

EIGHTY-FOURTH DAY (continued)—SATURDAY, MAY 29, 1971

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

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

|             |              |            |            |
|-------------|--------------|------------|------------|
| Mr. Speaker | Dramberger   | Jungmichel | Sanchez    |
| Adams       | Earthman     | Kaster     | Schulle    |
| Agnich      | Finck        | Kost       | Shannon    |
| Allen, John | Finnell      | Kubiak     | Short      |
| Angly       | Foreman      | Lombardino | Silber     |
| Atwood      | Garcia       | Longoria   | Simmons    |
| Baker       | Golman       | Lovell     | Slack      |
| Bass, T.    | Grant        | McAlister  | Smith      |
| Beckham     | Hanna, Joe   | McKissack  | Solomon    |
| Blanton     | Hannah, John | Mengden    | Spurlock   |
| Blythe      | Harding      | Moncrief   | Swanson    |
| Boyle       | Harris       | Moore, A.  | Tarbox     |
| Braecklein  | Hawkins      | Moore, T.  | Traeger    |
| Braun       | Hawn         | Moreno     | Truan      |
| Burgess     | Haynes       | Murray     | Tupper     |
| Bynum       | Head         | Nabers     | Uher       |
| Carrillo    | Heatly       | Newton     | Vale       |
| Cavness     | Hendricks    | Nichols    | Ward       |
| Clayton     | Hilliard     | Niland     | Wayne      |
| Coats       | Holmes, T.   | Orr        | Wieting    |
| Cole        | Howard       | Parker, C. | Williams   |
| Craddick    | Hubenak      | Parker, W. | Williamson |
| Cruz        | Hull         | Poerner    | Wolff      |
| Daniel      | Ingram       | Presnal    | Wyatt      |
| Davis, D.   | Johnson      | Price      |            |
| Davis, H.   | Jones, D.    | Salem      |            |
| Doyle       | Jones, G.    | Salter     |            |

#### Absent

|            |            |             |              |
|------------|------------|-------------|--------------|
| Allen, Joe | Cobb       | Kilpatrick  | Pickens      |
| Allred     | Denton     | Lee         | Poff         |
| Atwell     | Doran      | Lemmon      | Reed         |
| Bass, B.   | Farenthold | Lewis       | Rodriguez    |
| Bigham     | Finney     | Ligarde     | Rosson       |
| Bowers     | Floyd      | Moore, G.   | Santiesteban |
| Caldwell   | Gammage    | Nelms       | Semos        |
| Calhoun    | Graves     | Neugent, D. | Slider       |
| Cates      | Hale       | Nugent, J.  | Stewart      |
| Christian  | Holmes, Z. | Ogg         | Von Dohlen   |
| Clark      | Jones, E.  | Patterson   |              |

#### Absent-Excused

Sherman            Stroud

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

#### LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence for today and the remainder of the week on account of illness in the family:

Mr. Sherman on motion of Mr. Shannon.

On motion of Mr. Tom Bass, Mr. Stroud was granted leave of absence for today on account of illness.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 29, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

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

SJR 57, By Bernal: Proposing an Amendment to Article III, Section 51-a, of the Texas Constitution, increasing the total amount to be authorized to be appropriated by the Legislature to \$115,000,000 per year for assistance grants for the needy aged, the needy disabled, the needy blind, and for needy dependent children and the caretakers of such children.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

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Representatives Clark, Nelms, Lemmon, Bigham, and Calhoun entered the House and were announced present.

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#### SCR 101—REFERRED TO COMMITTEE

(Creating a special interim committee on nursing homes)

The Speaker laid before the House the following resolution:

#### SCR 101

Whereas, The quality of health care provided to Texas citizens in nursing homes is a matter of great concern to the citizens of Texas and the state government; and

Whereas, There is a continuing need to revise and update licensing requirements of nursing homes and nursing home personnel and to increase the minimum standards of nursing care provided by nursing homes and custodial care facilities; and

Whereas, Although most nursing homes strive to provide the highest possible quality of care to their patients at the most efficient operating costs, there are widespread reports in Texas that some nursing homes do not properly care for their patients, that patients are sometimes mistreated in nursing homes, and that exorbitant prices are sometimes imposed for providing routine care or services; and

Whereas, It is the responsibility of the State Legislature to insure the health and safety of all citizens, including those who reside in nursing homes; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the 62nd Legislature hereby create a special interim Committee on Nursing Homes; the committee shall study all phases of the nursing home industry to determine (1) the quality of care and services provided to patients of nursing homes, (2) the need and desirability of raising minimum standards of care in nursing homes and of imposing stricter licensing requirements upon nursing homes and nursing home personnel, and (3) any other related matter which the committee shall deem significant in making a comprehensive report to the Legislature upon the problems mentioned in this resolution; and, be it further

Resolved, That the committee shall be composed of nine members: three Senators, including one designated as chairman of the committee, appointed by the Lieutenant Governor; three Members of the House of Representatives, appointed by the Speaker of the House; and three members-at-large, including one licensed nursing home administrator, one physician associated with long-term health care, and one citizen with knowledge or interest in long-term health care, appointed by the Governor; and, be it further

Resolved, That from the Expense Fund of the House and the Contingent Expense Fund of the Senate equally, the members of the committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this resolution, and other necessary expenses of operation of the committee shall be paid from the Expense Fund of the House and the Contingent Expense Fund of the Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for the operating expense of said committee which shall be submitted to the House Administration Committee and the Senate Committee on Administration, and no expenditure shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee and the Senate Committee on Administration; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

## SCR 113—REFERRED TO COMMITTEE

(Creating a special interim Committee on Texas Energy Fuels)

The Speaker laid before the House the following resolution:

## SCR 113

Whereas, The diminishing reserves and supply of energy fuels particularly petroleum and natural gas, are of great and growing concern throughout the State of Texas and the entire United States due to the constantly increasing usage and consumption of such energy fuels by industry and the public generally; and

Whereas, The search and exploration for new reserves of said energy fuels has declined to the point that newly discovered reserves and sources of such energy fuels, particularly natural gas, are far less each year than the production and consumption of such energy fuels within the United States, thus creating a situation whereby the nation's total energy reserves are decreasing at a very rapid rate; and

Whereas, The availability of substantial supplies of petroleum energy fuels at a reasonable rate or charge has been a major and substantial factor in the tremendous industrial growth which has been experienced in the State of Texas during the past two decades, thereby creating vast new job opportunities for our burgeoning populations; and

Whereas, The rapidly diminishing reserves of energy fuels has caused projections of a national energy shortage of staggering proportions, thereby creating terrific competition for the purchase and dedication of existing and future Texas reserves of energy fuels for the constantly increasing needs of a mobile and expanding society, all of which is resulting in the dedication of a substantial majority of available energy fuel reserves to interstate commerce and to consumer markets outside the State of Texas; and

Whereas, The availability of alternative energy sources such as nuclear power at a reasonable rate or charge is highly questionable at this time; and

Whereas, It is of vital and critical concern to each and every citizen of this state that sufficient reserves of energy fuels be dedicated to and conserved for the usage of the domestic, commercial and industrial consumers of such fuels in Texas so that an adequate supply at reasonable rates and charges can be assured for the needs and requirements of Texas domestic, commercial and industrial consumers for at least the next two decades, and further that sufficient reserves of such energy fuels be available to supply new industries which may locate within this state and to serve our rapidly growing population during such period; and

Whereas, If such a twenty-year reserve and supply of energy fuel cannot be assured and conserved for usage by Texas citizens and industry within this state, the economic growth and industrial progress of Texas will be seriously and adversely affected; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the 62nd Legislature hereby create a special interim

Committee on Texas Energy Fuels, which shall study (1) all aspects of present petroleum and natural gas resources and reserves in Texas; (2) additional energy fuel reserves that are currently in prospect in Texas through continued and increased search and exploration; (3) estimated requirements of present Texas consumers, for both industrial and domestic use, during the next twenty years; (4) estimated requirements of additional or new Texas consumers, for both industrial, commercial and domestic use, to assure continued economic growth within this state during the next twenty years; (5) all aspects of current and projected exportation of Texas energy fuels, particularly natural gas, to serve interstate commerce and consumer markets without this state; and (6) the availability of alternative energy fuels or sources and the relative cost of such energy fuels as compared to petroleum energy fuels, particularly gas; and, be it further

Resolved, That the committee shall be composed of eight members: three Senators, appointed by the Lieutenant Governor; three Members of the Texas House of Representatives, appointed by the Speaker of the House; and two public members with exceptional knowledge in the field of energy fuels, one of which shall be appointed by the Lieutenant Governor and one of which shall be appointed by the Speaker of the House; and, be it further

Resolved, That the members shall select a chairman of the committee by majority vote, and the committee shall meet, at such times and places as may be necessary; and further that the staff of the Texas Legislative Council be requested to serve as staff for the committee, and that the Texas Railroad Commission and other state departments and agencies concerned be requested to cooperate with the committee on request and that the committee be furnished with such information and data as may reasonably be requested by the committee; and, be it further

Resolved, That both legislative and public members of the committee shall be reimbursed for actual and necessary expenses incurred in carrying out the purposes and duties of this resolution in equal proportions from the Expense Fund of the House and the Contingent Expense Fund of the Senate; other necessary expenses for the operation of the committee shall also be paid from these funds of the House and Senate equally; and further that the committee shall prepare a budget for the operating expenses of the committee, which shall be submitted to the Administration Committee of the Senate and the House Administration Committee, and no expenditures shall be made until the budget has been approved; prior approval of nonbudgeted expenditures, if any, must also be obtained from the Administration Committee of the Senate and the House Administration Committee; and, be it further

Resolved, That the 62nd Legislature does hereby find that the dedication and conservation of an adequate twenty-year supply of energy reserves, particularly natural gas, for domestic, commercial and industrial usage and consumption within this state is of vital public interest and concern to all citizens of Texas, and the committee is hereby directed to make a full and complete report to the 63rd Legislature when it convenes in January, 1973; said report to include all findings of fact made by the committee as a result of its study and to include specific recommendations of the committee as to any legislation or state administrative regulation deemed necessary to assure and conserve for Texas citizens and industry a constant and continuing supply of energy fuels that will be sufficient for

growth, both in population and industrial development, for at least twenty years; said report to include drafts of any proposed legislation. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### SCR 116—REFERRED TO COMMITTEE

(Creating an interim committee to be known as the Rio Grande River Water Study Committee)

The Speaker laid before the House the following resolution:

#### SCR 116

Whereas, The Texas Supreme Court has recently ruled in the case of Valmont Plantations, et al, vs. The State of Texas, that the Spanish and Mexican grants did not have appurtenant rights in the absence of specific grants of irrigation water; and

Whereas, The Water Rights Commission has, as a result of this decision, refused to grant permits to several farmers along the lower Rio Grande River who have for many years rebid on water from the Rio Grande River to raise their crops; and

Whereas, Some new solution is desirable in the allocation of water from the Rio Grande to these areas which have been suddenly deprived of water; now, therefore, be it

Resolved by the Senate of the 62nd Legislature, the House of Representatives concurring, that an interim committee of the Legislature be created known as the Rio Grande River Water Study and that the Lieutenant Governor and the Speaker of the House of Representatives each be authorized to appoint three Members of the Senate and House respectively and each appoint two citizen members to study the allocation of water on the lower Rio Grande River; and, be it further

Resolved, That the members shall select a chairman of the committee by majority vote, and the committee shall meet at such times and places as may be necessary and that the Water Rights Commission and the Texas Legislative Council be requested to cooperate with the committee in the conduct of the study; and, be it further

Resolved, That both legislative and public members of the committee shall be reimbursed for actual and necessary expenses incurred in carrying out the purposes and duties of this resolution in equal proportions from the Expense Fund of the House and the Contingent Expense Fund of the Senate: other necessary expenses for the operation of the committee shall also be paid from these funds of the House and Senate equally; and further that the committee shall prepare a budget for the operating expenses of the committee, which shall be submitted to the Administration Committee of

the Senate and the House Administration Committee, and no expenditures shall be made until the budget has been approved; prior approval of non-budgeted expenditures, if any, must also be obtained from the Administration Committee of the Senate and the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings, recommendations, and drafts of any proposed legislation, to the 63rd Legislature at its Regular Session in January 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library, and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### SCR 129—REFERRED TO COMMITTEE

(Creating a special committee to revise the vacancy laws)

The Speaker laid before the House the following resolution:

#### SCR 129

Whereas, Article 5421c-6, V.C.S., commonly known as the vacancy statute, was last amended in 1939 and has not been revised since; and

Whereas, Because of changing conditions, certain inequities exist in our vacancy statute; and

Whereas, The vacancy statute has become obsolete in many phases; now, therefore, be it

Resolved, That a study committee be appointed to make recommendations to the next regular session of the Legislature if it is the finding of the committee that the vacancy laws should be revised; and, be it further

Resolved, That the Commissioner of the General Land Office shall be chairman of said study committee, that the Lieutenant Governor shall appoint two Senators, that the Speaker of the House of Representatives shall appoint two Members of the House of Representatives, and that the President of the Texas Bar Association shall appoint two law professors, interested and knowledgeable in the vacancy laws of the state, and four attorneys in order that there shall be representation on the committee of applicants under the vacancy statute, landowners, the oil and gas industry, and title companies; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation of the committee and committee activities shall be paid equally from the Contingent Expense Funds of the Senate and the House of Representatives. The committee shall prepare a budget for its expense which shall be submitted to the Administration Committee of the House and the Senate, and no expenditures shall be made until the budget has been approved by both those committees. The prior approval of

nonbudgeted expenditures must also be obtained from both of those committees.

The resolution was referred to the Committee on Resolutions and Interim Activities.

**SCR 132—REFERRED TO COMMITTEE**

(Creating an interim committee to study the problems of coastal lands and waters of Texas)

The Speaker laid before the House the following resolution:

**SCR 132**

Whereas, The Texas coastline extends for more than 1,150 miles along the Gulf of Mexico, its bays and inlets; and

Whereas, This coastline is held in trust by the State of Texas for the use and enjoyment of the public; and

Whereas, The coastal zone, including the public beaches, estuaries, and marshlands, constitute one of the greatest physical assets of this state; and

Whereas, It is the affirmed public policy of this state that these areas should be reserved first for the use and enjoyment of the public; and

Whereas, Pressures created by an expanding population, and the increasing demand for land adjacent to the coastline for recreational, commercial, industrial, and residential development, make it imperative that the state, in its role as trustee for the people, take positive action to protect the rights of the public and the future citizens of this state from destruction of the natural assets of the coastal zone; and

Whereas, The Interim Beach Study Committee created by the 60th and 61st Legislatures has learned that the problems of the beaches and the problems of the remainder of the coastal zone are interrelated and should not be considered separately; and

Whereas, It is the opinion and recommendation of the Interim Beach Study Committee of the 61st Legislature that the committee be reconstituted to study the entire coastal zone area; and

Whereas, A study of the coastal zone has been initiated by SCR 38 of the 61st Legislature as recommended by the Interim Beach Study Committee; and

Whereas, SCR 8 and SCR 9 of the 62nd Legislature have directed the Interagency Natural Resources Council to carry out specific projects with relation to the coastal study; and

Whereas, It is highly desirable that the 62nd Legislature participate in the important work being carried out by the Interagency Natural Resources Council; now, therefore, be it

Resolved by the Senate of the 62nd Legislature, the House of Representatives concurring, That an interim committee be created to continue the study of the problems of coastal lands and waters of Texas, including both beach and bay areas. The Interim Coastal Zone Study Committee shall be composed of three Senators to be appointed by the Lieutenant Governor, three Members of the House of Representatives to be appointed by the Speaker of the House, three interested citizens, one each to be appointed by the Governor, the Lieutenant Governor, and the Speaker of the House; and as ex officio members, the Land Commissioner of Texas, or a representative appointed by him; the Attorney General of Texas or a representative appointed by him; the Chairman of the Texas Railroad Commission or a representative appointed by him; the Chief Engineer of the Texas Highway Department, or a representative appointed by him; and the Executive Director of the Texas Parks and Wildlife Department, or a representative appointed by him. Legislative Members shall be reimbursed for their actual expenses in performing their duty after receiving the approval in writing from the appropriate committee of each Body, and such expenses shall be payable one-half from the contingent expense fund of the Senate and one-half from the contingent expense fund of the House; and, be it further

Resolved, That the committee be authorized to employ independent professional consultants to carry out the purposes of this resolution, in addition to any staff that may be necessary, but before any expenditures are made by the committee, the committee shall prepare a budget for the operating expenses of the committee, which shall be submitted to the Administration Committee of the Senate for approval; and, be it further

Resolved, That the staff of the Texas Legislative Council is hereby requested to assist the committee in this study; and, be it further

Resolved, That the committee shall conduct the study and make its recommendations to the 63rd Legislature; and, be it further

Resolved, That the work of the committee shall, in addition to a study of the problems of the coastal zone, include close association with the Interagency Natural Resources Council; and the Interagency Natural Resources Council and the various agencies represented thereon are hereby directed to work closely with the Interim Coastal Zone Study Committee and follow the directives of the committee in carrying out the provisions of SCR 8 and SCR 9.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### SCR 133—REFERRED TO COMMITTEE

(Creating a committee to study the hard mineral laws in the State of Texas)

The Speaker laid before the House the following resolution:

SCR 133

Whereas, Article 5421c-7, dealing with the prospecting for minerals on state-owned land and on Relinquishment Act land in which the state owns

the minerals and has sold the surface, has been in effect since 1955 with subsequent amendments to what is commonly known as the hard mineral law; and

Whereas, These amendments have been somewhat piecemeal in nature; and

Whereas, There is a need for a complete revision and study of the hard mineral laws in the State of Texas in order to better meet the needs of the state and those people engaged in hard mineral exploration and development; now, therefore, be it

Resolved, That a committee be appointed to make recommendations to the next regular session of the Legislature for the revision of the hard mineral laws of the State of Texas, including but not limited to, Articles 5421c-7, 5421c-10, and any other legislative act governing and controlling the exploration and development of hard minerals in the State of Texas; and, be it further

Resolved, That the Land Commissioner of the State of Texas, who administers the hard mineral laws of this state, be chairman of the committee, and that the Lieutenant Governor appoint two Senators to serve on the committee; that the Speaker of the House of Representatives appoint two Members of the House to serve on the committee; that the President of the Bar Association appoint two law professors from a Texas law school, knowledgeable and interested in hard mineral laws, and two practicing attorneys, knowledgeable and interested in hard mineral laws of this state; and that Dr. W. N. McAnulty, Chairman of the Department of Geology at the University of Texas at El Paso, and Dr. W. L. Fisher, Director of the Bureau of Economic Geology of the University of Texas at Austin, also be appointed to serve on the committee.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### SCR 135—REFERRED TO COMMITTEE

(Creating a committee on state tax policy)

The Speaker laid before the House the following resolution:

#### SCR 135

Whereas, There is always a continuing need for tax revenue to support state government in Texas, particularly to fund the rising costs of education; and

Whereas, The taxpayers of this state are demanding an equitable distribution of tax burden; and

Whereas, The state recognizes the need for maintaining a tax structure which encourages economic growth and also the necessity of maintaining a system of tax administration which maximizes the revenue producing capacity of existing tax structures; and

Whereas, No detailed in-depth totally comprehensive study of the existing tax structure has been conducted in recent years; and

Whereas, There is a demanding need to review the entire tax structure of this state and such a review is essential to the State of Texas for the following purposes:

1. To determine the extent to which the state's current tax structure is responsive to the revenue needs of the State of Texas;
2. To determine the impact of the state's current tax structure on various major segments of the state's population;
3. To identify alternative tax adjustments giving due consideration to matters of equity, economic impact, access, and responsiveness; and

Whereas, In order to evaluate the comparative potential sources of needed revenue, the Legislature must ascertain from current, accurate and unbiased information, the ability of the present tax structure, with existing rates and exemptions, to produce yields sufficient to meet revenue needs and must ascertain what form and level of additional taxes, if any, is needed and can be borne by Texas taxpayers; and

Whereas, A comprehensive study is necessary to prepare the way for constructive legislation for the present and future protection of the interests of the state, its citizens and all segments of its economy; now, therefore, be it

Resolved by the Senate, the House of Representatives of the State of Texas concurring, That the following be accomplished:

Section 1. The Committee on State Tax Policy is hereby created, consisting of nine (9) members; one of whom shall be the Chairman of the House Committee on Revenue and Taxation, who shall act as chairman of the committee created by this resolution; two (2) of whom shall be Members of the House of Representatives appointed by the Speaker of the House; three (3) shall be Members of the Senate appointed by the Lieutenant Governor; and three (3) shall be public members appointed by the Governor. The terms of all members shall commence with their appointment and shall terminate on the convening of the next regular session of the Legislature following adoption of this resolution. Vacancies occurring after appointment from any cause may be filled by the respective appointing officers.

When the membership of the committee is complete, the chairman shall call a meeting at which the members shall by majority vote elect a vice-chairman and a secretary. A vacancy in the chairmanship shall be filled by the advancement of the vice-chairman, and a new vice-chairman shall be elected by the committee. A majority of the committee's membership is a quorum for the transaction of official business.

Sec. 2. Members of the committee shall receive no pay for their services on the committee, but Legislative Members shall be reimbursed from the Contingent Fund of the Legislature for necessary expenses actually incurred in the discharge of their duties. Services on the committee by Members of the House of Representatives and the Senate, or by any other officer or employee of the state appointed thereto, shall be deemed to be additional duty.

Sec. 3. The committee shall report to the Governor and the next regu-

lar session of the Texas Legislature on the tax situation of the state and shall direct the attention of the Legislature to any problems which, in its judgment, require legislative attention and may make recommendations for legislative action on such problems. However, the committee shall prepare interim reports on January 1, 1972 and July 1, 1972 which shall summarize the committee's findings, recommendations and conclusions as of these dates.

Sec. 4. The committee is authorized to hold public hearings necessary or desirable for the full development of all facts pertinent to its studies.

Sec. 5. All agencies of the State of Texas are hereby authorized and directed to cooperate fully and completely with the committee in making this study and the committee is authorized to consult with departments and agencies of the government of the United States or any other state of the United States and of any agency or agencies of any other states as shall be necessary for a successful conclusion of the study.

Sec. 6. The committee may receive grants and matching funds from and may contract with such state, federal, or local public agencies or private agencies, entities or educational institutions as it deems necessary for the rendition and affording of such management and technical services, facilities, studies, and reports, and personal services and operating expenses as will best assist it to carry out the purposes of this resolution.

Sec. 7. The Legislative Members of the committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this resolution from the Contingent Expense Funds of the House and Senate and the other necessary expenses of operation of the committee shall be paid from the Contingent Expense Funds of the House and Senate equally. However, the committee shall prepare a budget for the operating expenses of said committee which shall be submitted to and approved by the Contingent Expense Committees of the House and Senate before any payments shall be made from such Contingent Funds.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### 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 35.

#### 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 289 to the Committee on State Affairs.

SB 960 to the Committee on State Affairs.

SB 1037 to the Committee on Revenue and Taxation.

SB 1040 to the Committee on Counties.

SB 1041 to the Committee on Judicial Districts.

SB 1042 to the Committee on Banks and Banking.

**HCR 190—REFERRED TO COMMITTEE**

(Creating an interim committee to study revision of the Penal Code)

Mr. Jim Nugent and Mr. Adams offered the following resolution:

**HCR 190**

Whereas, There has not been sufficient time during the Regular Session of the 62nd Legislature of the State of Texas to study and perfect the proposed revision of the Texas Penal Code; and

Whereas, It would be to the benefit of all the people of Texas if this proposed revision received further study; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature create a special interim committee to study the proposed revision of the Texas Penal Code; and, be it further

Resolved, That the committee consist of the six members of the subcommittee of the House Committee on Criminal Jurisprudence who were appointed to study the proposed revision and the six members of the subcommittee of the Senate Committee on Jurisprudence who were appointed to study the proposed revision during the Regular Session of the 62nd Legislature; and, be it further

Resolved, That the committee be provided with subpoena powers and the authority to call upon the State Bar of Texas and any state agency or department as the committee deems necessary to complete its study; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; and, be it further

Resolved, That the actual expenses of the House committee members shall be paid from the Expense Fund of the House of Representatives and that the actual expenses of the Senate committee members shall be paid from the Contingent Expense Fund of the Senate. Other necessary expenses of the committee shall be paid from the Expense Fund of the House of Representatives and the Contingent Expense Fund of the Senate on an equal basis. The committee shall prepare a budget for its operating expenses which shall be submitted to the House Administration Committee and the Administration Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenditures shall be obtained from the House Administration Committee and the Administration Committee of the Senate; and, be it further

Resolved, That the interim study committee shall make its complete report, including findings and recommendations together with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the report shall be filed in the

Legislative Reference Library, and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Criminal Jurisprudence.

#### HSR 616—REFERRED TO COMMITTEE

(Requesting the General Investigating Committee to make certain investigation)

Mr. Johnson offered the following resolution:

#### HSR 616

Whereas, Article V, Section 4, HB 2, Acts of the 61st Legislature, 2nd Called Session, 1969, provides that no funds appropriated by that Act may be used to influence the passage or defeat of any legislation and that any official so using such funds may not receive any of the moneys appropriated by that Act; and

Whereas, It has come to the attention of the Members of the House of Representatives that certain activities undertaken by the Chairman of the State Board of Hairdressers and Cosmetologists to secure the defeat of legislation before the House may have been in violation of the laws of this state; and

Whereas, The House of Representatives feels that clear lines should be established and maintained regarding the types of activities which may or may not constitute violations of the laws of this state; now, therefore, be it

Resolved, That the General Investigating Committee of the House of Representatives be requested to investigate the activities of the Chairman of the State Board of Hairdressers and Cosmetologists with regard to attempts to defeat legislation pending before the House of Representatives; and, be it further

Resolved, That the General Investigating Committee of the House of Representatives be requested to investigate the activities of the Chairman of the State Board of Hairdressers and Cosmetologists with regard to attempts to defeat legislation pending before the House of Representatives; and, be it further

Resolved, That the General Investigating Committee report to the House of Representatives a complete record of its findings and recommendations as soon as possible.

The resolution was referred to the Committee on Rules.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

SB 246, Relating to the rule-making authority of the State Board of Dental Examiners.

SB 265, Amending the employers' liability and workmen's compensation laws of this state.

SB 307, Relating to the seizure of obscene materials and injunctive and other judicial proceedings concerning obscene materials and materials harmful to minors.

SB 357, Relating to the salaries of purchasing agents in certain counties.

SB 362, Providing for the regulation by the State Department of Health of certain commercial transactions involving hazardous substances.

SB 520, Conveying to the City of Rusk certain tracts of land to be used for park or recreational purposes.

SB 580, Relating to the extraterritorial jurisdiction and annexation powers of cities.

SB 748, Relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the producer of the original recording.

SB 755, Relating to the official shorthand reporters of the District Courts of Travis County.

SB 906, Relating to reorganizing the 43rd Judicial District and creating the 235th Judicial District.

SB 1008, Amending various laws pertaining to the affairs of counties, cities, and school districts in order to recognize the effect of the recent federal census.

SCR 9, Authorizing Interagency Natural Resources Council in its Coastal Resources Management Program to conduct certain investigations.

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Representatives Semos, Christian, Rosson, Poff, Farenthold, Reed, and Jim Nugent entered the House and were announced present.

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**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**  
(Continued)

HB 576, Creating the Holiday Hills Public Utility District.

HB 752, Relating to making certain changes in the motor fuel tax.

HB 1460, Creating a hospital district over all the area comprising the Nocona and Prairie Valley Independent School Districts of Montague County.

HB 1640, Creating El Dorado Utility District of Harris County.

HB 1638, Creating Seabourne Creek Public Utility District.

HB 1842, Creating Spencer Road Public Utility District.

HB 1856, Creating Indian Springs Utility District in Brazoria County.

HCR 69, Granting K. B. Ivey Investment Company, Inc., et al, permission to sue the state.

HCR 171, Granting Southwest Region Council of YMCAs permission to use the House Chamber.

HCR 179, Congratulating Joseph (Joe) Zeppa of Tyler.

HCR 181, Commending each of the physicians participating in the Family Physician of the Day Program and Miss Vera Taylor, R.N.

HB 261, Providing for the establishment of presumptive limits of alcohol in a person's blood, breath, and urine in certain criminal proceedings.

HB 440, Relating to the transfer and sale of surplus and salvage equipment and material by the Board of Control.

HB 466, Relating to the establishment of the Texas Commission on Services to Children and Youth.

HB 578, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of special fund designated.

HB 638, Amending the inheritance tax law changing the time for the presumption that a gift is made in contemplation of death.

HB 799, Relating to the treatment of persons with various respiratory diseases at East Texas Chest Hospital.

HB 837, Relating to the salary and expenses of the Criminal District Attorney of Brazoria County and his first assistant and other employees.

HB 843, Relating to runoff elections for trustees of an independent school district.

HB 878, Providing for the compensation of the official shorthand reporter of the 149th Judicial District of Texas.

HB 892, Relating to the salary of the juvenile officer of Van Zandt County.

HB 1040, Creating Spring Creek Forest Public Utility District.

HB 1046, Authorizing drainage districts to contract for work to be performed, etc.

HB 1081, Relating to an increased maintenance tax in certain school districts.

HB 1157, Relating to providing an open season for deer and no open season for turkey in Leon County.

HB 1195, Relating to the salaries of the official shorthand reporters for the 42nd and 104th Judicial Districts.

HB 1321, Creating Bayfield Public Utility District.

HB 1379, Creating McAllen Foreign-Trade Zone Utility District of Hidalgo County.

HB 1413, Providing that the county clerk or district clerk may destroy certain records, ballots, stubs, etc., by shredding.

HB 1528, Authorizing the Board of Regents of the University of Texas System to contract with any political subdivisions of the State of Texas located in Ector County for certain construction on land owned by The University of Texas of the Permian Basin.

HB 1615, Relating to an additional tax for common school districts in certain counties.

HB 1656, Granting to the City of Corpus Christi and the United States Corps of Engineers, all easements, etc., for the purpose of restoration of Corpus Christi Beach.

HB 1677, Providing for the creation of Hansford County Hospital District in Hansford County.

HB 1689, Creating Cypress-Klein Utility District of Harris County.

HB 1715, Relating to the salary of certain officials in certain counties.

HB 1807, Relating to hunting spike deer and the use of a dog to hunt deer in Houston County.

HB 1811, Making the General Ignacio Zaragoza Historical Site a part of Goliad State Park.

HB 1812, Authorizing the County of Goliad to convey a title to the surface of certain lands to the Parks and Wildlife Department as the site of the Mission of San Rosario.

HB 1830, Relating to and regulating relationships, direct and indirect, of officers, directors, etc., of insurance companies.

HB 1836, Creating North Park Public Utility District.

HB 1839, Permitting a local election in Trinity County to determine whether livestock may run at large.

HB 1855, Relating to the Groveton Hospital District of Trinity County.

HB 882, Providing for requirements for application for licensure by the Texas State Board of Medical Examiners.

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 617, by Carl Parker and Zan Holmes: Commending the faculty of the University of Texas School of Law and the administrative officers of the University of Texas at Austin.

SCR 124, Congratulating the Veterans Administration Prosthetic Research Center.

SCR 128, Congratulating Joe Ruiz Grandee, the first Texas State Artist so designated by the Texas Legislature.

Representatives Cobb, Slider, Lewis, Bill Bass, Kilpatrick, Finney, Patterson, Pickens, Ogg, Rodriguez, Cates, Joe Allen, Santiesteban, Atwell, Lee, Denton, Von Dohlen, and Caldwell entered the House and were announced present.

(Mr. Jim Nugent in the Chair)

SCR 130—ADOPTED

(Authorizing certain corrections in SB 396)

The Chair laid before the House the following resolution:

SCR 130

Whereas, SB 396 has passed the Senate and House and is now in the Senate Enrolling Room; and

Whereas, A correction needs to be made in the bill before it goes to the Governor; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and is hereby directed to correct SB 396 as follows:

(1) strike the phrase "for services on the Juvenile Board of McLennan County;" in the caption of the bill, and substitute the phrase "by the county;"

(2) strike the phrase "Sections 2 and 3," in the caption of the bill, and substitute the phrase "Sections 2, 3, and 12,";

(3) strike the phrase "Sections 2 and 3," in Section 1 of the bill and substitute the phrase "Sections 2, 3, and 12,"; and

(4) immediately following the quoted Sections 2 and 3 in Section 1 of the bill, add the following:

"Section 12. The Judge of the County Court at Law of McLennan County shall assess the same fees as are or may be established by law relating to county judges, all of which shall be collected by the clerk of said court and be by him paid monthly into the county treasury; and the judge of said county court at law shall receive an annual salary of not more than Twenty Thousand (\$20,000) Dollars, payable monthly, to be paid out of the county treasury by the commissioners court."

The resolution was adopted by the following vote:

## Yeas—139

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

## Absent

|            |           |           |         |
|------------|-----------|-----------|---------|
| Allen, Joe | Jones, E. | Mengden   | Rosson  |
| Holmes, Z. | McAlister | Moore, G. | Stewart |

## Absent-Excused

|         |        |
|---------|--------|
| Sherman | Stroud |
|---------|--------|

Representatives Edmund Jones and Stewart entered the House and were announced present.

## SB 400—REQUEST OF SENATE GRANTED

On motion of Mr. Salter, the House granted the request of the Senate for the appointment of a Conference Committee on SB 400.

SB 400—APPOINTMENT OF CONFERENCE  
COMMITTEE

The Chair announced the appointment of the following Conference Committee, on the part of the House, on SB 400:

Representatives Salter, Tom Holmes, Pickens, Ligarde, and Solomon.

HB 1890 ON SECOND READING

Mr. Clayton moved to suspend all necessary rules and that the constitutional rule requiring bills to be read on three several days be suspended and that HB 1890 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—133

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

Nays—8

|          |        |            |       |
|----------|--------|------------|-------|
| Bass, T. | Floyd  | Nugent, J. | Smith |
| Doran    | Moreno | Reed       | Wolff |

## Absent

|            |           |           |       |
|------------|-----------|-----------|-------|
| Cruz       | Jones, E. | Moore, G. | Short |
| Holmes, Z. | Jones, G. |           |       |

## Absent-Excused

|         |        |
|---------|--------|
| Sherman | Stroud |
|---------|--------|

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

HB 1890, Amending the Water Code.

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

## VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1890.

## HB 1890 ON THIRD READING

The Chair laid before the House on its third reading and final passage, HB 1890.

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

## Yeas—130

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

|         |          |            |            |
|---------|----------|------------|------------|
| Silber  | Spurlock | Uher       | Williams   |
| Simmons | Stewart  | Vale       | Williamson |
| Slack   | Swanson  | Von Dohlen | Wolff      |
| Slider  | Tarbox   | Ward       | Wyatt      |
| Smith   | Traeger  | Wayne      |            |
| Solomon | Tupper   | Wisting    |            |

Nays—12

|            |            |         |         |
|------------|------------|---------|---------|
| Allen, Joe | Farenthold | Lee     | Nichols |
| Bass, T.   | Gammage    | Mengden | Reed    |
| Braun      | Kubiak     | Moreno  | Truan   |

Absent

|                   |            |           |              |
|-------------------|------------|-----------|--------------|
| Clayton<br>Daniel | Holmes, Z. | Moore, G. | Santiesteban |
|-------------------|------------|-----------|--------------|

Absent-Excused

|         |        |
|---------|--------|
| Sherman | Stroud |
|---------|--------|

Mr. Clayton moved to reconsider the vote by which HB 1890 was passed and to table the motion to reconsider.

The motion to table prevailed.

HSR 618—ADOPTED

(Congratulating Representative and Mrs. Billy Williamson)

Mr. John Allen and Mr. Golman offered the following resolution:

HSR 618

Whereas, The Honorable Billy Houston Williamson and his lovely wife, Lou Ann, are celebrating their 20th wedding anniversary today; and

Whereas, This fine couple met while they were students at Baylor University, and were married a year later on May 29, 1951, at Malvern, Arkansas; and

Whereas, They both worked their way through three years of college after their marriage, and Representative Williamson is now a very successful attorney in Tyler, in addition to serving as an effective Member of the House of Representatives and having served his state on such Committees as Constitutional Amendments, Penitentiaries, Parks and Wildlife, Criminal Jurisprudence, Counties, Motor Transportation, Public Education, Judiciary, Oil, Gas and Mining, Mental Health and Mental Retardation, Insurance, Urban Affairs, Governmental Affairs; and

Whereas, His lovely intelligent wife, Lou Ann, has been a constant source of support and encouragement in all of his many endeavors and has played a large part in his rise to prominence in his profession and as a Representative of the citizens of the State of Texas; and

Whereas, This engaging couple has been blessed with five fine children, Sheri Lynn, Carolyn, Beth, Billy, Jr., and Bryan David, who join the House in congratulating their parents; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas extend its congratulations to the distinguished Representative Billy Williamson and his wife, Lou Ann, on their 20th wedding anniversary and express its wish that they have many years of continuing happiness; and, be it further

Resolved, That the Chief Clerk of the House be directed to forward a copy of this resolution to Representative and Mrs. Williamson with the regards of the House of Representatives.

The resolution was read and was unanimously adopted.

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

#### ADDRESS BY THE HONORABLE NEIL CALDWELL

Mr. Caldwell was recognized by the Chair and addressed the House on a matter of personal privilege.

#### ADDRESS BY THE HONORABLE ED HOWARD

Mr. Howard was recognized by the Chair and addressed the House on a matter of personal privilege.

On motion of Mr. Floyd and Mr. Price, the remarks of Mr. Howard addressed to the House on a matter of personal privilege were ordered printed in the Journal.

(The remarks of Mr. Howard were not available.)

#### SJR 1 ON SECOND READING

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

SJR 1, Proposing amendments to Article IV, Sections 4, 22, and 23, Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and certain statutory state officers.

The resolution was on the Calendar on Thursday, May 27 and postponed until 11:00 a.m. today.

The resolution was read second time.

#### LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Griffith Moore on motion of Mr. Braecklein.

## SJR 1—(Consideration continued)

Mr. Spurlock offered the following amendment to the resolution:

Amend SJR 1, Second Printing, by:

1. Adding a new Sec. 4 on Line 9, Page 2 to read as follows:

Sec. 4. That Section 4, Article III, Constitution of the State of Texas be amended to read as follows:

"Section 4. The Members of the House of Representatives shall be chosen by the qualified electors for the term of four years; but a new House of Representatives shall be chosen after every apportionment, and the Members elected after each apportionment shall be divided by lot into two classes. The seats of the Members of Class A shall be vacated at the expiration of the first two years, and those of Class B at the expiration of four years, so that one-half of the Members of the House of Representatives shall be chosen biennially thereafter. Representatives shall take office following their election, on the day set by law for the convening of the regular session of the Legislature, and shall serve thereafter for the full term of years to which elected and until their successors shall have been elected and qualified. Except in case of an election to fill a vacancy, and except in the first election following each reapportionment, a person who has been elected to the House of Representatives shall not be eligible to be a candidate again for Membership in the Legislature until the term for which he was elected has less than one year remaining."

2. Renumbering the current Sec. 4 of the bill to be "Sec. 5."

3. In the current Sec. 4 on Page 2 at Line 16, strike the word "and," and add following the word "officers" a "comma," then add the following: "and State Representatives."

4. In the caption, at Line 26 on Page 1, following the "comma" after the word "State," delete the remainder of the sentence and add the following: "certain statutory state officers, and State Representatives."

Mr. Wayne raised a point of order against further consideration of the amendment on the grounds that it violates Rule 20, Section 7, of the House Rules in that it is not germane to the resolution.

The Chair sustained the point of order.

Mr. Bigham offered the following amendment to the resolution:

Amend SJR 1, Section 4, by placing a comma after the word "installed" and adding: "but he shall not succeed himself." on line 33, Page 1 of the Second Printing.

Mr. Williamson moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

## Yeas—98

|             |            |            |              |
|-------------|------------|------------|--------------|
| Allen, John | Finnell    | Kost       | Sanchez      |
| Angly       | Finney     | Lemmon     | Santiesteban |
| Atwell      | Floyd      | Lewis      | Schulle      |
| Baker       | Foreman    | Lombardino | Semos        |
| Beckham     | Garcia     | Longoria   | Shannon      |
| Blanton     | Golman     | Lovell     | Short        |
| Boyle       | Graves     | McAlister  | Silber       |
| Braecklein  | Hanna, Joe | McKissack  | Simmons      |
| Burgess     | Harding    | Moncrief   | Slack        |
| Bynum       | Hawkins    | Moore, A.  | Slider       |
| Calhoun     | Hawn       | Murray     | Solomon      |
| Carrillo    | Haynes     | Nabers     | Stewart      |
| Cates       | Heatly     | Newton     | Swanson      |
| Cavness     | Hendricks  | Niland     | Tarbox       |
| Christian   | Hilliard   | Nugent, J. | Traeger      |
| Clayton     | Howard     | Ogg        | Uher         |
| Coats       | Hubenak    | Orr        | Von Dohlen   |
| Cobb        | Hull       | Parker, C. | Wayne        |
| Cole        | Ingram     | Pickens    | Wieting      |
| Daniel      | Johnson    | Poerner    | Williams     |
| Davis, D.   | Jones, E.  | Poff       | Williamson   |
| Davis, H.   | Jones, G.  | Presnal    | Wolff        |
| Doran       | Jungmichel | Price      | Wyatt        |
| Dramberger  | Kaster     | Rosson     |              |
| Finck       | Kilpatrick | Salter     |              |

## Nays—48

|            |              |            |           |
|------------|--------------|------------|-----------|
| Agnich     | Clark        | Harris     | Patterson |
| Allen, Joe | Craddick     | Head       | Reed      |
| Allred     | Cruz         | Holmes, T. | Rodriguez |
| Atwood     | Denton       | Kubiak     | Salem     |
| Bass, B.   | Doyle        | Lee        | Smith     |
| Bass, T.   | Earthman     | Mengden    | Spurlock  |
| Bigham     | Farenthold   | Moore, T.  | Truan     |
| Blythe     | Gammage      | Moreno     | Tupper    |
| Bowers     | Grant        | Nelms      | Vale      |
| Braun      | Hale         | Nichols    | Ward      |
| Caldwell   | Hannah, John | Parker, W. |           |

## Absent

|            |           |         |             |
|------------|-----------|---------|-------------|
| Adams      | Jones, D. | Ligarde | Neugent, D. |
| Holmes, Z. |           |         |             |

## Absent-Excused

|           |         |        |  |
|-----------|---------|--------|--|
| Moore, G. | Sherman | Stroud |  |
|-----------|---------|--------|--|

## BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled bills and a resolution:

SB 237, Relating to the additional compensation for members of the juvenile boards in Comal, Hays, Caldwell, Fayette and Austin Counties.

SB 572, Relating to the age requirements for retirement of judges.

SCR 127, Directing the Enrolling Clerk to make changes in HB 156.

#### LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of illness:

Mr. Dean Neugent on motion of Mr. Craddick.

#### SJR 1—(Consideration continued)

Mr. Mengden offered the following amendment to the resolution:

Amend SJR 1 by adding a comma at the end of the sentence line 33, page 1:

And shall not be able to serve more than two full consecutive 4 year terms.

Mr. Traeger moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

#### Yeas—99

|             |            |            |              |
|-------------|------------|------------|--------------|
| Adams       | Finney     | Lemmon     | Sanchez      |
| Allen, John | Floyd      | Lewis      | Santiesteban |
| Angly       | Foreman    | Ligarde    | Schulle      |
| Atwell      | Garcia     | Lombardino | Semos        |
| Baker       | Golman     | Longoria   | Shannon      |
| Beckham     | Grant      | Lovell     | Short        |
| Bigham      | Hanna, Joe | McKissack  | Silber       |
| Blanton     | Harding    | Moncrief   | Simmons      |
| Boyle       | Hawkins    | Moore, A.  | Slack        |
| Braecklein  | Hawn       | Murray     | Slider       |
| Burgess     | Haynes     | Nabers     | Solomon      |
| Bynum       | Heatly     | Nelms      | Stewart      |
| Calhoun     | Hendricks  | Newton     | Swanson      |
| Carrillo    | Hilliard   | Niland     | Tarbox       |
| Cates       | Howard     | Nugent, J. | Traeger      |
| Clark       | Hubenak    | Ogg        | Tupper       |
| Clayton     | Hull       | Orr        | Uher         |
| Cobb        | Ingram     | Parker, W. | Von Dohlen   |
| Cole        | Johnson    | Pickens    | Wayne        |
| Daniel      | Jones, D.  | Poerner    | Wieting      |
| Davis, D.   | Jones, G.  | Poff       | Williams     |
| Davis, H.   | Jungmichel | Price      | Williamson   |
| Doran       | Kaster     | Rosson     | Wolff        |
| Dramberger  | Kilpatrick | Salem      | Wyatt        |
| Finck       | Kost       | Salter     |              |

## Nays—44

|            |            |            |            |
|------------|------------|------------|------------|
| Agnich     | Christian  | Hale       | Nichols    |
| Allen, Joe | Coats      | Harris     | Parker, C. |
| Allred     | Craddick   | Head       | Patterson  |
| Atwood     | Cruz       | Holmes, T. | Presnal    |
| Bass, B.   | Denton     | Jones, E.  | Reed       |
| Bass, T.   | Doyle      | Kubiak     | Rodriguez  |
| Blythe     | Earthman   | Lee        | Smith      |
| Bowers     | Farenthold | McAlister  | Spurlock   |
| Braun      | Finnell    | Mengden    | Truan      |
| Caldwell   | Gammage    | Moore, T.  | Vale       |
| Cavness    | Graves     | Moreno     | Ward       |

## Absent

|              |            |
|--------------|------------|
| Hannah, John | Holmes, Z. |
|--------------|------------|

## Absent-Excused

|           |             |         |        |
|-----------|-------------|---------|--------|
| Moore, G. | Neugent, D. | Sherman | Stroud |
|-----------|-------------|---------|--------|

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

## Yeas—78

|             |              |            |            |
|-------------|--------------|------------|------------|
| Adams       | Doran        | Lemmon     | Sanchez    |
| Allen, Joe  | Finck        | Ligarde    | Schulle    |
| Allen, John | Finnell      | Longoria   | Semos      |
| Atwell      | Finney       | Lovell     | Shannon    |
| Baker       | Floyd        | McAlister  | Simmons    |
| Bass, B.    | Foreman      | McKissack  | Slack      |
| Bigham      | Golman       | Moncrief   | Slider     |
| Blanton     | Grant        | Moore, A.  | Solomon    |
| Boyle       | Graves       | Nabers     | Traeger    |
| Braecklein  | Hannah, John | Newton     | Truan      |
| Burgess     | Hawkins      | Niland     | Uher       |
| Bynum       | Hawn         | Nugent, J. | Von Dohlen |
| Carrillo    | Hendricks    | Orr        | Wayne      |
| Cavness     | Howard       | Parker, C. | Wieting    |
| Clayton     | Hubenak      | Parker, W. | Williams   |
| Coats       | Jones, G.    | Pickens    | Williamson |
| Cobb        | Jungmichel   | Poff       | Wolff      |
| Cole        | Kaster       | Price      | Wyatt      |
| Davis, H.   | Kilpatrick   | Rosson     |            |
| Denton      | Kost         | Salter     |            |

## Nays—61

|          |           |            |            |
|----------|-----------|------------|------------|
| Agnich   | Braun     | Davis, D.  | Harding    |
| Allred   | Caldwell  | Doyle      | Harris     |
| Angly    | Cates     | Dramberger | Haynes     |
| Atwood   | Christian | Earthman   | Head       |
| Bass, T. | Clark     | Farenthold | Heatly     |
| Beckham  | Craddick  | Gammage    | Hilliard   |
| Blythe   | Cruz      | Garcia     | Holmes, T. |
| Bowers   | Daniel    | Hale       | Hull       |

|            |           |              |         |
|------------|-----------|--------------|---------|
| Ingram     | Moore, T. | Reed         | Swanson |
| Johnson    | Moreno    | Rodriguez    | Tarbox  |
| Jones, E.  | Murray    | Salem        | Tupper  |
| Kubiak     | Nelms     | Santiesteban | Vale    |
| Lee        | Nichols   | Short        | Ward    |
| Lewis      | Patterson | Smith        |         |
| Lombardino | Poerner   | Spurlock     |         |
| Mengden    | Presnal   | Stewart      |         |

**Absent**

|            |            |     |        |
|------------|------------|-----|--------|
| Calhoun    | Holmes, Z. | Ogg | Silber |
| Hanna, Joe | Jones, D.  |     |        |

**Absent-Excused**

|           |             |         |        |
|-----------|-------------|---------|--------|
| Moore, G. | Neugent, D. | Sherman | Stroud |
|-----------|-------------|---------|--------|

**RESOLUTION SIGNED BY THE SPEAKER**

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled resolution:

SCR 130, Authorizing certain corrections in SB 396.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 29, 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 1273, by Sanchez: Relating to revocation of certificates of authority to transact business held by alien insurance companies.

HB 1441, by Head: Relating to the distribution of equalization tax funds to school districts.

HB 1680, by Ingram: Relating to the salary of the Criminal District Attorney of Upshur County.

HB 1716, by Heatly: Amending the Motor Vehicle Certificate of Title Act; adding that certain transporters of motor vehicles are required to certify titles to such vehicles.

HB 50, by Swanson: Providing for issuance of capias for arrest of a defendant following forfeiture of bail.

HB 281, by Finney: Relating to death or disablement pensions benefits of firemen from heart or lung disease.

HB 1393, by Ogg: Relating to the Juvenile Board of Harris County.

HB 1438, by Williams: Relating to policemen's pension funds in certain cities.

HB 1690, by Ogg: Creating Bear Creek Utility District of Harris County.

HB 1691, by Ogg: Creating the Tall Timbers Utility District of Harris County.

HB 1692, by Ogg: Creating the Northbrook Municipal Utility District of Harris County.

HB 1694, by Ogg: Creating the Longhorn Town Utility District of Harris County.

HB 1695, by Ogg: Relating to the Harris County Water Control and Improvement District No. 129.

HB 1696, by Ogg: Creating the Addicks Utility District of Harris County.

HB 1697, by Ogg: Creating the Rolling Creek Utility District of Harris County.

HB 1701, by Ogg: Granting Harris County Fresh Water Supply District No. 61 the authority to make certain improvements.

HB 1710, by Ogg: Creating the Enchanted Valley Public Utility District.

HB 1711, by Ogg: Creating the Northwest Municipal Utility District of Harris County.

HB 1735, by Ogg: Creating the Huffsmith Road Public Utility District.

HB 1736, by Ogg: Creating the Kuykendahl Road Public Utility District No. 2.

HB 1737, by Ogg: Creating the Kuykendahl Road Public Utility District No. 1.

HB 1768, by Ogg: Creating the Louetta North Public Utility District.

HB 1769, by Ogg: Creating Cy-Champ Public Utility District.

HB 1793, by Lemmon: Relating to contracts for the acquisition of water supply systems.

HB 1809, by Ogg: Creating Rolling Fork Public Utility District.

HB 1844, by Ogg: Creating the Encanto Real Utility District.

HB 728, by Finck: Relating to disclaiming property received by inheritance.

HB 969, by Finck: Relating to a hospital or clinic's lien for services on a cause of action of an injured person.

HB 1293, by Boyle: Creating a State Commission for the Deaf.

HB 471, by Daniel: Creating the Liberty Public Utility District.

HB 587, by Daniel: Creating the May Public Utility District.

HB 1165, by Daniel: Relating to the compensation of the assistant district attorney for the 9th Judicial District.

HB 1166, by Daniel: Relating to the compensation of the official shorthand reporter for the 75th Judicial District.

HB 1659, by Daniel: Providing a means by which building lines can be established on highways and roads in Montgomery County.

HB 1687, by Daniel: Relating to the creation of the office of county engineer in certain counties.

HB 1727, by Daniel: Creating the Roman Forest Public Utility District No. 4.

HB 1729, by Daniel: Creating the Roman Forest Public Utility District No. 6.

HB 1773, by Daniel: Relating to compensation of the district attorney of the 75th Judicial District.

HB 1751, by Williams: Creating the Woodforest North Utility District of Harris County.

HB 1764, by Williams: Creating the Jetero Public Utility District.

HB 1857, by Gammage: Relating to the assignment of certain retired district judges to sit in certain courts.

HB 1034, by Spurlock: Permitting the proof of guilt necessary for conviction on a plea of guilty to be by oral summary of the evidence if the defendant consents.

HB 1099, by Boyle: Relating to leasehold interests in land, buildings or improvements owned in whole or in part by the state.

HB 1181, by Hull: Relating to certificates of title to certain motor vehicles obtained for salvage. (with amendments)

HB 415, by Orr: Relating to the penalty for driving while license is suspended. (with amendments)

HB 1748, by Coats: Relating to obliteration or removal of manufacturing identification numbers from certain items of personal property.

HB 727, by Hubenak: Relating to control of pollution and the disposing of solid waste. (with amendments)

HB 920, by Harris: Relating to driving to the left side of a roadway when there is a line of standing vehicles awaiting access to a public ferry.

HB 298, by Cobb: Providing for the appointment by the District Judge of the 84th Judicial District of Texas of an official shorthand reporter.

HB 1722, by Craddick: Relating to the compensation of the District Attorney of the 142nd Judicial District.

HB 796, by Lemmon: Relating to the standard provisions required in policies of group life insurance.

HB 922, by Ogg: Creating the Dove Meadows Municipal Utility District.

HB 1145, by Williams: Creating the Harris County Utility District No. 8.

HB 1611, by Ogg: Creating the Northwest Harris County Public Utility District No. 1.

HB 1612, by Ogg: Creating the Northwest Harris County Public Utility District No. 2.

HB 1613, by Ogg: Creating the Northwest Harris County Public Utility District No. 3.

HB 1642, by Williams: Relating to Harris County Water Control and Improvement District No. 140.

HB 1693, by Ogg: Creating the Malcomson Road Utility District of Harris County.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HJR 95 ON SECOND READING

Mr. Traeger moved that all necessary rules be suspended to take up and consider at this time, HJR 95.

The motion prevailed.

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

HJR 95, Providing for certain salary for the Lieutenant Governor and the Speaker of the House of Representatives.

The resolution was read second time and was passed to engrossment by the following vote:

Yeas—81

|             |           |              |         |
|-------------|-----------|--------------|---------|
| Adams       | Caldwell  | Davis, H.    | Harding |
| Allen, Joe  | Calhoun   | Doran        | Hawkins |
| Allen, John | Carrillo  | Doyle        | Hawn    |
| Atwell      | Cavness   | Finnell      | Haynes  |
| Baker       | Coats     | Foreman      | Heatly  |
| Beckham     | Cobb      | Gammage      | Howard  |
| Blanton     | Cole      | Golman       | Hubenak |
| Boyle       | Daniel    | Graves       | Ingram  |
| Burgess     | Davis, D. | Hannah, John | Johnson |

|            |            |              |            |
|------------|------------|--------------|------------|
| Jones, E.  | Moreno     | Reed         | Uher       |
| Jones, G.  | Murray     | Salter       | Vale       |
| Jungmichel | Nabers     | Sanchez      | Von Dohlen |
| Kaster     | Nelms      | Santiesteban | Ward       |
| Kilpatrick | Niland     | Schulle      | Wayne      |
| Kost       | Nugent, J. | Shannon      | Wieting    |
| Ligarde    | Ogg        | Silber       | Williams   |
| Longoria   | Parker, C. | Slack        | Williamson |
| Lovell     | Parker, W. | Smith        | Wyatt      |
| McAlister  | Pickens    | Solomon      |            |
| Moore, A.  | Poerner    | Swanson      |            |
| Moore, T.  | Poff       | Tupper       |            |

## Nays—20

|            |            |            |          |
|------------|------------|------------|----------|
| Agnich     | Denton     | Holmes, T. | Moncrief |
| Allred     | Farenthold | Hull       | Orr      |
| Bass, B.   | Finney     | Kubiak     | Semos    |
| Braecklein | Garcia     | Lewis      | Spurlock |
| Craddick   | Head       | Mengden    | Tarbox   |

## Present—Not Voting

|           |            |            |         |
|-----------|------------|------------|---------|
| Angly     | Clayton    | Hilliard   | Rosson  |
| Atwood    | Cruz       | Lee        | Salem   |
| Bass, T.  | Dramberger | Lemmon     | Short   |
| Bigham    | Earthman   | Lombardino | Simmons |
| Blythe    | Finck      | McKissack  | Slider  |
| Bowers    | Floyd      | Newton     | Stewart |
| Braun     | Grant      | Nichols    | Traeger |
| Bynum     | Hale       | Patterson  | Truan   |
| Cates     | Hanna, Joe | Presnal    | Wolff   |
| Christian | Harris     | Price      |         |
| Clark     | Hendricks  | Rodriguez  |         |

## Absent

|            |           |
|------------|-----------|
| Holmes, Z. | Jones, D. |
|------------|-----------|

## Absent-Excused

|           |             |         |        |
|-----------|-------------|---------|--------|
| Moore, G. | Neugent, D. | Sherman | Stroud |
|-----------|-------------|---------|--------|

## HSR 619—REFERRED TO COMMITTEE

(Creating a Committee to Study Meat Inspection)

Mr. Lewis offered the following resolution:

## HSR 619

Whereas, Inspection of meat is essential to the protection of the public;  
and

Whereas, Meat inspection procedures in the State of Texas should be studied to determine whether they meet federal standards and, if neces-

sary, to suggest means for meeting these standards; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas create a special interim committee to study meat inspection procedures in Texas; and, be it further

Resolved, That the committee consist of the following five members to be appointed by the Speaker of the House: three Members of the House of Representatives and two public members who are engaged in the meat packing or processing industry; and, be it further

Resolved, That the Commissioner of the State Department of Health and the Executive Director of the Texas Animal Health Commission shall serve as ex officio members of the committee; and, be it further

Resolved, That all state agencies and departments concerned or involved with meat inspection be requested to cooperate with the committee in this study; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; and, be it further

Resolved, That the actual and necessary expenses of the committee, including legislative and public members, and other necessary expenses of the committee shall be paid from the Expense Fund of the House of Representatives; that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations, with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

#### HSR 582—ADOPTED

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

HSR 582, Directing the Parks and Wildlife Commission to conduct a study of the feasibility of establishing and maintaining a State Park in Maverick County.

The resolution was adopted without objection.

#### ADJOURNMENT

Mr. Poerner moved that the House adjourn until 3:30 p.m. today.

The motion prevailed without objection.

The House accordingly, at 12:56 p.m., adjourned until 3:30 p.m. today.

EIGHTY-FIFTH DAY—SATURDAY, MAY 29, 1971

The House met at 3:30 p.m. and was called to order by the Speaker Pro Tempore.

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

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

A quorum of the House was announced present.