

At 4:14 p.m., the Speaker called the House to order.

#### RESOLUTION SIGNED BY THE SPEAKER

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

SJR 15, Proposing an Amendment to the Constitution to establish a commission to set rules of ethics for state officers and Legislators.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 4:15 p.m., adjourned until 11:00 a.m. next Monday.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

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

Constitutional Amendments: SJR 15.

Engrossed and Enrolled Bills: Correctly enrolled—HCR 23, HCR 24, HJR 21.

Resolutions and Interim Activities: HCR 29, HSR 85.

#### SENT TO THE GOVERNOR February 5, 1971

HCR 23

HCR 24

HJR 21

#### SEVENTEENTH DAY—MONDAY, FEBRUARY 8, 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	Atwell	Blanton	Burgess
Adams	Atwood	Blythe	Bynum
Agnich	Baker	Bowers	Caldwell
Allen, Joe	Bass, T.	Boyle	Calhoun
Allen, John	Beckham	Braecklein	Carrillo
Angly	Bigham	Braun	Cates

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

Absent

Allred

Absent-Excused

Bass, B.	Earthman	Howard	Moore, G.
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

#### LEAVES OF ABSENCE GRANTED

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

Mr. Bill Bass on motion of Mr. John Hannah.

Mr. Earthman on motion of Mr. Bowers.

Mr. Griffith Moore on motion of Mr. Boyle.

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

Mr. Howard on motion of Mr. Solomon.

#### RESOLUTIONS SIGNED BY THE SPEAKER

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

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

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

HCR 26, In memory of William J. Marsh.

HCR 27, Congratulating Bill Pierson.

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Representative Allred entered the House and was announced present.

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#### MEMORIAL RESOLUTION ADOPTED

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

HSR 87, by Cates: In memory of J. Arval Montgomery.

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

#### HB 213 ON PASSAGE

The Speaker laid before the House, as a Special Order, on its passage,

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

The vote by which HB 213 was passed was reconsidered on February 4, and HB 213 was then set as a Special Order for 11:00 a.m. today.

Mr. Heatly offered the following amendment to HB 213:

Amend HB 213, as amended, by striking out all below the enacting clause and inserting in lieu thereof the following:

#### ARTICLE I

Section 1. There is hereby appropriated out of the Temporary Welfare Administration Fund to the State Department of Public Welfare for the fiscal year ending August 31, 1971, for personal services, classified personnel, travel and other expenses incident to operation of the State Department of Public Welfare the sum of Six Hundred Twenty-five Thousand, Seven Hundred Eight Dollars (\$625,708.00). The State Department of Public Welfare is authorized to expend such funds in accordance with this

Article and the provisions of the Departmental Appropriation Act, not in conflict herewith (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969).

Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such funds into the State Department of Public Welfare Administration Operating Fund (including, but not limited to, grants, earnings, refunds and reimbursements).

Section 2. Notwithstanding any specific allocation of such funds and the appropriation of such funds as contained in House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969, and Article III, Section 51-a of the Constitution of the State of Texas, an additional sum in the amount of Three Million Dollars (\$3,000,000.00) is hereby allocated and transferred out of the Omnibus Tax Clearance Fund, and credited to the special fund in the Treasury known as the Children's Assistance Fund, and such additional sum is appropriated to the State Department of Public Welfare out of the Children's Assistance Fund. Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such sum from the Children's Assistance Fund to the Department of Public Welfare Assistance Operating Fund for the purpose of providing assistance and such other services as may be required by law to needy individuals who meet the eligibility requirements for Aid to Families With Dependent Children. The State Department of Public Welfare is authorized to pay grants out of said funds transferred and appropriated herein so as to provide assistance to the greatest extent possible within the scope of Federal and State Laws, within the limitations of the Texas Constitution and within the limitations of the total appropriated funds.

Sec. 3. In addition to the amounts appropriated in the Departmental Appropriation Act (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969) for the fiscal year ending August 31, 1971, there is hereby allocated and transferred out of the Omnibus Tax Clearance Fund, and credited to the special fund in the Treasury known as the Medical Assistance Fund the sum of Twenty-nine Million, Eight Hundred Sixty-seven Thousand, Nine Hundred Forty-seven Dollars (\$29,867,947), and such additional sum is appropriated to the State Department of Public Welfare out of the Medical Assistance Fund for Medical Assistance.

In addition to the amounts appropriated in the Departmental Appropriation Act (being House Bill No. 2, Acts of the Sixty-first Legislature, Second Called Session, 1969) for the fiscal year ending August 31, 1971, and in addition to the allocation and appropriation authorized in the above paragraph, there is hereby allocated and transferred out of the Omnibus Tax Clearance Fund, and credited to the special fund in the Treasury known as the Medical Assistance Fund the sum of One Million, Four Hundred Forty-five Thousand, Three Hundred Eighty-four Dollars (\$1,445,384.00), and such additional sum is appropriated to the State Department of Public Welfare out of the Medical Assistance Fund for Medical Assistance for patients in state hospitals and special schools.

For the purpose of paying the appropriations out of the Medical Assistance Fund as authorized herein, the State Comptroller, after appropriate allocations, transfers and credits to and from the various funds involved, is hereby authorized to transfer funds appropriated herein between the two

(2) Medical Items specified hereinabove for the operation of the Medical Assistance Program of the State Department of Public Welfare and for Medical Assistance for patients in state hospitals and special schools, and all other current revenues (including but not limited to grants, earnings, allotments, refunds and reimbursements) and balances on hand, such amounts as are designated and authorized by the Department of Public Welfare, and shall transfer funds between the two (2) Medical Items specified herein such amounts as are designated and authorized by the Department of Public Welfare. Funds appropriated under these Items are all Medical Assistance Funds and matchable by Federal funds under the Medical Assistance provisions of the Social Security Act. The transfer of funds between these two appropriation items for Medical Assistance is authorized so as to enable the State Department of Public Welfare to use the State appropriated funds to the best advantage to obtain Federal matching and to further assure equitable distribution of funds where necessary to maintain the program.

Upon written authorization of the State Department of Public Welfare, the State Comptroller is hereby directed to transfer such sums from the Medical Assistance Fund to the Department of Public Welfare Assistance Operating Fund for the purpose of providing Medical Assistance as may be required by law for needy individuals who meet the eligibility requirements for Medical Assistance and for the purpose of providing Medical Assistance for patients in State hospitals and special schools. The State Department of Public Welfare is authorized to pay Medical Assistance out of said funds transferred and appropriated herein, so as to provide Medical Assistance to the greatest extent possible within the scope of Federal and State laws, within the limitations of the Texas Constitution and within the limitations of the total appropriated funds.

Sec. 4. The funds herein appropriated in this Article are in addition to any and all funds appropriated to the State Department of Public Welfare for this period of time for these purposes.

Sec. 5. The supplemental appropriations for the fiscal year ending August 31, 1971 made herein and the authority granted herein for the transfer of funds shall be effective immediately upon passage of this Act.

## ARTICLE II

Section 1. The limitations contained in the appropriations to the Texas Department of Public Safety in House Bill 2, 61st Legislature, 2nd Called Session, 1969, of the amount of money in the Motor Vehicle Inspection Fund available for financing and funding the appropriations to the Texas Department of Public Safety is hereby repealed. From and after the effective date of this Act, all revenues, receipts and balances on hand in the Motor Vehicle Inspection Fund may be expended for the purposes and within the total amounts specified for each item contained in the appropriations to the Texas Department of Public Safety in House Bill 2, 61st Legislature, 2nd Called Session, 1969, Items 1 through 14, inclusive. Provisions of this Section shall expire on August 31, 1971.

Sec. 2. Upon the effective date of this Act, the funds appropriated from the State Highway Fund for financing the Texas Department of Public Safety as contained in House Bill 2, 61st Legislature, 2nd Called Session, 1969, for the fiscal year ending August 31, 1971 is hereby reduced to Twenty Million Fifty-three Thousand Two Hundred Fifty-four Dollars (\$20,053,254). Provisions of this section shall expire on August 31, 1971.

## ARTICLE III

Notwithstanding any specific allocation of such funds and the appropriation of such funds for the fiscal year ending August 31, 1971, as contained in House Bill No. 2, 61st Legislature, 2nd Called Session, 1969, upon written authorization of the Coordinating Board, Texas College and University System, the State Comptroller is hereby directed to transfer any unencumbered balances in any of the line-item appropriations of State Aid to Texas Public Junior Colleges, including the "Contingency Appropriation", to any qualifying junior colleges where such funds are needed to fully fund at the rate of \$575 for each full-time student equivalent enrolled as of the twelfth class day of the Fall semester of 1969 in excess of the full-time student equivalent enrollment as of the twelfth class day of the Fall semester 1968 at such qualifying junior colleges. The unencumbered balances transferred in accordance with the above provisions shall not exceed \$459,174.00.

## ARTICLE IV

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

## ARTICLE V

The necessity for these appropriations, reappropriations and transfers, and the crowded condition of the Calendars in both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage; and it is so enacted.

## ARTICLE VI

The necessity for these appropriations creates an emergency and an imperative public necessity that the Constitutional Rule requiring the certification of appropriation bills by the Comptroller of Public Accounts be suspended; and said Rule is hereby suspended; and it is so enacted.

Mr. Heatly offered the following amendment to the above amendment offered by himself to HB 213:

Amend the Heatly amendment by striking out Article VI.

The amendment was adopted without objection.

Mr. Doran offered the following amendment to the Heatly amendment to HB 213:

Amend the Heatly amendment by striking out Article III.

Mr. Heatly moved to table the above amendment.

A record vote was requested.

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

Yeas—130

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

Nays—14

Adams	Calhoun	Jones, E.	Silber
Atwood	Cole	Lee	Spurlock
Blythe	Doran	Mengden	
Bowers	Finck	Nabers	

Absent-Excused

Bass, B.	Howard	Moore, G.	Traeger
Earthman			

The Heatly amendment, as amended, was adopted.

Mr. Heatly offered the following amendment to HB 213:

Amend the caption of HB 213, as amended, to read as follows:

An Act making supplemental allocations and appropriations to the State Department of Public Welfare, and authorizing the transfer of funds; repealing the limitations contained in the appropriations to the Texas Department of Public Safety in House Bill No. 2, 61st Legislature, 2nd Called Session, 1969, of the amount of money in the Motor Vehicle Inspection Fund available for funding and financing the appropriations to the Texas Department of Public Safety and making other provisions relating thereto; reducing the appropriation from the State Highway Fund for financing the Texas Department of Public Safety, and making other provisions relating thereto; authorizing the transfer of unencumbered balances of current appropriations; and making other provisions relating thereto; providing a severability clause; and declaring an emergency.

The amendment was adopted without objection.

A record vote was requested on the passage of HB 213 by Representatives Lee, Bowers, Blythe, and Edmund Jones.

HB 213, as amended, was passed subject to the provisions of Article III, Section 49a of the Constitution, by the following vote:

Yeas—130

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

## Nays—14

Agnich	Blythe	Head	Patterson
Allred	Bowers	Jones, E.	Williamson
Angly	Christian	Lee	
Atwood	Craddick	Mengden	

## Absent-Excused

Bass, B.	Howard	Moore, G.	Traeger
Earthman			

Mr. Heatly moved to reconsider the vote by which HB 213 was passed and to table the motion to reconsider.

The motion to table prevailed.

## LEAVE OF ABSENCE GRANTED

Mr. Traeger was granted leave of absence for the remainder of today on account of important business on motion of Mr. Clayton.

## MEMORIAL RESOLUTION ADOPTED

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

HSR 91, by Wieting: In memory of the Honorable William Adam Schmidt, County Judge of San Patricio County.

## CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HCR 34, by Gammage: Commending the City of South Houston and its Mayor, the Honorable George Washington Christy.

HSR 80, by Tarbox: Commending students of the Texas School for the Deaf.

HSR 81, by Tarbox: Commending the Reverend R. N. Huckabee.

HSR 82, by Tarbox: Commending the Texas National Guard.

HSR 88, by Caldwell: Congratulating Coach Darrell Royal.

RELATIVE TO BILLS AND RESOLUTIONS  
ON FIRST READING

By unanimous consent the reading of bills and resolutions on first reading and referral to Committees was delayed until the business on the Calendar was considered.

## HB 115 ON SECOND READING

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

HB 115, A bill to be entitled An Act 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 such vehicles or combinations of vehicles used exclusively to transport poles or pipe used in oil field operations; imposing conditions governing such vehicles and the operation thereof; repealing all laws and parts of laws in conflict herewith; containing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Doran raised a point of order against further consideration of the bill on the grounds that the bill does not conform to the House Rules concerning the requirement that the votes in Committee must be shown on the bill analysis.

The Speaker sustained the point of order.

Mr. Doran then moved that all necessary rules be suspended to take up and consider at this time, HB 115.

The motion prevailed without objection.

HB 115 was passed to engrossment.

Mr. Pickens moved to reconsider the vote by which HB 115 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mrs. Farenthold requested to be recorded as voting Present-Not Voting on the passage of HB 115 to engrossment because of a possible conflict of interest with her husband's business.

#### HB 224 ON SECOND READING

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

HB 224, A bill to be entitled An Act amending Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, by adding a new section to provide that certain truck tractors or commercial motor vehicles and semitrailers be registered in combination, and establishing the registration fee rate therefor; placing the registration fees for such combinations on the truck tractors or commercial motor vehicles; providing a "token" fee and distinguishing license plate for semitrailers registered in combination; specifying the status of semitrailers used in combination with auxiliary axle assemblies; exempting certain vehicles from the provisions of this Act; defining certain terms used in this Act; amending Section 8c, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-8c, Vernon's Texas Civil Statutes), to alter the diesel fees for truck tractors or commercial motor vehicles registered in combination; authorizing the promulgation of rules and regulations; making other provisions relating thereto; providing an effective date for this Act; providing for severability; repealing all laws in conflict; and declaring an emergency.

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

Mr. Jim Nugent moved to reconsider the vote by which HB 224 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### PROVIDING FOR ADJOURNMENT

Mr. Sherman moved that, at the conclusion of the reading of the bills and resolutions on first reading and referral to committees, the House adjourn until 10:30 a.m. tomorrow.

The motion prevailed without objection.

#### SCR 18—REFERRED TO COMMITTEE

(Appointing a committee to name a citizen of Texas as Texas State Artist)

The Speaker laid before the House the following resolution:

#### SCR 18

Whereas, The development of a nation's or a region's art is indicative of its culture and the work of a distinguished artist reflects the spirit of a particular time or place with beauty and integrity; and

Whereas, Recognition of outstanding artists in this State and their elevation to places of honor would be a tribute justly deserved and would also serve to encourage other Texas artists; and

Whereas, It is appropriate that the Legislature of the State of Texas establish a policy of naming a Texas State Artist, who shall be chosen for exceptional ability in portraying the beauty of the State of Texas or some facet of Texas history or culture; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That there shall be named a committee of five members to appoint and designate an outstanding and recognized artist, who is a citizen of Texas, as Texas State Artist for the year beginning May 1, 1971 and ending April 30, 1972; and a Texas State Artist with like qualifications shall be designated for the year beginning May 1, 1972 and ending April 30, 1973; that this committee shall consist of two Members of the Senate to be named by the Lieutenant Governor, and two Members of the House of Representatives to be named by the Speaker; and that the committee shall meet with the Governor, who is hereby designated as the fifth member of the committee or, if the Governor does not serve, he is hereby authorized to designate a fifth member of the committee to represent him.

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

#### HCR 28—REFERRED TO COMMITTEE

(Inviting Senator Lloyd M. Bentsen, Jr., to address a Joint Session of the Legislature)

Mr. Poerner offered the following resolution:

**HCR 28**

Be It Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That the Honorable Lloyd M. Bentsen, Jr., United States Senator from Texas, be, and he is hereby, invited to address a joint session of the House of Representatives and the Senate of the 62nd Legislature in the Hall of the House on a date that is mutually agreeable to him and to the Speaker of the House and the Lieutenant Governor; and, be it further

Resolved, That a copy of this Resolution be prepared for Senator Bentsen as his official invitation from the Texas Legislature.

Signed: Poerner and Cobb

The resolution was referred to the Committee on House Administration.

**HCR 30—REFERRED TO COMMITTEE**

(Memorializing Congress concerning regulations for tankers navigating in the coastal waters of the United States)

Mr. Orr offered the following resolution:

**HCR 30**

Whereas, The increased frequency of oil spills in the water bordering the State of Texas and other states of the United States is giving rise to damage to property and life and to encroachment on environmental quality; and

Whereas, Many ships which carry petroleum products and which are registered under what is known as "Flags of Convenience" do not come under strict safety regulations as do ships of most major maritime nations; and

Whereas, These ships registered under flags of convenience are posing a real threat to life, property, and environmental quality; and

Whereas, Failure to initiate a program of regulation for these ships in the future will seriously retard efforts of the states to protect their citizens and maintain acceptable water quality standards; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Texas Legislature does hereby memorialize the Congress of the United States to enact legislation requiring all tankers that navigate in the coastal waters of the United States to come under the same standards of inspection as ships that fly the United States flag; and, be it further

Resolved, That copies of this Resolution be sent to all members of the Texas delegation in the Congress of the United States, urging them to propose and work for the adoption of legislation to regulate ships navigating in the coastal waters of the United States.

The resolution was referred to the Committee on State Affairs.

HCR 31—REFERRED TO COMMITTEE

(Granting James Larry Key permission to sue the state)

Mr. Beckham offered the following resolution:

HCR 31

Whereas, James Larry Key, a resident of Bryan County, Oklahoma, alleges that on or about March 2, 1969, he was riding in an automobile being driven in a lawful and careful manner on Texas State Highway No. 121 in Collin County, Texas; and

Whereas, James Larry Key alleges that while riding in this automobile at a point about seven and five-tenths miles southwest of McKinney, Collin County, Texas, the car suddenly spun around, traveled two-tenths of a mile backward, hit a hump in the road, and struck a culvert; the above accident being the proximate result of the negligent and defective construction of the highway at this point; and

Whereas, James Larry Key alleges that he sustained injuries to his person which were proximately caused by the negligence of the State Highway Department in the construction of the highway; and

Whereas, James Larry Key desires to bring suit against the State of Texas and the State Highway Department to recover his alleged damages; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That

(1) James Larry Key is granted permission to sue the State of Texas and the State Highway Department in any court of competent jurisdiction in Collin County, Texas;

(2) in the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission; and

(3) the suit shall be tried as other civil suits; and, be it further

Resolved, That nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of the action must be proved under the laws of this state as in other civil suits; and, be it further

Resolved, That nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

## HCR 32—REFERRED TO COMMITTEE

(Granting Bobby K. Field permission to sue the state)

Mr. Tarbox offered the following resolution:

## HCR 32

Whereas, Bobby K. Field, a resident of the State of New Mexico, alleges that he owns a certain tract of land in New Mexico which is just across the Texas Border from Yoakum County; and

Whereas, Bobby K. Field alleges that certain buildings on this tract of land were damaged because of flooding by summer rains; and

Whereas, Bobby K. Field alleges that said flood damage was proximately caused by the manner of construction of a nearby highway constructed in and by the State of Texas; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That

(1) Bobby K. Field is granted permission to sue the State of Texas in any court of competent jurisdiction for any relief which he may be entitled under the law arising from the allegations stated in this Resolution or any allegations necessarily connected with them;

(2) in the event suit is filed, service of citation and other required processes shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission;

(3) the suit shall be conducted as in other civil cases; and

(4) in the event of compromise or judgment favorable to claimant, no interest, whether accruing before or after the compromise or judgment, may be awarded the claimant; and, be it further

Resolved, That nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other cases; and, be it further

Resolved, That (1) nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas, or to any of its employees, agents, departments, agencies, or political subdivisions; and

(2) every defense is specifically reserved.

The resolution was referred to the Committee on Judiciary.

## HCR 33—REFERRED TO COMMITTEE

(Memorializing Congress concerning the public welfare needs)

Mr. Lemmon offered the following resolution:

**HCR 33**

Whereas, The soaring costs of public welfare in Texas and other states threaten to bankrupt state treasuries, and even with constantly increased spending welfare payments to many recipients are inequitable and insufficient to take care of subsistence needs; and

Whereas, Although administration of the public welfare program is ostensibly in the hands of the states, the federal guidelines set forth, which change annually or even more frequently, and opinions handed down by the federal courts have had the effect of making it impossible for State Legislatures to anticipate welfare costs and needs; and

Whereas, The mythology of welfare indicates that many people are on welfare because they do not want to work, but requirements for welfare assistance in Texas place recipients in three categories under which they could not qualify for full-time employment—needy and over 65, needy and totally and permanently disabled, needy and blind—and a fourth category, a member of a fatherless family; only one out of every seven welfare mothers has a job now because of meager day care and transportation facilities; and

Whereas, Public welfare is generally viewed by the recipient as the “bare minimum for survival” and by the taxpayer as a highly distasteful blight on a “prosperous” nation; many well-meaning, public-spirited citizens believe that welfare assistance in Texas could virtually be abolished if “welfare were properly handled and all those people were put to work”; the complex funding involving different ratios of federal to state money, makes it difficult to understand, and once a stipend or service has been provided the recipient depends on it, although changes may be made in supplementation ratios that adversely affect payments; and

Whereas, Public welfare programs inclusive of health care have escalated rapidly since 1967 until welfare costs now constitute the second largest expenditure of state resources; although Texas ranks first in the number of working poor and high in the number of welfare recipients there is little hope for a miracle cure for poverty; decisions regarding welfare have ceased to be state decisions and there exists a crucial point at which the decision must be made either to expand welfare assistance and receive more matching funds or refuse to spend more state dollars on welfare and cope with the problems without federal matching funds; a question has been raised as to whether the state merely operates a federal program or actually possesses sufficient discretionary power to be independently effective in decision making on welfare matters; and

Whereas, Though the Legislature has budgetary authority and provides state funds, amounts are usually mandated indirectly by federal matching formulas; changes in federal policy are rarely coordinated with planning efforts and resource utilization at state levels, and frequently federal matching funds are reduced at the same time that the number of eligible recipients may be increased, both events occurring after a biennial appropriation has been made by the state; and

Whereas, The proposed budget of the Texas Department of Public Welfare for the next biennium is about \$2 billion, of which approximately

\$666.7 million will be state funds, and the present constitutional limitation on appropriations for public assistance payments stands at \$80 million; and

Whereas, Texas having reached a point of crisis in welfare problems, a situation also common to other states according to a well documented report entitled Breaking the Poverty Cycle in Texas (prepared after long hours of hearings and great effort by the Texas Senate's Interim Committee on Welfare Reform), it is appropriate that the Texas Legislature ask the Congress of the United States to give assistance to the states in finding a solution to this seemingly insuperable problem; 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 memorialize the Congress of the United States to rescue the states from the present morass of rising welfare costs and ever changing regulations by giving the states the financial assistance that will enable them to meet their public welfare needs; or, in the less desirable alternative, by enacting legislation completely reorganizing the public welfare program so that all costs, expenditures, and administration will be handled at the federal level; and, be it further

Resolved, That copies of this Resolution be sent to all Members of the Texas delegation in the Congress of the United States, urging them to exert their efforts to gain for the states the assistance which they must have if society's obligation to its needy aged, blind and disabled, and fatherless children is to be fulfilled; and, be it further

Resolved, That copies of this Resolution also be sent to the presiding officers of the legislatures or assemblies of every state, territory, and protectorate of the United States of America.

The resolution was referred to the Committee on State Affairs.

#### HSR 71—REFERRED TO COMMITTEE

(Concerning the Parks and Wildlife Commission reconsidering the advisability of granting a dredging permit to Lone Star Cement Company)

Mr. Wyatt offered the following resolution:

#### HSR 71

Whereas, The Parks and Wildlife Commission has granted a permit to Lone Star Cement Company which allows for unlimited dredging in 53 tracts of Matagorda Bay, Calhoun County, Texas; and

Whereas, The delicate balance through which nature maintains the animal and plant life essential to survival of mankind has all too often been upset, frequently irreparably, by man's concern for immediate goals; and

Whereas, Fortunately, there is now an awakening to the ecological problems inherent in our 20th century civilization, and attempts are being made to turn back the clock and restore to our land, our water, and our air the purity with which they were originally endowed; and

Whereas, Far better than restoration, however, is preservation, and it is imperative that any proposals posing potential threats to the environment of man and wildlife be fully explored before the threat is allowed to become a depredation; and

Whereas, In excess of 9.5 million pounds of fish, shellfish and oysters are removed yearly from the Matagorda Bay area, creating an industry which produces over \$2 million per year in income; and

Whereas, The amount of turbidity caused by dredges affects fish, shellfish, and oysters, and such turbidity is increased disproportionately in relation to the number of dredges; and

Whereas, The flow of the current of Matagorda Bay is not known, inasmuch as no study has been made since the deep water channel has been built in Matagorda Bay, and the flow of the current is important in regard to the amount of silt that can be carried into the nursery grounds in Lavaca and Cox Bays while dredges are working in Matagorda Bay; and

Whereas, The Calhoun County Navigation District is concerned about the damage to the Point Comfort deep water channel and the amount of silting that will take place in this channel, as well as the cost involved in maintaining this channel which is vital to the area and to industry in Calhoun County and all surrounding counties; and

Whereas, The damage—both actual and potential—to the beach in Calhoun County is not known, and the study of the flow of the current is important in assessing any damage; and

Whereas, The beach is important in terms of tourism and industry in Calhoun County and is important as well to the State of Texas; and

Whereas, Studies are being made by the Aluminum Company of America and Central Power and Light Company, in cooperation with the Parks and Wildlife Commission and the Water Quality Board, in regard to pollution and its effect on the fish, shellfish, and oysters in Matagorda, Lavaca, and Cox Bays, and these studies will offer greater information as to the potential ecological effects of the dredging operation in the Matagorda Bay area; and

Whereas, It is for these reasons that the House of Representatives of the 62nd Legislature feels that the Parks and Wildlife Commission should give careful consideration to potential ecological effects of the dredging operation recently approved in Matagorda Bay, Calhoun County, Texas; now, therefore, be it

Resolved, That the Parks and Wildlife Commission reconsider the advisability of granting the dredging permit to the Lone Star Cement Company until the Parks and Wildlife Commission has undertaken and completed a thorough study to determine the full ecological effects of such dredging in the Matagorda Bay area; and, be it further

Resolved, That official copies of this Resolution be prepared and transmitted to members of the Parks and Wildlife Commission.

Signed: Wyatt, Moncrief, Von Dohlen, Wolff, Newton, Coats, and Silber.

The resolution was referred to the Committee on State Affairs.

HSR 75—REFERRED TO COMMITTEE

(Granting the National Forensic League permission to use the Hall of the House on March 20, 1971)

Mr. Shannon offered the following resolution:

HSR 75

Whereas, The National Forensic League is dedicated to the promotion of debate and related speech activities among high school students and annually sponsors a Student Congress which is open to National Forensic League members; and

Whereas, This year, such a Student Congress of the South Texas District will bring together in Austin students from Austin, Alice, San Marcos, San Antonio, Corpus Christi, and the greater Houston area, who will perform the functions of the Texas legislative body by preparing and introducing bills, debating, and voting upon them, thus giving these young Texans practical experience in the legislative process; and

Whereas, The future of Texas lies in these young students, many of whom are already planning to pursue careers in law and in public service; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That, in accordance with Section 3, Rule 1, of the Rules of the House of Representatives, the South Texas District Student Congress of the National Forensic League be, and it is hereby, granted permission to use the Hall of the House in the State Capitol on Saturday, March 20, 1971, in order that members of this organization may hold its annual 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 South Texas District of the National Forensic League convenes its Congress, 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.

HSR 76—REFERRED TO COMMITTEE

(Regarding a questionnaire to be sent to Texas Junior Colleges and Technical/Vocational Institutions)

Mr. Jim Nugent offered the following resolution:

HSR 76

Whereas, The House of Representatives desires more information concerning Texas Junior Colleges and Technical/Vocational Institutions; now, therefore, be it

Resolved, That the Texas Junior Colleges and Technical/Vocational Institutions be directed to complete and return to the House of Representa-

tives in care of the Committee on Rules, P. O. Box 2910, Capitol Building, Austin, Texas 78767, no later than forty-five (45) days from the date of this resolution's passage the questionnaire appearing as an addendum to this resolution; and, be it further

Resolved, That the Texas Junior Colleges and Technical/Vocational Institutions be mailed a copy of this resolution and addendum.

ADDENDUM

Technical/Vocational Employment Inventory

Texas Junior Colleges

Name of Institution \_\_\_\_\_

Location \_\_\_\_\_

1. Enrollment Data, Fall 1970:

- a. Number of FTE students, total \_\_\_\_\_
- b. Number of FTE students pursuing academic (college transfer) curricula \_\_\_\_\_
- c. Number of FTE students in technology \_\_\_\_\_
- d. Number of FTE students in vocational education programs \_\_\_\_\_

2. Resident Data, Fall 1970:

- a. Number of students (headcount) whose legal residence is outside the junior college district \_\_\_\_\_
- b. Number of students (headcount) residing in district \_\_\_\_\_
- c. Number of dormitories \_\_\_\_\_
- d. Capacity of dormitories, total \_\_\_\_\_
- e. Total occupancy of dormitories \_\_\_\_\_

3. Computer Facilities Data:

- a. Do you have a computer? \_\_\_\_\_  
If, yes, then
- b. What type is it? \_\_\_\_\_
- c. What is total annual cost of computer program operations (include equipment, staff, etc.)? \$ \_\_\_\_\_
- d. Is equipment owned or leased? \_\_\_\_\_

- e. How many students (headcount) are in the computer program? \_\_\_\_\_
- f. Semester credit hours generated in computer instruction \_\_\_\_\_

## 4. Budgetary Data:

Break the 1970-71 total operating budget into the following categories:

	Dollar Amount	% of Total
a. Academic (college transfer) Programs	\$ _____	_____ %
b. Technical Education	\$ _____	_____ %
c. Vocational Education	\$ _____	_____ %
TOTAL:	\$ _____	_____ %

## 5. Sources of Revenue:

	Dollar Amount	% of Total
a. Local Taxes	\$ _____	_____ %
b. Federal Support	\$ _____	_____ %
c. State Support	\$ _____	_____ %
d. Tuition	\$ _____	_____ %
e. Fees	\$ _____	_____ %
f. All other (specify)	\$ _____	_____ %
TOTAL:	\$ _____	_____ %

## 6. Employment Inventory:

Append to this questionnaire a complete list including the following information on students who completed a technical or vocational program during the 1969-70 academic year.

- a. Name of Program.
- b. Names of all students completing each program.
- c. Name and address of employer of each such student.

The resolution was referred to the Committee on Appropriations.

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**MASCOT RESOLUTIONS**

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

HSR 77, by Clark: To name Tina Renee Nelms Mascot of the House.

HSR 79, by Tom Moore: To name Dee Ann Denton Mascot of the House.

HSR 83, by Earthman: To name Joseph Temple Mengden and John Shell Mengden Mascots of the House.

HSR 86, by Howard: To name Donald Gilbert Adams, Jr., Mascot of the House.

**SENATE BILL ON FIRST READING**

The following Senate Bill was today laid before the House, read first time and referred to Committee, as follows:

SB 228 to the Committee on Counties.

**HOUSE JOINT RESOLUTIONS ON FIRST READING**

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

By Solomon:

HJR 31, A Joint Resolution proposing an Amendment to Section 6 of Article IX of the Constitution of the State of Texas abolishing the Lamar County Hospital District; providing for an election prescribing the form of ballot and providing for the necessary proclamation and publication.

By Finney:

HJR 32, A Joint Resolution proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding a new Section 2a authorizing the Legislature to authorize cities and school districts to levy an occupation tax on persons engaged in the business of renting, leasing, or otherwise for compensation providing space for the parking and storing of mobile homes in lieu of property taxes on certain mobile homes.

By Atwell:

HJR 33, A Joint Resolution proposing an Amendment to Article VIII, Section 1-b, of the Texas Constitution, to provide a \$3,000 exemption from all ad valorem taxation by all taxing authorities for residence homesteads owned by retired, widowed, or disabled persons.

**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 Braecklein:

HB 389, A bill to be entitled An Act amending certain provisions of the Texas Business Corporation Act; amending Section A, Article 2.16, relating to payment for shares; amending Section B, Article 5.01, relating to merger of domestic corporations; amending Section B, Article 5.02, relating to consolidation of domestic corporations; and declaring an emergency.

Referred to Committee on Judiciary.

By Braecklein:

HB 390, A bill to be entitled An Act relating to the making of guaranties by corporations; amending Section B, Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Truan:

HB 391, A bill to be entitled An Act authorizing and providing for supplemental aid programs for adult education where offered in public educational agencies toward the education of certain persons not having a high school education or the educational prerequisites for developing a saleable skill; providing for the financing thereof in part from state funds; providing that the Central Education Agency shall develop program, rules, and regulations for the implementation of this Act; amending Subchapter A, Chapter 11, Texas Education Code, by adding Section 11.16; amending Section 21.902, Texas Education Code; and declaring an emergency.

Referred to Committee on Appropriations.

(Mr. Kaster in the Chair)

By Cole:

HB 392, A bill to be entitled An Act providing that boards of trustees of all school districts shall adopt policies specifying the duties of each of its positions of employment; providing that no employee of a school district shall be liable for certain acts incident to or within the scope of the duties of his position of employment; defining certain terms used in this Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Cobb:

HB 393, A bill to be entitled An Act relating to the punishment for murder; amending Article 1257, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Cobb:

HB 394, A bill to be entitled An Act relating to the punishment for

murder without malice; amending Section 3a, Chapter 274, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 1257b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Salem:

HB 395, A bill to be entitled An Act creating the State Board of Physical Therapy; providing for the licensing of physical therapists; relating to the organization and powers and duties of the board; providing for the requirements and fees for licenses; providing for revocation or suspension of licenses under certain circumstances; and declaring an emergency.

Referred to Committee on Public Health.

HB 396 (Read first time and referred to the Committee on Parks and Wildlife on February 5, 1971.)

By Calhoun:

HB 397, A bill to be entitled An Act relating to laws of the United States concerning hours of work for female employees; amending Chapter 68, Acts of the 48th Legislature, 1943, as amended (Article 5172a, Vernon's Texas Civil Statutes), by adding a new Section 14a; and declaring an emergency.

Referred to Committee on Labor.

By Clark, Swanson, Beckham, Hendricks, T. Bass, Wolff, Gammage, Sanchez, and Nelms:

HB 398, A bill to be entitled An Act relating to the exemption of persons employed as firemen from tuition and laboratory fees for courses in fire science offered by state-supported institutions of collegiate rank; and declaring an emergency.

Referred to Committee on Higher Education.

By Caldwell:

HB 399, A bill to be entitled An Act to prohibit the traffic of endangered species; prescribing a penalty for violation; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Caldwell:

HB 400, A bill to be entitled An Act to prohibit the sale of certain wild animals or wild animal products; prescribing a penalty for violation; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Golman:

HB 401, A bill to be entitled An Act providing supportive and central staff personnel as additional positions under the Minimum Foundation Program; providing a formula for the allocation of such units; providing for certification; providing a salary schedule; providing a severability clause; and declaring an emergency.

Referred to Committee on Public Education.

By Traeger:

HB 402, A bill to be entitled An Act to authorize any city or town having a population of ten thousand (10,000) inhabitants or more according to the last preceding Federal Census to provide for unpaid reserve policemen or unpaid auxiliary policemen, in addition to the regular paid police force of such city or town, without complying with Article 1269m, Vernon's Texas Civil Statutes, as amended, and without complying with Articles 1583-1 and 1583-2, Penal Code of Texas, 1925, as amended, by amending Section 2, Chapter 325, Acts of 1947, 50th Legislature, Regular Session, as amended by Chapter 391, Acts 1957, 55th Legislature, Regular Session (Article 1269m, Vernon's Texas Civil Statutes, as amended), pertaining to civil service for firemen and policemen, to provide that unpaid reserve policemen and unpaid auxiliary policemen are excluded from the term "policeman" as used in said Act, and are exempt from the provisions of said Act; amending Article 1583-1, Penal Code of Texas, 1925, as amended, pertaining to maximum number of hours of work for firemen and policemen by adding a new section to provide that such Act shall not apply to unpaid reserve policemen or to unpaid auxiliary policemen; amending Article 1583-2, Penal Code of Texas, 1925 as amended, pertaining to minimum pay for policemen, by adding a new section to provide that such Act shall not apply to unpaid reserve policemen or to unpaid auxiliary policemen; providing for severance; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Murray and Finck:

HB 403, A bill to be entitled An Act to change the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital and to change the name of the San Antonio State Tuberculosis Hospital to the San Antonio State Chest Hospital; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Kaster:

HB 404, A bill to be entitled An Act relating to requirements of equipment, physical plant, and personnel of a funeral establishment; amending Subsection C, Section 4, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Niland:

HB 405, A bill to be entitled An Act relating to the Texas Franchise

Investment Act governing all aspects of franchise offerings and advertising; establishing the State Securities Commissioner as the administrator of the Act; providing penalties for certain fraudulent and prohibited practices, (setting penalties,) and providing for certain fees; providing for severability; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

By Niland:

HB 406, A bill to be entitled An Act removing the exemption of snuff from the application of the tobacco products tax and imposing a tax on snuff; amending Section (i) of Article 8.01 and Article 8.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Vale:

HB 407, A bill to be entitled An Act relating to the legitimacy and legitimation of certain children; making available the rights and privileges of legitimacy to a legitimated child; providing for procedures for establishing the paternity of a child born out of wedlock; creating a civil cause of action for paternity; providing for the liability of the father of such child for its support; providing for the correction of birth certificates; abolishing common-law marriages; making certain conforming amendments regarding proof of informal marriages and the declaration and registration of informal marriages; amending Subchapter E, Chapter 1, Family Code; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

By Shannon:

HB 408, A bill to be entitled An Act relating to the Firemen's Relief and Retirement Fund in certain cities; amending Subsection (a) of Section 3B, Subsection (a) of Section 6D, Subsection (d) of Section 7A, Subsection (a) of Section 10A, Section 10A-1, Subsection (a) of Section 10A-2, and Subsection (a) of Section 23A, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Nabers:

HB 409, A bill to be entitled An Act relating to state tuition equalization for resident students at privately-supported institutions of higher education; and declaring an emergency.

Referred to Committee on Appropriations.

By Nabers:

HB 410, A bill to be entitled An Act relating to persons who were elective state officials becoming members of the Employees Retirement

System; amending Subsection E, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Nabers:

HB 411, A bill to be entitled An Act relating to prohibiting the thrashing of pecans; providing penalties; and declaring an emergency.

Referred to Committee on Agriculture.

By Joe Allen:

HB 412, A bill to be entitled An Act relating to denial of an injection well permit under certain circumstances; amending Section 3, Injection Well Act, as amended (Article 7621b, Vernon's Texas Civil Statutes), by adding Subsection (f); and declaring an emergency.

Referred to Committee on Oil, Gas and Mining.

By Grant:

HB 413, A bill to be entitled An Act relating to providing for the issuance by the State Highway Department of special license tags to certain disabled veteran owners of passenger motor vehicles; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Grant:

HB 414, A bill to be entitled An Act permitting the court, in certain criminal cases, to probate part of a sentence; amending Section 3, Article 42.12, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Orr:

HB 415, A bill to be entitled An Act relating to the penalty for driving while license is suspended, cancelled, or revoked; amending Section 34, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Stewart:

HB 416, A bill to be entitled An Act to be known as the "Texas Pawnshop Act", providing definitions, requiring licensing and establishing requirements for licenses, setting license fees, providing for revocation, suspension, surrender and reinstatement of licenses upon certain conditions, providing for examinations, specifying books and records to be kept and

authorizing the issuance of regulations, setting documentation requirements, eliminating pledgors' liability, limiting charges, establishing a right to redeem and a minimum redemption period, creating a presumption upon delivery of pawn tickets, providing for lost or destroyed pawn tickets, prohibiting certain practices, establishing penalties and providing for administrative enforcement thereof, repealing inconsistent provisions, providing severability; and declaring an emergency.

Referred to Committee on Banks and Banking.

By Beckham:

HB 417, A bill to be entitled An Act relating to the assessment, collection, and disposition of costs in divorce suits for the administration of child support payments in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Beckham:

HB 418, A bill to be entitled An Act relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By J. Nugent, McAlister, Gammage, Cobb, and Bowers:

HB 419, A bill to be entitled An Act reforming the penal law; enacting a new Penal Code setting out general principles, defining offenses, and affixing punishments; making necessary conforming amendments to outside laws; repealing replaced laws; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Hendricks:

HB 420, A bill to be entitled An Act including the water area of Lake Ray Hubbard located within Rockwall County under the provisions of the Uniform Wildlife Regulatory Act; amending Section 1 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Poff:

HB 421, A bill to be entitled An Act relating to public disclosure of financial interests and other information by all candidates for the Texas Legislature and all candidates for statewide elected office not to include judges and candidates for federal office; and declaring an emergency.

Referred to Committee on State Affairs.

By Stewart and Allred:

HB 422, A bill to be entitled An Act relating to the Texas Board of

Examiners in the Fitting and Dispensing of Hearing Aids; relating to the fitting and dispensing of hearing aids in this state; providing penalties amending Subsections (c), (d), and (f) of Section 1, Subsections (e) and (f) of Section 4, Subsection (a) of Section 8, Section 10, Subsections (d) and (f) of Section 11, Subsection (a) of Section 13, Subsections (b) and (d) of Section 14, Section 16, and Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, and by adding Subsections (e) and (f) to Section 14, and Subsection (c) to Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Tarbox:

HB 423, A bill to be entitled An Act relating to the registration of promoters of certain outdoor music festivals and the issuance of permits for and the regulation of certain outdoor music festivals; providing penalties; and declaring an emergency.

Referred to Committee on State Affairs.

By Tarbox:

HB 424, A bill to be entitled An Act making an emergency appropriation pursuant to the provisions of Article VII, Section 17, Constitution of the State of Texas, for the replacement and repair of property damaged or destroyed by tornado at Texas Tech University; and declaring an emergency.

Referred to Committee on Appropriations.

By Slider:

HB 425, A bill to be entitled An Act relating to regulating the weapons that may be used to hunt deer in Marion County; providing that the landowner or lessee may approve the means of hunting deer; amending Section 5 and repealing Section 6, Chapter 113, Acts of the 52nd Legislature, 1951; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By G. Jones:

HB 426, A bill to be entitled An Act prohibiting certain activities relating to the counterfeiting or forging of out-of-state drivers' licenses and related instruments; providing penalties; amending Subsection (a), Section 44A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By D. Neugent, Jungmichel, C. Parker, Burgess, and Salter:

HB 427, A bill to be entitled An Act relating to the authority of an in-

surer to designate a particular practitioner or practitioners of the healing arts in a policy of accident and sickness insurance and to the form of membership certificates in group hospital plans; relating to the prohibition against group hospital services contracting for medical services; amending Subsection B, Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as amended (Article 3.70-2, Vernon's Texas Insurance Code); amending Articles 20.12 and 20.16, Texas Insurance Code, as amended; providing for severability; and declaring an emergency.

Referred to Committee on Public Health.

By Adams:

HB 428, A bill to be entitled An Act repealing Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), relating to fish farming; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Adams:

HB 429, A bill to be entitled An Act relating to the jurisdiction to hear appeals from awards in all matters of eminent domain; amending Article 1960, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Schulle:

HB 430, A bill to be entitled An Act appropriating funds to Southwest Texas State University for replacement or repair of facilities and equipment destroyed or damaged by fire; and declaring an emergency.

Referred to Committee on Appropriations.

By Burgess:

HB 431, A bill to be entitled An Act providing for the creation of the San Augustine City-County Hospital District, with boundaries coextensive with those of San Augustine County, Texas; providing that the District shall receive the hospital facilities within the District and shall assume any outstanding debt of the City of San Augustine incurred for hospital purposes; providing for the appointment of directors of the District; prescribing a procedure for an election on the creation of such District and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the District and its governing body and its procedures in the governing of said District; enacting other provisions incident and related to the subject and purpose and in accordance with the provisions of Section 9 of Article IX, Constitution of the State of Texas; providing a severance clause; and declaring an emergency.

Referred to Committee on Counties.

By Ogg, Clark, Cruz, Swanson, Gammage, Williams, Nelms, and T. Bass:

HB 432, A bill to be entitled An Act relating to the Firemen's Relief and Retirement Fund in certain cities; amending Section 6B, 7B, and 7C, and Subsections (a) and (b), Section 10E, Chapter 125, Acts of the 45th

Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Urban Affairs.

By Jungmichel:

HB 433, A bill to be entitled An Act relating to the use of substandard brick products; providing penalties; and declaring an emergency.

Referred to Committee on Commerce and Manufacturing.

By Johnson:

HB 434, A bill to be entitled An Act relating to the production and possession of wine and beer by the head of a family for family use; and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Johnson:

HB 435, A bill to be entitled An Act relating to the standards of conduct for officers of state agencies in the area of using state employees to benefit private business interests with which the officers are associated; amending Chapter 100, Acts of the 55th Legislature, Regular Session, 1957 (Article 6252-9, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Harris and D. Neugent:

HB 436, A bill to be entitled An Act amending Sections 1 and 7 (k) of Chapter 33, Acts of the 57th Legislature, 3rd Called Session, 1962 (codified as Vernon's Ann. Civ. St. Art. 6081g-1), as amended by Chapter 36, Acts of the 61st Legislature, 2nd Called Session, 1969, relating to home rule cities, park boards of trustees and parks; adding provisions thereto relating to acquisition, improvement or enlargement of lands or buildings for parks, playgrounds or historical museums, or lands of historic or prehistoric significance and the issuance of revenue bonds therefor; providing that this Act shall provide full authority according to its terms and provisions and that no other law or chapter provision shall be construed as affecting the provisions of this Act except as herein expressly provided; validating the creation and proceedings of such Parks Boards previously created except matters now involved in litigation which ultimately terminates unfavorably as to the validity thereof; providing for severability; containing other provisions relating to the subject; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Heatly:

HB 437, A bill to be entitled An Act relating to allocations of certain funds out of the Omnibus Tax Clearance Fund; amending Section 3, Chapter 3, Acts of the 57th Legislature, 2nd Called Session, 1961 (Article

7083a.2, Vernon's Texas Civil Statutes), and Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Appropriations.

By A. Moore:

HB 438, A bill to be entitled An Act relating to compensation for assistants to the county superintendent in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Cole:

HB 439, A bill to be entitled An Act relating to the creation, jurisdiction, administration and procedures of the County Court at Law of Hunt County and the conforming of the jurisdiction and procedures of the County Court of Hunt County; and declaring an emergency.

Referred to Committee on Judiciary.

By Shannon:

HB 440, A bill to be entitled An Act relating to the transfer and sale of surplus and salvage equipment and material by the Board of Control; amending Section 6a, Article 666, Revised Civil Statutes of Texas, 1925, as added by Chapter 546, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Joe Allen:

HB 441, A bill to be entitled an Act validating all governmental acts of the Board of Directors of the Harris County Utility District No. 4 or relating to the District; specifically validating all elections and hearings, all bonds of the District, the deletion and addition of lands to the District, and the boundaries thereof; finding that the boundaries of the District form a closure; finding that all property will be benefited thereby; providing that this Act shall not validate any act or proceeding which is the subject of litigation; finding that the requirements of Article 16, Section 59(d) of the Constitution have been accomplished; providing a severability clause; enacting other provisions relating to the subject; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 12:59 p.m., adjourned until 10:30 a.m. tomorrow.

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**APPENDIX**

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**BILL TRANSMITTED TO GOVERNOR UNDER  
ARTICLE 16, SECTION 59**

HB 441 transmitted by the Chief Clerk to the Governor on February 8, 1971.

**STANDING COMMITTEE REPORTS**

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

Engrossed and Enrolled Bills: Correctly engrossed—HCR 29. Correctly enrolled—HCR 16, HCR 17, HCR 26, HCR 27.

**SENT TO THE GOVERNOR  
February 8, 1971**

HCR 16

HCR 17

HCR 26

HCR 27

**In Memory of the Honorable**  
**John Thomas Lindsey**

Mr. Carl Parker offered the following resolution:

HSR 90

Whereas, Citizens of Port Arthur and of the State of Texas were greatly saddened by the loss of a distinguished citizen in the death of John Thomas Lindsey, former Texas Legislator, on November 28, 1970; and

Whereas, Mr. Lindsey was born the son of James Oliver Lindsey and Sarah Barclay Lindsey on March 31, 1891, in Warren, Texas; his grandfather, James Barclay, was a Member of the Texas House of Representatives of the Eighth and Tenth Legislatures, in 1860 and 1863, respectively; and

Whereas, John Thomas Lindsey received a Doctor of Jurisprudence Degree from Baylor University; he was licensed to practice before the Supreme Court in 1949; and

Whereas, He served the people of the State of Texas as a Member of the House of Representatives of the 37th Legislature in 1921; and

Whereas, This distinguished attorney was appointed counselor for the United States Court of Appeals in 1950; and

Whereas, He served overseas with the United States Army during World War I and was a member of the Hamilton Smith Post of Foreign Wars; and

Whereas, Mr. Lindsey was a member and active leader of the Procter Street Baptist Church for many years; he was also a member of Cosmopolitan Masonic Lodge 872, Port Arthur Commandery 73, Knights Templar, and El Mina Shrine; and

Whereas, Mr. Lindsey was a longtime member of the State Bar of Texas and the Jefferson County Bar Association; and

Whereas, The many contributions which this highly-respected individual made to his profession, his community, and to the

State of Texas, stand as evidence of his individual greatness;  
and

Whereas, It is appropriate that the House of Representatives of the State of Texas and the people of Texas commend and pay tribute to John Thomas Lindsey for his many contributions to and for the benefit of the people of Port Arthur and of the State of Texas; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That this Resolution stand in memory of John Thomas Lindsey, distinguished citizen and former member of this House; and, be it further

Resolved, That official copies of this resolution be prepared for his family as an expression of deepest sympathy from the Texas House of Representatives.

The resolution was unanimously adopted by a rising vote.

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