

THIRTY-EIGHTH DAY
(Continued)
(Thursday, March 19, 1981)

AFTER RECESS

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

MESSAGE FROM THE HOUSE

House Chamber
March 19, 1981

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. 450, Relating to purchase by a city, town, or county from a cooperative association to which a member of the governing body belongs.

H.B. 563, Relating to the authority of commissioners courts in certain counties to charge admission fees to county-operated museums, historical sites, or historical buildings.

H.B. 1432, Relating to the creation, powers, duties, and financing of certain municipal power agencies and validating proceedings creating such agencies and certain actions of such agencies.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

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 in accordance with the provisions of **S.R. 148**.

After suspending the regular order, the following bills were read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of regular order, Constitutional Three-Day Rule and final passage indicated after caption of each bill.)

C.S.S.B. 153 (Farabee) Relating to exceptions to the privilege of confidentiality of certain information pertaining to the mental or emotional health of an individual. (31-0) (31-0) (31-0)

S.B. 353 (Ogg) Relating to the authority of investigators appointed by district attorneys, criminal district attorneys and county attorneys to serve process in criminal cases. (31-0) (31-0) (31-0)

S.B. 595 (Mauzy) Relating to the authority of commissioners courts in certain counties to charge admission fees to county-operated museums, historical sites, or historical buildings and to the disposition and use of the fees. (31-0) (31-0) (31-0)

C.S.S.B. 656 (Mauzy) Relating to the establishment, powers, and duties of the Dallas County Juvenile Board, Juvenile Probation Department, and Court Services Department, and the offices of director of juvenile services and director of court services. (31-0) (31-0) (31-0)

S.B. 728 (Santiesteban) Creating the Haciendas Del Norte Water Improvement District. (31-0) (31-0) (31-0)

C.S.S.B. 869 (Traeger) Relating to weight limitations for certain vehicles. (30-1 PNV) Vale "Present-not voting" (30-1 PNV) Vale "Present-not voting" (30-1 PNV) Vale "Present-not voting"

REASON FOR VOTE ON C.S.S.B. 869

I feel that I possibly could have a conflict of interest in that the stockholders of a corporation that might enter into a contract as a result of this legislation are relatives of mine.

VALE

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 8:38 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

THIRTY-NINTH DAY (Thursday, March 19, 1981)

The Senate met at 10:30 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: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

Senator Ed Howard offered the invocation as follows:

Father, let us say more of Thee and less of self. Give us strength, courage, and wisdom, and above all, give us forgiveness. In Jesus' name, 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.

GUESTS PRESENTED

The President introduced to the Members of the Senate His Excellency Aper Aku, Governor of the State of Benue, Nigeria, and Mrs. Aku.

Governor and Mrs. Aku are touring several states to observe legislatures and were welcomed today as guests of the Texas Senate.

"MISS TEXAS" PRESENTED

Senator Short was recognized and presented "Miss Texas", Miss Terri Eoff.

Miss Eoff was escorted to the President's Rostrum and addressed the Senate.

CO-AUTHOR OF SENATE BILL 477

On motion of Senator Truan and by unanimous consent, Senator Uribe will be shown as Co-author of S.B. 477.

CO-AUTHOR OF SENATE BILL 605

On motion of Senator Wilson and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 605.

GUEST PRESENTED

Senator Traeger was recognized and introduced Congressman Jim Mattox, serving District Five in the U.S. House of Representatives.

Congressman Mattox was welcomed as a guest of the Senate today.

REPORTS OF STANDING COMMITTEES

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

H.B. 4

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 690

S.B. 417

S.B. 691

C.S.S.B. 749 (Read first time)

Senator Truan, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.B. 575

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

S.B. 753 (Amended)
C.S.S.B. 823 (Read first time)

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

S.B. 767
S.B. 446 (Amended)
S.B. 464
S.B. 605
S.B. 513 (Amended)

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

S.B. 701
S.B. 632 (Amended)
S.B. 631
S.B. 713 (Amended)
S.B. 834

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. 268, To Committee on Intergovernmental Relations.
H.B. 1432, To Committee on State Affairs.

SENATE BILLS ON FIRST READING

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

S.B. 1125 by Harris State Affairs
Relating to regulation of gas utilities.

S.B. 1127 by Glasgow Human Resources
Relating to expanding the state program for the purchase of goods and services of blind persons to include the purchase of goods and services of other severely disabled persons.

S.B. 1128 by Jones Finance
Relating to the refund of certain fees deposited by the secretary of state into the treasury.

S.B. 1129 by Snelson Education
 Relating to the regulation of private degree-granting institutions of higher
 education.

SENATE RESOLUTION 362

Senator Short offered the following resolution:

S.R. 362, Honoring family farmers and ranchers of Texas on the occasion
 of Agriculture Day.

The resolution was read and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
 March 19, 1981

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.B. 51, Authorizing and making an appropriation to the Texas Real Estate
 Commission. (With amendments)

S.B. 54, Relating to creation of the office of budget officer in certain
 counties.

S.B. 74, Relating to the election of the board of directors of the Wilson
 County Memorial Hospital District and certain proceedings and actions of the
 board. (With amendment)

S.B. 138, Relating to the compensation of reserve deputy sheriffs and
 reserve deputy constables. (With amendment)

H.C.R. 120, Recognizing March 19, 1981 as "Agriculture Day."

H.B. 1379, Relating to the regulation of injection wells and underground
 storage of hydrocarbons.

Respectfully,

BETTY MURRAY, Chief Clerk
 House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after
 the caption had been read, the following enrolled bill and resolutions:

H.C.R. 57

H.C.R. 77

H.C.R. 99

S.B. 480 (Signed subject to Sec. 49a,
 Article III, Constitution of

State of Texas)

SENATE RESOLUTION 382

Senator Howard offered the following resolution:

S.R. 382, Congratulating Gary Odom on being named the Outstanding Young Farmer of Texas in 1980.

The resolution was read and was adopted.

GUESTS PRESENTED

Mr. and Mrs. Gary Odom and their children, Julie, Brian and Erica, were escorted to the President's Rostrum by Agriculture Commissioner Reagan Brown.

The Odom family was welcomed as guests of the Senate today.

SENATE RESOLUTION 388

Senator Snelson offered the following resolution:

WHEREAS, The Teacher Retirement System sends over 73,000 annuity checks to retired teachers and their beneficiaries each month; and

WHEREAS, The Teacher Retirement System submitted 73,219 annuity checks to the Austin post office on Friday, January 30, 1981, following the normal procedure used for mailing the checks each month; and

WHEREAS, the checks did not leave the Austin post office until the afternoon of Monday, February 2, 1981; and

WHEREAS, the 73,219 annuitants, through no fault of their own, did not receive their annuity check as expected on Monday, February 2, 1981; and

WHEREAS, service charges for overdrafts would have been a burden to these retired teachers living on fixed incomes; and

WHEREAS, the Texas Bankers Association and the Independent Bankers Association of Texas urged their member banks to waive any service charges which might have been incurred by these retired employees and their beneficiaries because of this delay; now, **THEREFORE, BE IT**

RESOLVED, That the Senate of the State of Texas thanks the member banks of the Texas Bankers Association and the member banks of the Independent Bankers Association of Texas for their cooperation in aiding the retired teachers of Texas by waiving any service charges which these retired teachers otherwise might have incurred.

The resolution was read.

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

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

SENATE RESOLUTION 389

Senator Ogg offered the following resolution:

S.R. 389, Saluting Bill Collins, Wilma Morrison and Rena Johnson of Canada for their efforts in spreading the word of Texas' many attributes.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Ogg was recognized and presented "Ambassador" Collins, "Minister" Morrison and "Director" Johnson with the Texas flag flown over the State Capitol yesterday.

SENATE RESOLUTION 383

Senator Brooks offered the following resolution:

WHEREAS, On September 1, 1981, William Donald Carroll, Chief of the Bureau of Vital Statistics and State Registrar, will celebrate his 50th year of service to the State of Texas, and the people of this state have been fortunate to have this talented public servant for so many years; and

WHEREAS, Mr. Carroll was born May 21, 1914, in Elizabeth, Louisiana, and his family moved in 1922 to West Texas where he attended schools in Santa Anna and in Coleman; and

WHEREAS, This fine gentleman entered The University of Texas in 1930, and one year later, on September 1, 1931, he began his career in public health as a half-time clerk in the Bureau of Vital Statistics; upon his graduation, Mr. Carroll became the Assistant State Registrar; he did graduate work at the Harvard School of Public Health in 1938; and

WHEREAS, In 1947, Mr. Carroll became Chief of the Bureau of Vital Statistics and State Registrar, and during his tenure, he saw almost 20,000,000 records of births, deaths, marriages, and divorces added to the files of the bureau; when Mr. Carroll began his work in public health in 1931, the bureau received about 20 requests each day for certified copies of birth and death records, and now the number of certified copy requests exceeds 1,500 on some days; and

WHEREAS, This outstanding man has been extremely influential in the field of public health serving as the president of the Public Health Conference on Records and Statistics of the United States from 1956 to 1958, as the president of the American Association for Vital Records and Public Health Statistics from 1966 to 1968, and as a member of the Management Committee of the Association of State and Territorial Health Officers; he has also served on many national advisory committees; and

WHEREAS, William Donald Carroll has had much to do with the development of the vital statistics system that Texas has today, and the citizens of Texas have long profited from his skill and dedication; now, therefore, be it

RESOLVED, That the Senate of the 67th Legislature of the State of Texas pay tribute to William Donald Carroll for his 50 years of service to the state and warmly thank him for his long years of outstanding work; and, be it further

RESOLVED, That a copy of this resolution be prepared for Mr. Carroll as an expression of high regards from the Texas Senate.

**BROOKS
DOGGETT**

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Brooks was recognized and presented Mr. Carroll, who was escorted to the President's Rostrum by Senators Brooks and Doggett.

Mr. Carroll expressed his appreciation to the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
March 19, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE PURCHASING AND GENERAL SERVICES COMMISSION:

For a six-year term to expire January 31, 1987:

HENRY C. WENDLER of Dallas, Dallas County, is being reappointed.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE GUADALUPE-BLANCO RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

H. ELLIOT KNOX of New Braunfels, Comal County, is being reappointed.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

SENATE RULE 74a SUSPENDED

On motion of Senator Traeger and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to S.B. 74.

SENATE BILL 74 WITH HOUSE AMENDMENT

Senator Traeger called S.B. 74 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Pennington

Amend Senate Bill 74 by inserting on page 2 a new SECTION 2 to read as follows and renumbering subsequent sections accordingly:

“SECTION 2. An election held prior to the effective date of this Act to accomplish its purposes is validated as of the date of the election.”

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Farabee was recognized and presented to the Members The Honorable Marshall Formby, former Member of the Senate.

Senator Formby was welcomed as a guest of the Senate for today.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator Andujar yesterday.

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

The President asked if there were requests to sever nominees.

Senator Wilson requested that Mr. Lias Brown Steen, to be Commissioner of Commission of Labor and Standards, be severed.

The request was granted.

NOMINEES CONFIRMED

The nominees not severed and as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Senator McKnight moved confirmation of Mr. Lias Brown Steen, to be Commissioner of Commission of Labor and Standards.

Mr. Steen was confirmed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Yeas: Andujar, Blake, Brooks, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Present-not voting: Brown.

COMMITTEE SUBSTITUTE SENATE BILL 487 ON SECOND READING

On motion of Senator Wilson 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. 487, Relating to the regulation of radio-telephone services.

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

COMMITTEE SUBSTITUTE SENATE BILL 487 ON THIRD READING

Senator Wilson 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. 487** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 479 ON SECOND READING

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

C.S.S.B. 479, Relating to the issuance of special over-size permits by the State Department of Highways and Public Transportation authorizing the transportation of one or more portable building units over the state highways under certain conditions; adding a new Art. 6701a-2 to Title 116, Chapter 1, Revised Civil Statutes of Texas.

There was objection.

Senator Travis then moved to suspend the regular order of business and take up **C.S.S.B. 479** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Blake, Doggett, Mauzy, McKnight, Parker, Truan.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **S.B. 479** by striking the words \$5 wherever it appears and substituting \$25 therefor.

The amendment was read and was adopted.

On motion of Senator Travis 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 479 ON THIRD READING

Senator Travis 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. 479** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 490 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:

C.S.S.B. 490, Relating to powers, financing, and financial operations of the Red River Authority.

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

COMMITTEE SUBSTITUTE SENATE BILL 490 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 **C.S.S.B. 490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 625 ON SECOND READING

On motion of Senator Brooks 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. 625, Relating to the expenses of the members of and adequate funding for the Texas Board of Health Dental Advisory Committee; amending Article 4418g-1, Revised Civil Statutes of Texas, 1925, by amending Subsection (e), Section 1, and adding a new Section 3A.

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

COMMITTEE SUBSTITUTE SENATE BILL 625 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. 625** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

SENATE BILL 608 ON SECOND READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

S.B. 608, Amending Section 3(a) of the Certificate of Obligation Act, Article 2368a.1, Vernon's Texas Civil Statutes, authorizing certificates of obligation for the purchase of buildings.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Doggett, Leedom, Mauzy, Mengden, Wilson.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend **S.B. 608** by adding the following new Section 2 and renumbering the remaining sections accordingly:

SECTION 2. Section 8(b) of The Certificate of Obligation Act of 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 8(b) Except for certificates issued for the purpose specified in paragraph (1) of Section 7, no certificates may be authorized under Section 9 of this Act unless approved by a majority of the qualified voters of the city or county voting on the question. Certificates for the purpose specified in paragraph (1) of Section 7 may not be issued until the issuer has given adequate notice of intent to issue the certificate and has held a public hearing on the proposed certificate. The notice shall be published in a newspaper, as defined in Chapter 84, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 28a, Vernon's Texas Civil Statutes), of general circulation in area of the issuer. Such notice shall (i) state the time and place of the public hearing, the maximum amount that may be authorized, the exact purpose thereof, and the manner in which the issuer proposes to provide for payment of such certificates and (ii) be published at least once a week for two consecutive weeks before the date of the public hearing."

(Senator Brooks in Chair)

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Andujar, Blake, Brooks, Brown, Doggett, Howard, Kothmann, Leedom, Meier, Mengden, Richards, Sarpalius, Wilson.

Nays: Caperton, Farabee, Glasgow, Harris, Jones, Mauzy, McKnight, Ogg, Parker, Santiesteban, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Senator Mengden offered the following amendment to the bill:

Amend S.B. 608 by adding the following new Section 2 and renumbering the remaining sections accordingly:

SECTION 2. Section 8(b) of The Certificate of Obligation Act of 1971, as amended (Article 2368a.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 8(b). No certificates, irrespective of their sources of payment, may be authorized under Section 9 of this Act until the issuer has given adequate notice of intent to issue the certificate and has held a public hearing on the proposed certificate.

The notice shall be published in a newspaper, as defined in Chapter 84, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 28a, Vernon's Texas Civil Statutes), of general circulation in area of the issuer. Such notice shall (i) state the time and place of the public hearing, the maximum amount that may be authorized, the purpose thereof, and the manner in which the issuer then proposes to provide for payment of such certificates (by taxes or revenues, either or both) and (ii) be published at least once a week for two consecutive weeks before the date of the public hearing. If prior to the date tentatively set for the authorization of the issuance of the certificates or prior to such authorization a petition signed by 5% of the qualified electors of the issuer is filed with the County Clerk (if the issuer is a county) or the City Secretary or City Clerk (if the issuer is a city) protesting the issuance of such certificates, the issuer shall not be authorized to issue certificates for such purpose unless the issuance thereof is approved at an election called, held, and conducted in the manner provided for bond elections under Chapter 1 of Title 22, Revised Civil Statutes of Texas, 1925, as amended."

(President in Chair)

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Andujar, Blake, Brown, Doggett, Howard, Kothmann, Leedom, Meier, Mengden, Richards, Wilson.

Nays: Brooks, Caperton, Farabee, Glasgow, Harris, Jones, Mauzy, McKnight, Ogg, Parker, Santiesteban, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Absent: Sarpalius.

The bill was passed to engrossment by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Brooks, Caperton, Farabee, Glasgow, Harris, Jones, Kothmann, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.