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 APPENDIX
 

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 RECOMMENDATIONS OF THE TEXAS  
 WATER COMMISSION FILED WITH SPEAKER

Recommendations of the Texas Water Commission on HB 459 filed with the Speaker on February 23, 1971.

Recommendations of the Texas Water Commission on HB 460 filed with the Speaker on February 23, 1971.

Recommendations of the Texas Water Commission on HB 555 filed with the Speaker on February 23, 1971.

## STANDING COMMITTEE REPORTS

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

Conservation and Reclamation: HB 347, HB 348, HB 479, HB 480, HB 481.

Counties: HB 1.

Engrossed and Enrolled Bills: Correctly engrossed-HB 3, HB 77, HB 198, HB 377. Correctly enrolled-HB 229.

Governmental Affairs and Efficiency: HB 600.

Judicial Districts: HB 253.

Public Education: HB 235, HB 279.

 SENT TO THE GOVERNOR  
 February 24, 1971

HB 84

HB 115

HB 229

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 TWENTY-NINTH DAY—THURSDAY, FEBRUARY 25, 1971

The House met at 10:30 a.m. and was called to order by the Speaker.

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

Mr. Speaker	Atwell	Blythe	Caldwell
Adams	Atwood	Bowers	Calhoun
Agnich	Baker	Boyle	Carrillo
Allen, Joe	Bass, B.	Braecklein	Cates
Allen, John	Bass, T.	Braun	Cavness
Allred	Beckham	Burgess	Christian
Angly	Bigham	Bynum	Clark

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

**Absent**

Clayton	Hale	Neugent, D.	Wolff
Finney	Johnson	Uher	

**Absent-Excused**

Blanton	Graves	Holmes, Z.	Niland
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

**LEAVES OF ABSENCE GRANTED**

On motion of Mr. Nichols, Mr. Graves was granted leave of absence for today on account of official business.

On motion of Mr. Reed, Mr. Z. Holmes was granted leave of absence for today on account of important business.

**MESSAGE FROM THE SENATE**

Austin, Texas, February 25, 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 15, By Lombardino: Making provision for cost of living increases in present firemen and policemen's pensions in certain cities; and declaring an emergency.

HB 2, By Ward: Relating to defining the jurisdiction of the County Court and District Court of Johnson County; and declaring an emergency.

HB 102, By Niland: Relating to the date on which the federal decennial census is to be recognized and acted upon; and declaring an emergency.

HB 499, By Shannon: Appropriating funds to the Attorney General's Office, the Industrial Accident Board, and the Comptroller of Public Accounts; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

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

#### CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 154, by Presnal: Welcoming students and staff of Kemp High School, Bryan, Texas.

SCR 32, Congratulating Charles O. Kilpatrick.

#### HCR 37—ADOPTED

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

HCR 37, Inviting Dr. Rupert N. Richardson to address a Joint Session of the Legislature.

The resolution was adopted.

#### HCR 28—ADOPTED

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

HCR 28, Inviting Senator Lloyd M. Bentsen, Jr., to address a Joint Session of the Legislature.

The resolution was adopted.

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Representative Johnson entered the House and was announced present.

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HSR 123—ADOPTED

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

HSR 123, Granting the State DeMolay Association permission to use the Hall of the House of Representatives.

The resolution was adopted.

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Representative Finney entered the House and was announced present.

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BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

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

HB 15, Providing for cost of living increases for firemen and policemen's pensions.

HCR 50, In memory of Deputy William Don Reese.

HCR 51, In memory of Deputy Samuel Garcia Infante.

HCR 52, In memory of Deputy A. J. Robertson.

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.

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Representative Hale entered the House and was announced present.

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SB 21 ON THIRD READING  
(Mr. Delwin Jones—House Sponsor)

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

SB 21, Authorizing transfer of certain land from Texas Tech University to Texas Tech University School of Medicine.

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

## Yeas—140

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

## Nays—1

## Patterson

## Absent

Jones, D.	Longoria	Neugent, D.	Wolff
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## Absent-Excused

Blanton	Graves	Holmes, Z.	Niland
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Mr. Delwin Jones moved to reconsider the vote by which SB 21 was passed and to table the motion to reconsider.

The motion to table prevailed.

Representative Dean Neugent entered the House and was announced present.

## HB 343 ON SECOND READING

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

HB 343, A bill to be entitled An Act adopting the Water Code, a formal revision of the general and permanent statutes relating to water rights, water development, water quality control, river compacts, and general law districts; repealing the statutes replaced by the Code; and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following amendment to HB 343:

Amend HB 343 to strike line 38 on page 529.

The amendment was adopted without objection.

Mr. Finck offered the following amendment to HB 343:

Amend Section 5.144 of HB 343 to read as follows:

**"Sec. 5.144. Forfeitures And Cancellation Of Permit For Inaction.**

**"(a) If a permittee fails to begin construction within the time specified in Section 5.143 of this code, he forfeits all rights to the permit, subject to notice and hearing as prescribed by this section.**

**"(b) After beginning construction, if the appropriator fails to work diligently and continuously to the completion of the work, the appropriation is subject to cancellation in whole or in part, subject to notice and hearing as prescribed by this section.**

**"(c) If the commission believes that an appropriation should be declared forfeited under this section, it shall give the appropriator 30 days' notice and provide him an opportunity to be heard.**

**"(d) After the hearing the commission, by entering an order of record, may cancel the appropriation in whole or in part. The commission shall immediately transmit a certified copy of the cancellation order by certified mail to the county clerk of the county in which the permit is recorded. The county clerk shall record the cancellation order.**

**"(e) If a permit has been issued for the use of water, the water is not subject to a new appropriation until the permit has been cancelled in whole or in part as provided by this section.**

**"(f) Except as provided by Subchapter (e) of this chapter, none of the provisions of this code may be construed as intended to impair, cause, or authorize or may impair, cause, or authorize the forfeiture of any rights acquired by any declaration of appropriation or by any permit if the appropriator has begun or begins the work and development contemplated by his declaration of appropriation or permit within the time provided by the law under which the declaration of appropriation was made or the permit was granted and has prosecuted or continues to prosecute it with all reasonable diligence toward completion. (R.S. Arts. 7519 (part), 7474.)"**

The amendment was adopted without objection.

Mr. Jim Nugent offered the following amendment to HB 343:

Amend HB 343 by a new section at line 42 as a part of Sec. 1.001 numbered appropriately to read, as follows:

This restatement shall not in any way make any changes in the substantive laws of the State of Texas.

The amendment was adopted without objection.

HB 343, as amended, was passed to engrossment.

Mr. Clayton moved to reconsider the vote by which HB 343 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 343.

#### HB 343—AUTHORIZATION TO USE PRINTED BILL ON ENGROSSING AND ENROLLING

Mr. Clayton moved to suspend all necessary rules to authorize the printed copy of HB 343, as amended, to be used as the engrossed and enrolled bill.

There was no objection offered and it was so ordered.

#### HB 258 ON THIRD READING

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

HB 258, Relating to appointment of county tax assessor-collector in a county under 10,000 inhabitants.

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

Yeas—141

Adams	Bowers	Coats	Finnell
Agnich	Boyle	Cobb	Finney
Allen, Joe	Braecklein	Craddick	Floyd
Allen, John	Braun	Cruz	Foreman
Allred	Burgess	Daniel	Gammage
Angly	Bynum	Davis, D.	Garcia
Atwell	Caldwell	Davis, H.	Golman
Atwood	Calhoun	Denton	Grant
Baker	Carrillo	Doran	Hale
Bass, B.	Cates	Doyle	Hanna, Joe
Bass, T.	Cavness	Dramberger	Hannah, John
Beckham	Christian	Earthman	Harding
Bigham	Clark	Farenthold	Harris
Blythe	Clayton	Finck	Hawkins

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

## Nays—2

Nelms Williamson

## Absent

Cole Wolff

## Absent-Excused

Blanton Graves Holmes, Z. Niland

Mr. Tom Holmes moved to reconsider the vote by which HB 258 was passed and to table the motion to reconsider.

The motion to table prevailed.

## HB 222 ON THIRD READING

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

HB 222, Eliminating requirement that a jury commissioner be a freeholder.

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

## Yeas—138

Adams	Baker	Braecklein	Cavness
Agnich	Bass, B.	Braun	Christian
Allen, Joe	Bass, T.	Burgess	Clark
Allen, John	Beckham	Bynum	Clayton
Allred	Bigham	Caldwell	Coats
Angly	Blythe	Calhoun	Cobb
Atwell	Bowers	Carrillo	Cole
Atwood	Boyle	Cates	Craddick

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

**Nays—4**

Heatly	Newton	Slider	Williamson
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**Absent**

Johnson	Jones, G.	Wolf
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**Absent-Excused**

Blanton	Graves	Holmes, Z.	Niland
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Mr. Harris moved to reconsider the vote by which HB 222 was passed and to table the motion to reconsider.

The motion to table prevailed.

**CONGRATULATORY RESOLUTIONS ADOPTED**

The following Congratulatory Resolutions were adopted unanimously:

HSR 158, by Christian, Poff, Bynum, and Cates: Commending Miss Debbie Giles of Amarillo.

HSR 159, by Christian: Commending the Reverend James Todd.

**PROVIDING FOR ADJOURNMENT**

Mr. Braun moved that, at the conclusion of the reading of bills and res-

olutions on first reading and referral to committees, the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

SCR 31—REFERRED TO COMMITTEE

(Designating side oats grama as the official state grass of Texas)

The Speaker laid before the House the following resolution:

SCR 31

Whereas, Texas relies heavily upon the native grasses of the rangelands to sustain the livestock that has made ranching one of our State's major industries; and

Whereas, Although there are many desirable forage species native to the State, one variety, side oats grama, occurs on a greater diversity of soils than possibly any other grass; on rangelands of West Texas it is the backbone of the ranching industry; and

Whereas, This grass, with the botanical name of *bouteloua curtipendula* (Michx.) Torr., is a perennial with long purplish spikes and is found in nearly all parts of the State, being especially abundant in area including the Blackland Prairies, Cross Timbers, Edwards Plateau, Rolling Plains, High Plains, and Trans-Pecos; and

Whereas, Side oats grama produces a high quality, nutritious forage which is relished by all classes of livestock and wildlife; it is one of the State's most attractive grasses as well, with its brilliant orange anthers and the purple inflorescence it produces upon maturity; each spike turns to one side of the seed stalk at maturity, giving the grass its name of side oats; and

Whereas, This grass is also favored because it is not only winter hardy but is highly drought resistant due to the fact that it is a long-lived perennial grass with rhizomes; in some years the grass produces two seed crops, and growth begins early in the spring and continues until early fall; and

Whereas, In addition to its use for forage, side oats grama is being used extensively to reseed depleted grasslands, and it produces vigorous seedlings making it an excellent grass for all conservation purposes; it mixes well with other native grasses and is being used in this way more than any other grass; and

Whereas, The State of Texas has not officially designated a State grass and both the Texas Council of Chapters, Soil Conservation Society of America, and the Texas Section, American Society of Range Management, have requested that the 62nd Legislature officially name side oats grama as the Texas State grass; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That side oats grama, *bouteloua curtipendula* (Michx.) Torr., be and it is hereby designated as the official State grass of Texas in accordance with the recommendations of the Texas Council of Chapters,

Soil Conservation Society of America, and the Texas Section, American Society of Range Management.

The resolution was referred to the Committee on Livestock.

#### 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 Kubiak:

HJR 42, A Joint Resolution proposing an Amendment to Article XVI of the Texas Constitution by adding a Section 50a to provide that the benefits of homestead exemption be extended to unmarried adults, male and female.

By Niland:

HJR 43, A Joint Resolution proposing an Amendment to Article VIII, of the Texas Constitution, by adding a new Section 1-f to exempt from all taxation for all purposes the total value of the residence homestead of those persons totally and permanently disabled as a result of military service.

By Simmons:

HJR 44, A Joint Resolution proposing a Constitutional Amendment to change the name of the Court of Criminal Appeals to the Supreme Court of Criminal Appeals.

#### HOUSE BILLS ON FIRST READING

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

(Mr. Ward in the Chair)

By Adams:

HB 656, A bill to be entitled An Act amending Section 1, Chapter 39, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 4639a, Vernon's Texas Civil Statutes), to provide that child support payments may be extended until graduation from a college, university, or trade school by an unmarried supported child; requiring amount of support to be specified in the judgment; and declaring an emergency.

Referred to Committee on Judiciary.

By E. Jones:

HB 701, A bill to be entitled An Act amending Article 9.25, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, changing the designated use of certain revenue allocated to the State Highway Fund; amending Subsection (4-b), Article XX, Chapter 184, Acts

of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes), phasing out required allocations to the Farm-to-Market Road Fund, phasing out required expenditures for new Farm-to-Market Road construction; providing for permissive use of state highway funds for Farm-to-Market Road construction; transferring funds from the Farm-to-Market Road Fund to the State Highway Fund; and declaring an emergency.

Referred to Committee on Appropriations.

By Graves, T. Bass, Clark, Gammage, Joe Allen, Mengden, Nelms, Nichols, Earthman, Blythe, E. Jones, Braun, and Cruz:

HB 702, A bill to be entitled An Act relating to the election of the city council in certain cities; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Murray:

HB 703, A bill to be entitled An Act prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, or order promulgated by the Texas Water Rights Commission which are not in conflict with this chapter and any term or condition contained in declarations of appropriation and permits heretofore or hereafter granted by the Commission which are not in conflict with this chapter; amending Article 7531, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Solomon:

HB 704, A bill to be entitled An Act relating to the counties included within the 8th and 76th Judicial Districts; making necessary provisions for terms of court, concurrent jurisdiction, transfer of cases, exchange of benches, filing and docketing of cases, and personnel; providing for continuing validity of writs and process; providing necessary transitional provisions; providing an effective date; providing for severability; repealing laws in conflict; amending Subdivisions 8 and 76, Article 199, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judicial Districts.

By Solomon:

HB 705, A bill to be entitled An Act relating to the jurisdiction of the County Court of Franklin County and the district courts having jurisdiction in Franklin County; repealing Chapter 302, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970-331b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judicial Districts.

By Salter:

HB 706, A bill to be entitled An Act amending Chapter 274, Section 2

of the Acts of 1967, 60th Legislature, to allow a time price differential to be charged on installment payments of insurance premiums as for other retail installment sales; and declaring an emergency.

Referred to Committee on Insurance.

By Salter:

HB 707, A bill to be entitled An Act relating to knowledge, experience, and instruction requirements for local recording agents and relating to license and renewal fees required of local recording agents and solicitors; amending Article 21.14, Texas Insurance Code; and declaring an emergency.

Referred to Committee on Insurance.

By Semos, Christian, Truan, and J. Nugent:

HB 708, A bill to be entitled An Act amending Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-10.01, Vernon's Texas Civil Statutes), relating to defining certain deceptive practices in the conduct of any trade or commerce, by adding Subsection (16) making unlawful the conduct of certain sales operations in which certain conditional promises of rebate or payment are made; and declaring an emergency.

Referred to Committee on Judiciary.

By Semos, Christian, Truan, and J. Nugent:

HB 709, A bill to be entitled An Act relating to the Texas Franchise Association Act, declaring a new relationship establishing certain fiduciary obligations between franchisor and franchisee; requiring a certain offering prospectus to be presented by the franchisor before contract entry; making certain franchisors subject to the Texas Business Corporations Act; and declaring an emergency.

Referred to Committee on Judiciary.

By Semos, Christian, Truan, and J. Nugent:

HB 710, A bill to be entitled An Act relating to the Texas Franchise Investment and Association Act governing all aspects of franchise offerings and declaring a new relationship establishing certain fiduciary obligations between franchisor and franchisee; establishing the State Securities Commissioner as the administrator of the Act; setting penalties for certain fraudulent and prohibited practices and providing for certain fees; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

By Gammage:

HB 711, A bill to be entitled An Act relating to the creation of two family district courts for Harris County; conforming the jurisdiction of the other courts thereto; fixing the terms of courts; providing the manner of selection, tenure, and compensation of the judges and other officers of the

courts; providing the manner of and grounds for appeals to higher courts; providing for the practice in the courts; providing for the services of certain county and district officers to the courts; and declaring an emergency.

Referred to Committee on Judicial Districts.

By B. Bass:

HB 712, A bill to be entitled An Act relating to the registration of farm trailers and farm semitrailers operated or moved temporarily upon the highways; amending Subsection (f), Section 2, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Earthman:

HB 713, A bill to be entitled An Act relating to the issuance and use of a single license plate for motor vehicles; amending Sections 13 and 13a, Chapter 86, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Articles 6675a-13 and 6675a-13a, Vernon's Texas Civil Statutes), Subsections (a) of Section 2, Chapter 178, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 6675a-13-1/2, Vernon's Texas Civil Statutes), and Section 5, Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934, as amended (Article 807b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Highways and Roads.

By John Hannah:

HB 714, A bill to be entitled An Act reducing the sum of a "next friend" bond executed by the next friend or other person taking charge of money or property, as principal, and by a solvent surety company authorized to execute such bonds in Texas, as surety; amending Article 1994, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Atwell:

HB 715, A bill to be entitled An Act relating to increasing the franchise tax rate; amending Articles 12.21 and 12.211, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

HB 716 was not read first time today.

By Simmons and Lombardino:

HB 717, A bill to be entitled An Act relating to the obligation of certain members of the State Military Forces to attend regular monthly drills and annual training exercises; amending Section 7, Article 5783, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Federal Relations.

By Doran:

HB 718, A bill to be entitled An Act authorizing the commissioners court of Val Verde County to adopt zoning regulations for certain portions of the county frequented by citizens from all parts of this state; providing a penalty for violations; and declaring an emergency.

Referred to Committee on Counties.

By Kubiak:

HB 719, A bill to be entitled An Act relating to the removal and disposal of abandoned motor vehicles from the public streets and highways of this state; declaring an offense and prescribing a penalty; and declaring an emergency.

Referred to Committee on State Affairs.

By Kubiak:

HB 720, A bill to be entitled An Act relating to fees for hunting licenses; amending Section 2, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Kubiak:

HB 721, A bill to be entitled An Act relating to the allocation of a portion of the limited sales, excise and use tax to the sales tax school fund to be allocated and distributed to the local school districts of the state on the basis of scholastic population; amending Article 20.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; amending Section 15.01, Texas Education Code; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Kubiak:

HB 722, A bill to be entitled An Act relating to approval by the commissioners court in Robertson County of the rules and regulations promulgated by the Parks and Wildlife Commission regarding game and fish; amending Subsection b, Section 13, Chapter 730, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Kubiak:

HB 723, A bill to be entitled An Act exempting the homestead of an unmarried adult from attachment, execution, and every other species of forced sale; amending Article 3835, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Referred to Committee on Judiciary.

By Shannon, Spurlock, Hull, Finney, Sherman, Lewis, Moncrief, and Hilliard:

HB 724, A bill to be entitled An Act relating to the establishment of a state school in the Fort Worth-Dallas area for the mentally retarded; and declaring an emergency.

Referred to Committee on Mental Health and Mental Retardation.

By Price:

HB 725, A bill to be entitled An Act to amend Acts 1969, 61st Legislature, Chapter 889, known as the Texas Education Code, by amending Section 20.04 thereof to increase the maximum maintenance tax to not more than \$2.25 on the \$100 valuation of taxable property, providing for severability; and declaring an emergency.

Referred to Committee on School Districts.

By Price:

HB 726, A bill to be entitled An Act providing for the compensation of the official shorthand reporters of the 2nd and 145th Judicial Districts; providing the manner of payment; repealing Chapter 192, Acts of the 59th Legislature, Regular Session, 1965, and Chapter 36, Acts of the 61st Legislature, Regular Session, 1969 (Article 2326j-41, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Hubenak:

HB 727, A bill to be entitled An Act relating to the control of pollution in this state by authorizing counties, other public agencies and persons to cooperate in the collection, transportation, handling, storing, or disposing of solid waste; prescribing the rights, powers, privileges, and duties of such counties, public agencies, and persons; authorizing counties to acquire all kinds of property necessary or convenient to the exercise of the purposes of and the powers granted by this Act; authorizing counties to acquire by various means, operate, or maintain solid waste disposal systems; conferring the power of eminent domain upon counties; authorizing contracts between counties, public agencies, or other persons; setting forth the powers of such contracting parties in the making of such contracts; prescribing the sources from which payments under such contracts may be made, and authorizing such payments to be made from various revenues or from taxes, or both; providing that levy and pledge of ad valorem tax to make such contract payments must be authorized by election; requiring imposition by public agencies of rates sufficient to produce adequate revenues as required by such contracts; authorizing the issuance and refunding of bonds by counties and prescribing their terms, security, and related matters; requiring imposition by counties of rates sufficient to produce adequate revenues; authorizing investment of bond proceeds and the use thereof for interest payments, administrative expenses, and reserve funds; authorizing counties to offer solid waste disposal service and to require use thereof, to charge fees for such service and to suspend service from other

utilities to persons delinquent in payment; providing for approval of bonds and contracts by the Attorney General of Texas, and for their incontestability thereafter; providing for validation by suit in the district court and providing that judgment shall be res adjudicata as to the validity of bonds and contracts; providing that bonds issued under this Act shall be legal investments for various entities and be eligible to secure deposits of public funds; providing that counties shall bear the sole expense of the relocation of certain facilities; providing that this Act is cumulative of other statutes governing Texas Water Quality Board, Texas Air Control Board, and Texas State Department of Health relating to issuance of bonds, solid waste disposal service, or facilities for such purposes; providing for liberal construction of this Act; repealing Chapter 854, Acts of the 61st Legislature (compiled as Article 2351g, Vernon's Texas Civil Statutes); providing that this Act shall constitute full authority according to its terms and provisions and that no other general or special law or city charter provision shall be construed as affecting the provisions of this Act except as herein expressly provided; validating acts and proceedings of governing bodies of counties or other public agencies accomplished under said Chapter 854 and validating all bonds issued and all contracts consummated thereunder except matters now involved in litigation which ultimately terminates unfavorably as to the validity thereof; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

Referred to Committee on State Affairs.

By Finck:

HB 728, A bill to be entitled An Act amending the Probate Code by adding a Section 37A to provide the means whereby any person who may be entitled to receive property under any will of or by any inheritance from a decedent may disclaim and renounce such property; providing definitions of "property"; providing for the service of notice of such disclaimer; providing that testators may provide by will for disclaimer; providing for disclaimers by minors, incompetents or estates of decedents; providing for revocation of disclaimers; providing for partial disclaimers; prohibiting disclaimer after acceptance of such property; and declaring an emergency.

Referred to Committee on Judiciary.

By Wieting:

HB 729, A bill to be entitled An Act amending Section 1 of Chapter 389, Acts of the 60th Legislature, Regular Session, 1967, codified as Article 931a, Vernon's Penal Code to make permanent a temporary size limit on redfish; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

HB 730 was read first time and referred to the Committee on Revenue and Taxation on yesterday.

By Nelms, Clark, Joe Allen, Braun, Cruz, Nichols, and Gammage:

HB 731, A bill to be entitled An Act relating to the maintenance of a bond by certain employers to assure payment of employees' wages; amend-

ing Article 5160, Revised Civil Statutes of Texas, 1925, as amended by adding a Subsection H; amending Article 5157, Revised Civil Statutes of Texas, 1925, relating to penalties for failure to pay employees' wages; and declaring an emergency.

Referred to Committee on State Affairs.

By Atwell:

HB 732, A bill to be entitled An Act relating to applying the sales tax to the preparation or service of alcoholic beverages in individual servings by a private club; amending Section (W), of and adding a Section (V) to, Article 20.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; repealing Subsection 6b, Section 15e, Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Grant, Boyle, Kaster, and Ingram:

HB 733, A bill to be entitled An Act amending Chapter 72, Acts of the 57th Legislature, Regular Session, 1961 (Article 4590f, Vernon's Texas Civil Statutes), relating to inclusion of kinds of radiation not presently covered by the Radiation Control Act of 1961, by generally substituting the term "radiation" for the frequent phrase "ionizing radiation," used in the 1961 Act, and by defining "radiation"; by changing or adding certain other definitions; by amending certain sections to reflect these changes of definitions; by amending certain sections to change registration and exposure reporting requirements; extending authorization of the Governor of the State of Texas to enter into agreements with the federal government to transfer certain regulatory powers to the State of Texas concerning any radiation; and declaring an emergency.

Referred to Committee on State Affairs.

By McAlister, Hubenak, Golman, and Cruz:

HB 734, A bill to be entitled An Act relating to the regulation of proprietary business, technical, vocational, and home study schools; prohibiting certain acts and providing penalties; amending Title 2, Texas Education Code, by adding Chapter 32; repealing Chapter 250, Acts of the 41st Legislature, Regular Session, 1929 (Article 1415a, Vernon's Texas Civil Statutes, and Article 301a, Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

Referred to Committee on State Affairs.

By Ogg:

HB 735, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Grant Road Public Utility District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District

the rights, powers, privileges, authority and functions of the general laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, Constitution of Texas, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections; and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated and to situations where necessary to carry out the purposes for which District was created; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding that the requirements of Article 16, Section 59(d), Constitution of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Mengden:

HB 736, A bill to be entitled An Act creating the Higher Education Student Grievance Commission concerning the problems of college students and making an appropriation for its expenses.

Referred to Committee on Appropriations.

By Niland:

HB 737, A bill to be entitled An Act providing that persons who are

totally and permanently disabled as a result of military service are exempt from the payment of registration fees for certain vehicles which they own; amending Subsection (c), Section 3, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-3(c), Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Garcia and Atwood:

HB 738, A bill to be entitled An Act relating to prohibiting a person from hunting or killing white-winged dove unless he has in his possession a white-winged dove stamp issued to him, providing for the issuance of the stamp and the payment, allocation, and use of stamp fees; providing a penalty; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Garcia and Atwood:

HB 739, A bill to be entitled An Act relating to including the ocelot, jaguarundi, and margay in the game animal list; amending Article 892, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Braecklein:

HB 740, A bill to be entitled An Act relating to the liability of damages for persons engaged in the transplantation or transfusion of human tissues and related purposes; and declaring an emergency.

Referred to Committee on Judiciary.

#### COAUTHOR OF HJR 5

Mr. Bowers was granted permission by the author of HJR 5 to sign the resolution as coauthor.

#### COAUTHOR OF HJR 39 AND HB 682

Mr. Hilliard was granted permission by the author of HJR 39 and HB 682 to sign the resolution and the bill as coauthor.

#### ADJOURNMENT

In accordance with a previous motion, the House, at 11:48 a.m., adjourned until 11:00 a.m. next Monday.

#### APPENDIX

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

HB 735 transmitted by the Chief Clerk to the Governor on February 24, 1971.

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**STANDING COMMITTEE REPORTS**

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

Agriculture: HB 217.

Engrossed and Enrolled Bills: Correctly engrossed—HB 222, HB 258, HCR 44, HCR 55, HCR 56. Correctly enrolled—HCR 50, HCR 51, HCR 52.

House Administration: HCR 28, HCR 37, HSR 123.

Livestock: HB 83, HB 557.

Motor Transportation: HB 104.

Revenue and Taxation: HB 300.

State Affairs: HCR 7.

SENT TO THE GOVERNOR  
February 25, 1971

HB 15

HCR 50

HCR 51

HCR 52

**In Memory of the Honorable**  
**Norman Leonard Dalby**

Mr. Howard offered the following resolution:

HCR 59

Whereas, The citizens of New Boston and Texarkana, and the State of Texas lost a distinguished and greatly respected citizen with the death, at age 94, of former District Judge Norman Leonard Dalby; and

Whereas, Judge Dalby was born February 17, 1876, at Dalby Springs in Bowie County, where his father had settled in 1839. He attended Cumberland University Law School and was graduated in 1907; and

Whereas, After serving terms as justice of the peace in New Boston and county attorney for Bowie County, he served in the House of Representatives of the 31st Texas Legislature in 1909. In 1934 he was elected District Judge for Bowie and Red River Counties, the position which he held until his retirement in 1954; and

Whereas, Judge Dalby married the former Ethel Gaston Fulbright at New Boston on March 18, 1903. In addition to his career of public service, he devoted time to the operation of his farming and ranching business, and gathered material for a book on his family's history; and

Whereas, Having joined the Methodist Church when he was 12 years old, he had been a member of the First Methodist Church of Texarkana, Texas, since 1915. He served as a trustee of the church and a member of the Board of Stewards, as well as teaching the Men's Bible Class for a number of years; and

Whereas, This outstanding citizen who contributed much to the state will be greatly missed by his family and many friends and acquaintances; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the 62nd Legislature, by this Resolution, show honor and respect to Judge Norman Leonard Dalby and extend

deep sympathy to the members of his family on their great loss: to his wife, Mrs. Ethel Gaston Dalby; to his son, Robert L. Dalby; to his two daughters, Mrs. Edith Bean, and Mrs. Avelle Smith; and four grandchildren and five great-grandchildren; and, be it further

Resolved, That copies of this Resolution be prepared for the members of his immediate family, and that when the two Houses of the Legislature adjourn this day, they do so in memory of Judge Dalby.

The resolution was unanimously adopted by a rising vote.

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

## THIRTIETH DAY—MONDAY, MARCH 1, 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	Doran	Kilpatrick	Salem
Adams	Doyle	Kost	Salter
Agnich	Dramberger	Kubiak	Sanchez
Allen, Joe	Earthman	Lemmon	Santiesteban
Allen, John	Farenthold	Lewis	Schulle
Angly	Finck	Ligardé	Semos
Atwood	Finnell	Lombardino	Shannon
Baker	Floyd	Longoria	Sherman
Bass, T.	Foreman	Lovell	Short
Beckham	Gammage	McAlister	Silber
Bigham	Garcia	McKissack	Simmons
Blanton	Grant	Mengden	Slack
Blythe	Graves	Moncrief	Slider
Bowers	Hanna, Joe	Moore, A.	Smith
Boyle	Hannah, John	Moore, G.	Solomon
Braecklein	Harding	Murray	Spurlock
Braun	Harris	Nabers	Stewart
Burgess	Hawkins	Nelms	Stroud
Bynum	Hawn	Neugent, D.	Swanson
Caldwell	Haynes	Newton	Tarbox
Calhoun	Head	Nichols	Traeger
Carrillo	Heatly	Niland	Truan
Cates	Hendricks	Nugent, J.	Tupper
Cavness	Hilliard	Ogg	Uher
Christian	Holmes, T.	Orr	Vale
Clark	Holmes, Z.	Parker, C.	Von Dohlen
Clayton	Howard	Parker, W.	Ward
Coats	Hubenak	Patterson	Wayne
Cobb	Hull	Pickens	Wieting
Cole	Ingram	Poerner	Williams
Craddick	Jones, D.	Poff	Williamson
Daniel	Jones, E.	Presnal	Wolff
Davis, D.	Jones, G.	Price	Wyatt
Davis, H.	Jungmichel	Reed	
Denton	Kaster	Rosson	

## Absent

Allred	Cruz	Golman	Johnson
Bass, B.	Finney	Hale	Moreno

## Absent-Excused

Atwell	Lee	Moore, T.	Rodriguez
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.