubenak	Nichols
Atwell	Doyle	Hull	Nugent, J.
Atwood	Dramberger	Ingram	Ogg
Baker	Earthman	Johnson	Orr
Bass, B.	Farenthold	Jones, D.	Parker, C.
Bass, T.	Finck	Jones, E.	Parker, W.
Beckham	Finnell	Jones, G.	Patterson
Bigham	Finney	Jungmichel	Pickens
Blanton	Floyd	Kaster	Poerner
Blythe	Foreman	Kilpatrick	Poff
Bowers	Gammage	Kost	Presnal
Boyle	Garcia	Kubiak	Price
Braecklein	Golman	Lee	Reed
Braun	Grant	Lemmon	Rodriguez
Burgess	Graves	Lewis	Rosson
Bynum	Hale	Longoria	Salem
Caldwell	Hanna, Joe	Lovell	Salter
Calhoun	Hannah, John	McKissack	Sanchez
Carrillo	Harding	Mengden	Santiesteban
Cates	Harris	Monerief	Schulle
Cavness	Hawkins	Moore, A.	Semos
Christian	Hawn	Moore, G.	Shannon
Clayton	Haynes	Moore, T.	Sherman
Coats	Head	Moreno	Short

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

Absent

Doran

Absent-Excused

Clark	Davis, H.	Ligarde	McAlister
Cobb	Holmes, Z.	Lombardino	Niland

Mr. Lovell moved to reconsider the vote by which HB 229 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 18, 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:

HB 115, By Pickens: To exempt from existing statutes regulating the length of motor vehicles which may be operated in this State and from statutes regulating the distance which a load may extend beyond the front or rear of motor vehicles used exclusively to transport poles or pipe used in oil field operations; imposing conditions governing such vehicles and the operation thereof; . . . etc.; and declaring an emergency. (as amended)

HCR 45, By Burgess: Congratulating Dr. Blanche Phillips, Texas Home Economist of 1971.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### ADJOURNMENT

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

The motion prevailed without objection.

The House accordingly, at 11:41 a.m., adjourned until 11:00 a.m. next Monday.

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 APPENDIX
 

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 BILLS TRANSMITTED TO GOVERNOR  
 UNDER ARTICLE 16, SECTION 59

HB 587 and HB 576 transmitted by the Chief Clerk to the Governor on February 18, 1971.

HB 606 transmitted by the Chief Clerk to the Governor on February 18, 1971.

HB 607 transmitted by the Chief Clerk to the Governor on February 18, 1971.

HB 608 transmitted by the Chief Clerk to the Governor on February 18, 1971.

HB 609 transmitted by the Chief Clerk to the Governor on February 18, 1971.

HB 611 transmitted by the Chief Clerk to the Governor on February 18, 1971.

## STANDING COMMITTEE REPORTS

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

Counties: HB 77, HB 183, HB 259, HB 242.

Engrossed and Enrolled Bills: Correctly engrossed—HB 2, HB 15, HB 37, HB 283, HB 357, HB 396, HB 499, HCR 42, HCR 43, HCR 45.

Highways and Roads: HB 97.

House Administration: HSR 104.

Resolutions and Interim Activities: HCR 25, SCR 11, SCR 18.

Revenue and Taxation: HB 146.

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 TWENTY-SIXTH DAY—MONDAY, FEBRUARY 22, 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	Angly	Beckham	Braecklein
Adams	Atwell	Bigham	Braun
Agnich	Atwood	Blanton	Burgess
Allen, Joe	Baker	Blythe	Bynum
Allen, John	Bass, B.	Bowers	Caldwell
Allred	Bass, T.	Boyle	Calhoun