

S.R. 276 - By Brooks: Extending welcome to Ginny Grayson, Greg Grayson and Robert Grayson.

S.R. 277 - By Blake: Extending welcome to Matthew Van Horn, Honorary Page for the Day.

S.R. 278 - By Blake: Extending welcome to Jacob Van Horn, Honorary Page for the Day.

S.R. 279 - By Doggett: Extending welcome to Stephanie Glusker, Honorary Page for the Day.

S.R. 280 - By Doggett: Extending welcome to Lara Scott, Honorary Page for the Day.

RECESS

On motion of Senator Brooks, the Senate at 12:29 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 14, 1983)

H.B. 426 Effective immediately

Signed by Governor
(March 15, 1983)

S.C.R. 39

H.C.R. 90

H.C.R. 91

H.C.R. 95

THIRTY-SIXTH DAY

(Continued)

(Thursday, March 17, 1983)

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.B. 99 (Farabee) Relating to juvenile court orders for family counseling. (29-1) Washington "Nay" (30-0)

S.B. 380 (Vale) Relating to the selection of grand jurors. (29-1) Washington "Nay" (30-0)

S.B. 392 (Leedom) Relating to an exemption of certain property from charges for fees for services and support and maintenance of residents of residential care facilities operated by the Texas Department of Mental Health and Mental Retardation. (29-1) Washington "Nay" (30-0)

S.B. 393 (Leedom) Relating to representation of the State in filing claims in court for support maintenance, and treatment of patients in certain State hospitals or residential care facilities and procedure therefor. (29-1) Washington "Nay" (30-0)

S.B. 407 (Doggett) Relating to the retention of certain sheltered workshop operating funds by the Texas Department of Mental Health and Mental Retardation in trust for the benefit of the participants in such workshops. (29-1) Washington "Nay" (30-0)

C.S.S.B. 422 (Farabee) Relating to changing the name of the Texas Youth Council to the Texas Youth Commission. (29-1) Washington "Nay" (30-0)

S.B. 486 (Sarpalius) Relating to the creation, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District. (29-1) Washington "Nay" (30-0)

S.B. 547 (Whitmire) Relating to the administration of oaths and taking of acknowledgements by the county assessor-collector or employees of that office. (29-1) Washington "Nay" (30-0)

S.B. 580 (Farabee) Relating to penalties and interest on certain taxes administered by the Comptroller of Public Accounts and on assessments on certain public utilities. (29-1) Washington "Nay" (30-0)

S.B. 581 (Farabee) Relating to limitations on the collection and refunds of State taxes administered by the Comptroller and to the filing and release of State tax liens. (29-1) Washington "Nay" (30-0)

S.B. 582 (Farabee) Relating to the application of the motor vehicle sales and use tax to certain exported motor vehicles and to certain imported motor vehicles. (29-1) Washington "Nay" (30-0)

S.B. 613 (Mauzy) Relating to extensions of time in which to file a petition for discretionary review. (29-1) Washington "Nay" (30-0)

S.C.R. 30 (Doggett) Granting Frank Hejl permission to sue the State. (vv)

S.C.R. 31 (Doggett) Granting Billy R. Williamson permission to sue the State. (vv)

**BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS
CALENDAR**

The following bill was removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
S.B. 377 - Doggett	Jones, Blake

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS
CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks the Senate at 8:44 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

THIRTY-SEVENTH DAY
(Thursday, March 17, 1983)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend John Price, St. George's Episcopal Church, Austin, offered the invocation as follows:

O God, we pray to You for peace in the world, particularly in the troubled land of Ireland. We thank You for the many people who fled from Ireland and countless other places, seeking freedom from tyranny and terror, helping to establish justice and peace on these shores. May we ever keep their heritage before us as, at our various levels, we plan and implement the affairs of our State of Texas. Look with Your guiding wisdom over the deliberations and actions of this Senate and its staff and bless us all with Your Love and Grace. In Your Holy Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 94

On motion of Senator Lyon and by unanimous consent, Senator Mauzy will be shown as Co-author of S.B. 94.

CO-AUTHOR OF SENATE BILL 389

On motion of Senator Whitmire and by unanimous consent, Senator Washington will be shown as Co-author of S.B. 389.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

S.B. 469
C.S.S.B. 341 (Read first time)

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REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

S.B. 469
C.S.S.B. 341 (Read first time)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 316
S.B. 266

Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 705

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 810
S.B. 633

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 129
S.B. 319
S.B. 692
S.B. 973
S.B. 444
S.B. 116
C.S.S.B. 147 (Read first time)
C.S.S.B. 23 (Read first time)
C.S.S.J.R. 1 (Read first time)
C.S.S.B. 643 (Read first time)
C.S.S.B. 610 (Read first time)
C.S.S.B. 216 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 399 (Read first time)
C.S.S.B. 606 (Read first time)
C.S.S.B. 663 (Read first time)
S.B. 644
S.B. 778
S.B. 1210
S.B. 660
S.B. 662

Senator Jones submitted the following report for the Committee on Finance:

S.B. 638
S.B. 658
S.B. 637
C.S.S.B. 445 (Read first time)
C.S.S.B. 544 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber
March 17, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

H.B. 54, Relating to career education.

H.B. 164, Relating to the jurisdiction of certain justice courts.

H.B. 502, Relating to the description of opiates and opium derivatives including fentanyl, for the purposes of schedules and penalty groups in the Texas Controlled Substances Act.

H.B. 267, Relating to compliance with a will admitted to probate as a muniment of title.

H.B. 208, Relating to provision of certain insurance and payment of premiums by counties and other political subdivisions of the state.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Farabee and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1195 by Santiesteban Economic Development
Relating to casino gambling in certain counties after a local option election authorizing such activity; the licensing, registration and regulation of casino gambling; taxation of casino gambling operations; appropriating funds to be recovered from licensed fees; and providing penalties.

S.B. 1223 by Whitmire Finance
Relating to the exemption from ad valorem taxation of recreational vehicles and boats and from forced sale for the satisfaction of liabilities; providing local option election.

S.B. 1224 by Sims Intergovernmental Relations
Relating to establishment of a juvenile board in Culberson and Hudspeth counties.

S.B. 1225 by Jones Intergovernmental Relations
Relating to liability insurance for county officers and employees.

S.J.R. 40 by Farabee, Montford, Howard Natural Resources
Proposing a constitutional amendment to authorize the issuance of an additional \$300 million of Texas Water Development Bonds.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 166, To Committee on State Affairs.

H.B. 378, To Committee on Jurisprudence.

H.B. 687, To Committee on Natural Resources.

H.B. 691, To Committee on State Affairs.

SENATE RESOLUTION 281

Senator Henderson offered the following resolution:

S.R. 281, Congratulating the University of Houston basketball team on winning the Southwest Conference Championship.

HENDERSON
WASHINGTON

The resolution was read and was adopted.

On motion of Senator Brown and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

COMMITTEE APPOINTED

Pursuant to the provisions of S.R. 249, the President announced the appointment of the following committee to meet with the Texas Congressional Delegation relating to the closing of lakeside parks in Texas: Senators Parker, Santiesteban and Edwards.

SENATE BILLS AND RESOLUTIONS REREFERRED

On motion of Senator Farabee and by unanimous consent, the following bills and resolutions were withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance:

S.B. 66
S.B. 328
S.B. 514
S.B. 604
S.B. 615
S.B. 616
S.J.R. 10
S.J.R. 15

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

Senator Howard moved confirmation of the nominees reported yesterday by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

Senator Doggett requested that William B. Blakemore II, to be a Member of the Public Safety Commission, be severed.

The request was granted.

NOMINEES CONFIRMED

On motion of Senator Howard, the following nominees, not severed and as reported by the Subcommittee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent: Santiesteban.

Absent-excused: Glasgow.

Member, Texas Alcoholic Beverage Commission: J. A. WHITTENBURG III, Randall County.

Members, State Board of Nurse Examiners: MRS. MARLENE A. HUDGINS, Randall County; MRS. LEO EVELYN JOHNSON, Nueces County; MRS. ELIZABETH JEAN PRYOR, Tarrant County; MRS. PEGGY L. BROWN, Harris County; CLEVE BACHMAN, Jefferson County.

Members, Texas Optometry Board: DR. CLINTON M. De WOLFE, Harris County; GARY E. GRIFFITH, Dallas County; MARILYN KAY WALLS, Johnson County.

Members, State Board of Pharmacy: MRS. JUDY TAYLOR, DeWitt County; DAVID LEE FRANKLIN, Dallas County.

Member, State Aircraft Pooling Board: JAMES L. NELSON, Travis County.

Branch Pilots, Ports of Brazos River Harbor Navigation District: CAPTAIN JOHN W. BURNS, Brazoria County; CAPTAIN KENNETH A. GONZALES, Brazoria County; CAPTAIN MARK EDWIN HICKS, Brazoria County; CAPTAIN ALVIN A. MILLER, Brazoria County.

Branch Pilots, Ports of Galveston County: CAPTAIN JAMES A. BORUP, Galveston County; CAPTAIN CHARLES R. BRANCH, Galveston County; CAPTAIN WILLIAM R. KERN, Galveston County; CAPTAIN EDGAR L. KING, Galveston County; CAPTAIN GEORGE E. PIZZITOLA, Galveston County.

Members, Criminal Justice Division Advisory Board: COLONEL JAMES B. ADAMS, Travis County; JUDGE BARBARA G. CULVER, Midland County; JUDGE JOE GREENHILL, Travis County; LEONARD HANCOCK, Bell County; OMAR HARVEY, Dallas County; JUDGE JOHN B. HOLMES, JR., Harris County; JUDGE HENRY WADE, Dallas County.

Member, District IV Review Committee of the Board of Medical Examiners: ARMANDO CUELLAR, M.D., Hidalgo County.

Members, Board of Trustees, Fire Fighters' Relief and Retirement Fund: W. HAROLD BRODT, Guadalupe County; J. J. PRUITT, Harris County.

Member, Board of Directors, Lower Colorado River Authority: CHARLES MATUS, Blanco County.

Members, Texas Board of Physical Therapy Examiners: BARBARA BARTON, Travis County; HENRY LYNN LAIRD, Randall County; DIANE DOEHNE RATH, Bexar County; EUGENE C. REMBE, Galveston County.

Members, Texas State Board of Examiners of Professional Counselors: DR. JULIAN BIGGERS, JR., Lubbock County; EDWARD C. BONK, Denton County; RAUL CASTILLO, Harris County; YVONNE L. KOHUTEK, Bexar County; SHIRLEY N. TURNER, Travis County; MRS. BETTYE WHITNEY, Dallas County; DR. CURTIS E. WILLS, Jefferson County.

Member, Board of Directors, Angelina and Neches River Authority: SAMUEL D. GRIFFIN, Angelina County.

Members, Board of Directors, Red River Authority of Texas: JOHN RUSSELL ARMSTRONG, Fannin County; WALES MADDEN III, Potter County; T. AUSTIN GUEST, Red River County.

Members, Texas Merit System Council: WILLIAM BUKER, Comal County; ROBERT E. EDWARDS, Dallas County; CLARENCE ANDREW GLASS, Travis County; JANELLE McARTHUR, Bexar County; EDWARD P. RODRIGUES, Maverick County.

Members, Texas National Guard Armory Board: TOM E. CHAPOTON, JR., Travis County; FRED AVILA, Harris County.

Members, Texas State Board of Public Accountancy: ROBERT S. DRIEGERT, Dallas County; FRANK T. REA, Harris County; STANLEY J. SCOTT, Dallas County.

Members, Commission on Uniform State Laws: RICHARD FAIRFAX DOLE, JR., Harris County; JUDGE PATRICK C. GUILLOT, Dallas County.

Associate Justice, 5th Court of Appeals: JUDGE ANNETTE STEWART, Dallas County.

PENDING BEFORE THE SENATE:

Member, Board of Regents, The University of Texas System: SAM BARSHOP, Bexar County.

Member, Texas Credit Union Commission: VELMA L. BROOKS, Dallas County.

NOMINEES CONSIDERED

Senator Howard moved that Sam Barshop, to be a Member of The University of Texas System Board of Regents, (pending before the Senate) be confirmed.

The Senate refused to confirm Mr. Barshop by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of the Members present)

Yeas: Blake, Brown, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Vale.

Nays: Brooks, Caperton, Doggett, Edwards, Mauzy, Parker, Sarpalius, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

Senator Howard moved that William B. Blakemore II, to be a Member of the Public Safety Commission, be confirmed.

The Senate refused to confirm Mr. Blakemore by the following vote: Yeas 16, Nays 14. (Not receiving two-thirds vote of the Members present)

Yeas: Blake, Brown, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Vale.

Nays: Brooks, Caperton, Doggett, Edwards, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

GUESTS PRESENTED

Senator Jones was recognized and presented Dr. Peggy Newman, Capitol Physician for the Day.

Dr. Newman was welcomed by the Members.

The President introduced Academy Award Director Sidney Lumet, a visitor to Austin.

The Members extended a welcome to Mr. Lumet.

SENATE RESOLUTION 271

Senator Doggett offered the following resolution:

WHEREAS, On Thursday, March 17, 1983, St. Patrick's Day will be celebrated throughout the world by all Irishmen, whether they claim the name by descent or adoption; and

WHEREAS, The Ancient Order of Hibernians, and those friendly to the Ancient Order of Hibernians, and their kith and kin, will hold their celebration on the Capitol steps to commemorate the great saint's feast day; and

WHEREAS, Although the citizens of the country of Ireland will certainly celebrate this merry-making occasion, many there and in other regions of the globe earnestly anticipate the arrival of a lasting peace to such a beautiful country and people; and

WHEREAS, Men of all nations, race, color, religion, and demographic settings desire the tragic conflict in Northern Ireland to be abated to prevent the unnecessary waste of both human and natural resources; and

WHEREAS, In the spirit of Irish lilt, gaiety, and laughter, the Ancient Order of Hibernians will bestow the title of "Honorary Irishmen for the Day" on all Texas Senators; now, therefore, be it

RESOLVED, That the Senators of the State of Texas, 68th Legislature, of Irish descent and those who are Irish by adoption join together as children of the old sod, true sons of Erin, and duly pay homage to the renowned and beloved St. Patrick on March 17, 1983; and, be it further

RESOLVED, That the Members of the Senate of the 68th Legislature, extend best wishes for a festive and spirited celebration, St. Patrick's Day, and encourage all Texans to participate in the "wearing of the green" on this special day.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Doggett was recognized and presented Michael O'Shaughnessy, Gilbert C. O'Shaughnessy, John P. O'Neill, James L. Carney and Walter F. Carr.

The Senate welcomed these gentlemen as guests.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 607
S.J.R. 21
S.B. 835
S.B. 1031
S.B. 617
S.B. 708
S.B. 1029
S.B. 1030
S.B. 1032

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Brooks and by unanimous consent, the Senate at 10:35 o'clock a.m. agreed to resolve itself into the Committee of the Whole Senate.

The President appointed Senator Santiesteban Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:55 o'clock a.m.

DRAWING FOR TERMS OF OFFICE

The President at 10:55 o'clock a.m. announced that the time had arrived for the drawing of terms of office by the Senators, pursuant to the provisions of **S.R. 264**.

The committee to supervise and direct the preparation of slips and envelopes composed of Senators Blake, Mauzy, Brooks, Farabee and Jones proceeded to the desk of the Secretary of the Senate. The slips, capsules and envelopes were prepared by the Secretary of the Senate as directed.

The Members then drew for terms of office with the results announced as follows:

Blake, District No. 3, drew No. 26, two-year term.
Brooks, District No. 11, drew No. 19, four-year term.
Brown, District No. 17, drew No. 24, two-year term.
Caperton, District No. 5, drew No. 11, four-year term.
Doggett, District No. 14, drew No. 20, two-year term.
Edwards, District No. 9, drew No. 14, two-year term.
Farabee, District No. 30, drew No. 10, two-year term.
Glasgow, District No. 22, drew No. 16, two-year term.
Harris, District No. 8, drew No. 22, two-year term.
Henderson, District No. 7, drew No. 13, four-year term.
Howard, District No. 1, drew No. 2, two-year term.
Jones, District No. 24, drew No. 12, two-year term.
Kothmann, District No. 19, drew No. 21, four-year term.
Leedom, District No. 16, drew No. 27, four-year term.
Lyon, District No. 2, drew No. 28, two-year term.
Mauzy, District No. 23, drew No. 9, four-year term.
) McFarland, District No. 10, drew No. 25, four-year term.
Montford, District No. 28, drew No. 8, two-year term.
Parker, District No. 4, drew No. 4, two-year term.
Parmer, District No. 12, drew No. 1, four-year term.
Santiesteban, District No. 29, drew No. 3, four-year term.
Sarpalius, District No. 31, drew No. 18, two-year term.
Sharp, District No. 18, drew No. 17, four-year term.
Sims, District No. 25, drew No. 15, four-year term.
Traeger, District No. 21, drew No. 7, four-year term.
Truan, District No. 20, drew No. 6, two-year term.
Uribe, District No. 27, drew No. 31, four-year term.
Vale, District No. 26, drew No. 30, two-year term.
Washington, District No. 13, drew No. 23, four-year term.
Whitmire, District No. 15, drew No. 5, four-year term.
Williams, District No. 6, drew No. 21, four-year term.

MESSAGE FROM THE HOUSE

House Chamber
March 17, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

S.C.R. 48, Granting either House of the Legislature permission to adjourn from Wednesday, March 30 through Monday, April 4, 1983.

H.C.R. 101, Congratulating Lee D. Herring on his day of retirement.

H.C.R. 94, Commending participants in Leadership Abilene.

S.B. 95, Relating to the authority of the Lieutenant Governor and the Speaker of the House of Representatives to administer oaths, affidavits and affirmations.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 94 ON THIRD READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 94, Relating to hunting and fishing and to the conservation of wildlife resources in all counties; providing penalties.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **S.B. 94** for consideration at this time on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Brooks, Brown, Doggett, Edwards, Farabee, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Howard, Jones, Sharp, Sims, Traeger.

Absent-excused: Glasgow.

The bill was read third time and was finally passed by the following vote: Yeas 22, Nays 8.

Yeas: Brooks, Brown, Doggett, Edwards, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Farabee, Howard, Jones, Sharp, Sims, Traeger.

Absent-excused: Glasgow.

HOUSE CONCURRENT RESOLUTION 94

The President laid before the Senate the following resolution:

H.C.R. 94, Commending the participants in Leadership Abilene.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 197 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 197, Relating to the continuation of the Texas Energy and Natural Resources Advisory Council.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Amend **C.S.S.B. 197** by striking the last sentence of subsection (b) of SECTION 1 and substituting the following:

(b) Appointments to the board shall be made with due regard to the race, creed, sex, religion, and national origin of the appointees and the geographical representation of the members of the board.

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend **C.S.S.B. 197** by striking lines 13-22 on page 2 of the printed bill and substituting the following:

(k) An employee of the council may not be an officer, employee, or paid consultant of a trade association in the energy or natural resources industry.

(l) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as general counsel to the council.

The amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 197 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 278 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 278, Relating to the construction of certain pressure vessels and to the regulation of certain pressure vessel manufacturers; providing a penalty.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up C.S.S.B. 278 for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington

Absent-excused: Glasgow.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend C.S.S.B. 278 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. PURPOSE. The purpose of this Act is to establish standards of construction for certain new pressure vessels, to ensure minimum requirements of quality for the manufacturers of those vessels for sale, and to provide for uniformity of construction by pressure vessel manufacturers.

SECTION 2. DEFINITIONS. In this Act:

(1) "A.S.M.E. Code" means Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, addenda, code cases, and interpretations adopted by the society.

(2) "Authorized inspection agency" means an organization employing inspectors of pressure vessels in this state and complying with the requirements of the rules based on the A.S.M.E. Code.

(3) "Board" means the Board of Pressure Vessel Rules.

(4) "Chief Inspector" means the chief inspector of boilers appointed by the commissioner pursuant to the provisions of Section 8, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937 (Article 5221c, Vernon's Texas Civil Statutes), the Texas boiler law.

(5) "Commissioner" means the commissioner of the Texas Department of Labor and Standards.

(6) "Inspector" means an authorized inspector holding a valid commission and identification card, issued pursuant to Subsection (c) of Section 6 of this Act, to inspect pressure vessels and to be continuously employed by an authorized inspection agency.

(7) "Manufacturer" means an organization or person holding a valid "U" or "U2" certificate of authorization issued by the American Society of Mechanical Engineers.

(8) "Owner/User" means any person, firm, or corporation owning or operating pressure vessels within this state.

(9) "Pressure vessel" means any container for the containment of pressure, either internal or external, that is obtained from an external source, or by the application of heat from a direct or indirect source, or through any combination thereof as defined by the rules, based on the A.S.M.E. Code and this Act.

SECTION 3. RULES; BOARD OF PRESSURE VESSEL RULES. (a) The commissioner may adopt and enforce rules for the construction of pressure vessels covered by this Act. The standards prescribed by the rules must be at least as strict as the standards set forth in Section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, as that code existed on January 1, 1983. A pressure vessel constructed after the effective date of this Act may not be used if its construction is not in accordance with the rules, unless authorization for the noncompliance was obtained in accordance with this Act, or unless it can be proven to the satisfaction of the commissioner that the design and construction of the pressure vessel has provided or will provide equivalent safety.

(b) The commissioner may not authorize rules for registration, certificates of operation, or in-service inspection of pressure vessels.

(c) There is established within the department of labor and standards a Board of Pressure Vessel Rules, consisting of nine members appointed by the commissioner who hold office for staggered terms of six years, with three members' terms expiring on February 1 of each odd-numbered year.

(d) The commissioner may remove any member of the board for inefficiency or neglect of duty in office. On the resignation, death, suspension, or incapacity of any member, the commissioner shall fill the vacancy for the remainder of the unexpired term with an individual representative of the same interests with which the predecessor was identified at the time of his appointment.

(e) Each member must have experience with pressure vessels. At least four members, if possible, must be registered professional engineers licensed in this state. At least three members must be representatives of an owner/user of pressure vessels. Three must be representatives of pressure vessel manufacturers or installers. One must be a representative of a company insuring pressure vessels in this state. One must be a mechanical engineer on the faculty of a recognized engineering college within the state. One must be a representative of a skilled craft involved in construction of pressure vessels.

(f) The chief inspector of the boiler division of the department of labor and standards shall serve as chairman and be a voting member. The commissioner shall be an ex officio, nonvoting member. The board shall meet at the call of the chairman at least twice each year at a place designated by the board. A decision of the board is not effective unless supported by the vote of at least five members.

(g) The board shall act in an advisory capacity to the commissioner in adopting rules for the construction of pressure vessels covered by this Act.

(h) The board members serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties as board members.

SECTION 4. EXEMPTIONS. The following are exempted from this Act:

(1) a pressure vessel constructed, under construction, or under formal contract for construction before the effective date of the rules promulgated pursuant to this Act;

(2) a pressure vessel owned or operated by the United States government;

(3) a pressure vessel used for the transportation and storage of compressed or liquefied gases if constructed and operated in compliance with specifications and regulations of the United States Department of Transportation;

(4) a pressure vessel located on a vehicle operating pursuant to regulations of other state authorities or political subdivisions and used for carrying passengers or freight, such as:

(A) cargo or volume tanks for trucks, ships, and barges;

(B) air receivers associated with braking systems of mobile equipment; and

(C) pressure vessels installed in ocean-going ships, barges, and floating craft;

(5) a pressure vessel installed on the right-of-way of a railroad and used directly in the operation of trains;

(6) a pressure vessel having an internal or external operating pressure not exceeding 15 PSIG, without regard to size;

(7) a pressure vessel designed and constructed to operate at pressures exceeding 3,000 PSIG;

(8) a pressure vessel with a nominal capacity of 120 gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;

(9) a pressure vessel containing water heated by steam or any other indirect means when none of the following limitations are exceeded:

- (A) a heat input of 200,000 Btu's per hour;
- (B) a water temperature of 210 degrees Fahrenheit; or
- (C) a nominal water-containing capacity of 120 gallons;
- (10) a pressure vessel that does not exceed:
 - (A) 5 cubic feet in volume and 250 PSIG pressure;
 - (B) 1-1/2 cubic feet in volume and 600 PSIG pressure; or
 - (C) an inside diameter of six inches without regard to pressure;
- (11) a pressure vessel that is used in operations subject to the regulation and control of the Texas Railroad Commission;
- (12) piping and pipelines including structures whose primary function is the transport of fluids from one location to another within a piping system of which it is an integral part and that performs secondary functions such as mixing, separating, snubbing, and metering;
- (13) a pressure container that is part of a fired process tubular heater or furnace;
- (14) a pressure vessel covered by the Texas boiler law, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937 (Article 5221c, Vernon's Texas Civil Statutes);
- (15) a pressure vessel in a building occupied solely for residence purposes with accommodations not to exceed four families;
- (16) a pressure vessel located on a farm and used exclusively for agricultural purposes;
- (17) a pressure vessel used solely by and in the care, custody, and control of a research facility for research that will result in the destruction of the vessel;
- (18) a pressure vessel used as an integral part of an electrical circuit breaker or transformer;
- (19) a pressure vessel manufactured from nonmetallic materials;
- (20) a pressure container that is an integral part or component of a rotating or reciprocating mechanical device, such as a pump, compressor, or hydraulic or pneumatic cylinder where the primary design considerations or stresses are derived from the functional requirements of the device;
- (21) a pressure vessel designed and constructed to operate at pressures exceeding 3,000 lbs. per square inch; and
- (22) any other category of pressure vessels that the commissioner, with the advice of the board, determines by rule to be exempt under this Act.

SECTION 5. STANDARDS ADOPTED BY POLITICAL SUBDIVISION.

Without the express approval of the department of labor and standards following a hearing on the matter, a political subdivision of this state may not adopt different standards from those promulgated by the commissioner for the construction of pressure vessels within the political subdivision.

SECTION 6. CONSTRUCTION REQUIREMENTS; CONSTRUCTION INSPECTIONS. (a) A vessel covered by this Act must be constructed and stamped in accordance with the rules based on the A.S.M.E. Code, unless authorization to do otherwise is obtained in accordance with this Act.

(b) Pressure vessels manufactured in this state and subject to this Act shall be inspected during construction by an inspector who is commissioned by the department of labor and standards as provided by this section. The inspector shall carry an identification card issued by the commissioner while conducting construction inspections.

(c) The commissioner is vested with full power and authority to determine the qualifications of an applicant who:

- (1) passes a written examination prescribed by the department; or
- (2) presents evidence satisfactory to the commissioner of analogous credentials issued by another state, political subdivision, or the national board of boiler and pressure vessel inspectors.

(d) The identification card must be renewed in December of each year, and the commissioner, with the advice of the board, may prescribe a fee for renewal.

(e) The commissioner may suspend or revoke a commission issued under this section for good cause after notice and hearing as provided by Section 12 of this Act.

SECTION 7. SPECIAL DESIGN. (a) Vessels nominally within the limits of the rules based on the A.S.M.E. Code that cannot be A.S.M.E. Code stamped may be constructed and/or used in this state provided the special design has been reviewed and approved by the commissioner. Applications for the review must demonstrate that the special design is consistent with the objectives of this Act and will provide equivalent safety.

(b) Special designs for vessels subject to the provisions of this Act but outside the limits of the rules based on the A.S.M.E. Code may be submitted to the commissioner for review and approval. Special designs shall be consistent with the objectives of this Act and will provide equivalent safety.

(c) Approval of a special design or variation does not constitute an official warranty of the pressure vessel concerned. The commissioner, chief inspector, other officers and employees of the department of labor and standards, and members of the board are not liable for any injury or damage that arises from or is connected with the approval of a special design or variation.

SECTION 8. VARIANCES. (a) Any person, firm, or corporation that owns, operates, or manufactures pressure vessels may request a variation from a rule or decision. The request for variation shall be in writing and shall specify how the equivalent safety is to be maintained. The commissioner, after investigation and any hearing he may direct, may on his own motion grant the variation from the terms of any rule or decision, provided any special conditions specified are maintained to provide equivalent safety.

(b) A decision by the commissioner on a variation becomes effective on the date of the decision.

(c) Approval of a variation does not constitute an official warranty of the pressure vessel concerned. The commissioner, chief inspector, other officers and employees of the department of labor and standards, and members of the board are not liable for any injury or damage that arises from or is connected with the approval of a variation.

SECTION 9. REGISTRATION OF MANUFACTURERS. (a) A manufacturer of pressure vessels may not sell pressure vessels for installation or use in this state unless the manufacturer is registered under this Act.

(b) To be registered, an applicant for registration as a manufacturer of pressure vessels must:

(1) submit a registration application to the department on a form prescribed by the department; and

(2) pay any registration fee required by the commissioner.

(c) The registration must be renewed annually, and the commissioner, with the advice of the board, may prescribe a fee for renewal.

SECTION 10. SPECIAL INSPECTIONS. (a) The commissioner is empowered to provide a special inspection service to manufacturers in this state, including but not limited to surveys, reviews, investigations, and other services required for certification to construct certain pressure vessels in accordance with the rules based on the A.S.M.E. Code.

(b) All surveys and reviews of manufacturers, including investigations, shall be conducted by the chief inspector or his designee. The commissioner may not authorize in-service inspections under this Act.

(c) Total cost to a recipient of special inspections shall include any travel and per diem expenses incurred.

SECTION 11. FEES. (a) The commissioner, with the advice of the board, shall set and collect all fees prescribed in this Act in amounts that produce income

reasonable and necessary to cover the expenses incurred in the administration of this Act. All money collected, including any travel and per diem expenses as set forth in the General Appropriations Act, shall be reappropriated to the credit of the boiler and pressure vessel division of the department.

(b) The commissioner, with the advice of the board, shall set and collect fees for special inspections.

(c) The commissioner, with the advice of the board, may set and collect registration fees from all manufacturers engaged in the manufacturing of pressure vessels as defined in this Act for installation or use in any location in the State of Texas. Registration fees may be collected annually and may not exceed \$100 per year.

(d) The commissioner, with the advice of the board, shall set and collect fees for administering examinations and issuing commissions and identification cards, as provided by this Act.

SECTION 12. GRIEVANCE. (a) Any person aggrieved by a rule or decision under this Act may notify the commissioner of the grievance in writing. The commissioner shall consider the grievance and may amend or repeal the rule or decision on his own motion. If the commissioner fails to commence action to amend or repeal the rule or decision within 10 days after the day of receipt of the written notice of grievance, the aggrieved party is entitled to a hearing before the commissioner in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), if the person files a written application for a hearing.

(b) Proceedings for suspension or revocation of a commission or registration established under this Act and appeals from these proceedings are governed by the Administrative Procedure and Texas Register Act. On failure of the commissioner to amend or repeal a rule or decision, the aggrieved person may file a petition to review, set aside, modify, or suspend the action of the commissioner in accordance with the Administrative Procedure and Texas Register Act.

SECTION 13. INJUNCTION; PENALTY. (a) The commissioner may sue in district court to enjoin or restrain a person from violating this Act or the rules and administrative orders that are promulgated under this Act.

(b) A person commits an offense if the person knowingly or intentionally fails to comply with the pressure vessel construction requirements or the manufacturer registration requirements of this Act. An offense under this section is a Class A misdemeanor.

SECTION 14. TEMPORARY PROVISIONS. (a) In making the initial appointments to the board, the commissioner shall designate three members for terms expiring in 1985, three members for terms expiring in 1987, and three members for terms expiring in 1989.

(b) The initial rules promulgated by the commissioner under this Act take effect one year after the date they are published in the Texas Register.

SECTION 15. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses 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 this rule is hereby suspended.

The amendment was read.

Senator Washington offered the following amendment to the pending amendment:

Amend Amendment No. 1 to C.S.S.B. 278 by adding a subsection (i) to SECTION 3 to read as follows:

(i) Appointments to the Board shall be made with due regard to the race, creed, sex, religion, and national origin of the appointees and the geographical representation of the members of the council.

The amendment to the pending amendment was read and was adopted.

Question on the adoption of the amendment as amended, the amendment as amended was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 278 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Henderson, Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 25, Relating to the right to eat lunch for teachers actively engaged in the instruction of public school students.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Amend subsection (c) of SECTION 1 of S.B. 25 by deleting the subsection in its entirety and substituting in lieu thereof the following:

(c) If necessary because of a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance, a school district may require a teacher entitled to a duty-free lunch to supervise students during lunch. A teacher may not be required to supervise students under this subsection more than the equivalent of one day per school week. The State Board of Education by rule shall prescribe guidelines for determining what constitutes a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance for purposes of this subsection.

The amendment was read.

Senator Truan moved to table the amendment.

Question—Shall the amendment be tabled?

On motion of Senator Truan and by unanimous consent, further consideration of C.S.S.B. 25 was postponed temporarily.

COMMITTEE SUBSTITUTE SENATE BILL 36 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 36, Relating to interest rates on judgments.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.S.B. 36**, as reported from Committee, as follows:

1. Renumber Sections 2 and 3 of the bill as Sections 3 and 4.
2. Add a new Section 2 to the bill to read as follows:
SECTION 2. Section 111.010, Tax Code, is amended by adding a Subsection (d) to read as follows:
(d) The state is entitled to interest at the rate of 10 percent a year on the amount of a judgment for the state beginning on the day the judgment is signed and ending on the day the judgment is satisfied.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 36 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed.

SENATE BILL 420 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 420, Relating to state regulation of corporations; amending the Texas Business Corporation Act, as amended, by amending Section D, Article 2.10; Sections A and B, Article 2.10-1; Section D, Article 8.09; and Section A, Article 10.01.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 420**, Section 4 (page 4 and 5) as follows:

Page 4, line 25-26: Strike "One Hundred Dollars (\$100.00)." and substitute with "Two Hundred Dollars (\$200.00)."

Page 5, line 18: Strike "Ten Dollars (\$10.00)." and substitute with "Twenty-Five Dollars (\$25.00)."

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 420 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 420 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON SECOND READING

The Senate resumed consideration of pending business, the same being C.S.S.B. 25 on its second reading and passage to engrossment, with a motion to table the pending amendment.

Question—Shall the amendment be tabled?

On motion of Senator Truan and by unanimous consent, the motion to table was withdrawn.

The amendment by Senator Sarpalius was then adopted.

Senator Sarpalius offered the following amendment to the bill:

Amend subsection (a) of SECTION 1 of S.B. 25 by deleting the subsection in its entirety and substituting in lieu thereof the following:

(a) Except as provided by Subsection (c) of this Section, each teacher actively engaged in the instruction and supervision of children in public schools is entitled to a school lunch period free from all duties and responsibilities connected with the instruction and supervision of children. Each school district may set flexible or rotating schedules for each classroom teacher in the district for the implementation of the duty-free lunch period.

The amendment was read.

On motion of Senator Truan, the amendment was tabled by the following vote: Yeas 16, Nays 13.

Yeas: Brooks, Caperton, Doggett, Edwards, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sharp, Truan, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Harris, Henderson, Howard, Jones, Leedom, McFarland, Montford, Sarpalius, Sims, Traeger.

Absent: Uribe.

Absent-excused: Glasgow.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Sims.

Absent-excused: Glasgow.

MOTION TO PLACE SENATE BILL 144 ON SECOND READING

Senator Blake asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 144, Relating to the qualifications of the commissioner of mental health and mental retardation.

There was objection.

Senator Blake then moved to suspend the regular order of business and take up **S.B. 144** for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving two-thirds vote of the Members present)

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Jones, Kothmann, Lyon, Mauzy, Parker, Sarpalius, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Nays: Harris, Henderson, Howard, Leedom, McFarland, Montford, Parmer, Santiesteban, Sharp, Vale.

Absent: Uribe.

Absent-excused: Glasgow.

SENATE BILL 354 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 354, Relating to amending Acts 1973, 63rd Legislature, page 883, Chapter 399, as amended, (Section 46.04, Penal Code) by adding government building to places where weapons are prohibited; providing a penalty; providing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Whitmire offered the following committee amendment to the bill:

Amend **S.B. 354** to read as follows:

At line 13, after the word "firearm," insert "or explosive weapon, or illegal knife,"

At line 20, after the word "building" delete the "period(.)" and add "or the contiguous grounds."

The committee amendment was read and was adopted.

Senator Whitmire offered the following amendment to the bill:

Amend **S.B. 354** to read as follows:

At line 27, after the word "grounds" delete the "period(.)" and add ", unless pursuant to written regulations or written authorization of the appropriate authority;"

The amendment was read and was adopted.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 354 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 354** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

SENATE BILL 355 ON SECOND READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 355, Relating to the board of trustees of independent school districts located on military reservations.

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

SENATE BILL 355 ON THIRD READING

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 355** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

SENATE BILL 559 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 559, Relating to the powers and duties of a corporation, its directors, and committees and the liabilities of a director of a corporation and to the indemnification of and maintenance of liability insurance for certain corporate directors, officers, employees, agents, and certain nominees and designees identified in this Act; defining “net assets” and methods of determining assets and surplus; amending the Texas Business Corporation Act, as amended.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend SECTION 3 of S.B. 559 by amending Article 2.02-1 A(1) to read as follows:

“Article 2.02-1. POWER TO INDEMNIFY AND TO PURCHASE INDEMNITY INSURANCE; DUTY TO INDEMNIFY. A. In this article:

“(1) ‘Corporation’ includes any domestic or foreign predecessor entity of the corporation in a merger, consolidation, or other transaction in which the liabilities of the predecessor are transferred to the corporation by operation of law and in any other transaction in which the corporation assumes the liabilities of the predecessor but does not specifically exclude liabilities that are the subject matter of this article.

(2) “Director” means any person who is or was a director of the corporation and any person who, while a director of the corporation, is or was serving at the request of the corporation as a director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise.

(3) ‘Expenses’ include court costs and attorneys’ fees.

(4) “Official capacity” means

(a) when used with respect to a director, the office of director in the corporation, and

(b) when used with respect to a person other than a director, the elective or appointive office in the corporation held by the officer or the employment or agency relationship undertaken by the employee or agent in behalf of the corporation,

but in each case does not include service for any other foreign or domestic corporation or any partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise.

(5) ‘Proceeding’ means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitrative, or investigative, any appeal in such an action, suit, or proceeding, and any inquiry or investigation that could lead to such an action, suit, or proceeding.

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the bill:

Amend SECTION 6 of S.B. 559 by inserting the words “by the directors” after the word “action” on page 16, line 3.

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 559 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 559 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

MESSAGE FROM THE HOUSE

House Chamber
March 17, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

H.B. 141, Relating to the purchase of newspapers for use in public schools.

H.B. 338, Relating to the authority of the Texas Department of Mental Health and Mental Retardation to construct and operate a psychiatric treatment facility in Tarrant County.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.R. 284 - By Doggett: Memorial resolution for William "Bill" Gaston Gibbs, Sr.

S.R. 285 - By Doggett: Memorial resolution for George C. Bolton.

CONGRATULATORY RESOLUTIONS

H.C.R. 101 - (Mauzy): Extending congratulations to Lee D. Herring on his retirement.

S.R. 282 - By Truan: Commending Dr. Hector P. Garcia for his efforts on the part of his fellowman.

S.R. 283 - By Doggett: Commending the Mary Lee Foundation for its public service.

S.R. 286 - By Doggett: Extending congratulations to Ms. Frances L. Bass.

S.R. 287 - By Whitmire: Commending Mrs. Nettie B. Smith.

S.R. 288 - By Brown, Farabee, Brooks, Howard, Mauzy, Jones, Williams and Glasgow: Extending best wishes to Jim Dodds.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:19 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 21, 1983.

THIRTY-EIGHTH DAY
(Monday, March 21, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Dr. John Shouse, University Baptist Church, Austin, offered the invocation as follows:

Oh Lord, Our God, we pause before the work of this day to remind ourselves that all of life stands under Your direction.

We confess that too often we do not stand under one God, but under many.

We worship money, power and prestige and they catch a grip on us and strangle us.

Sometimes we come to You to confirm our prejudices rather than to be conformed to Your purpose.

So this morning arrest us, startle us, disturb us. Shock us out of comfortable patterns and easy assumptions to remember that from You all power flows and all authority is derived.

Show mercy upon our mistakes, and motivate us to move selflessly and courageously toward the civic good.

In the Name of Jesus Christ, this prayer is offered. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 17, 1983, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 671

On motion of Senator Glasgow and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 671.

CO-AUTHOR OF SENATE BILL 774

On motion of Senator Parmer and by unanimous consent, Senator Washington will be shown as Co-author of S.B. 774.