

**ELEVENTH DAY**  
(Thursday, January 29, 1981)

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

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Andujar, Mengden, Parker.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, offered the invocation as follows:

Father—

Help us to locate, identify and effect the release of other hostages, particularly those parts of our own lives which are prisoners not yet released by Your gracious liberty. 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.

**LEAVES OF ABSENCE**

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

Senator Parker was granted leave of absence for today on account of death in family on motion of Senator Brooks.

Senator Mengden was granted leave of absence for today on account of important business on motion of Senator Harris.

**MESSAGE FROM THE HOUSE**

House Chamber  
January 29, 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.C.R. 30**, Expressing gratitude to the government of Algeria on role in freeing 52 American Hostages.

**H.C.R. 26**, Commending the participants in the movie, "The Acorn People".

**S.B. 1**, AN ACT relating to state employees' compensation and travel expense reimbursements. (With amendments)

**S.B. 3**, AN ACT relating to an appropriation for state employees' compensation and travel expense reimbursements. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### REPORT OF STANDING COMMITTEE

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

**S.B. 32**  
**S.B. 150**  
**S.B. 127** (Amended)  
**C.S.S.B. 125** (Read first time)

#### SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

- S.B. 306** by Sarpalius State Affairs  
Relating to alcoholic beverage regulations relating to age.
- S.B. 307** by Farabee Jurisprudence  
Relating to the preferential setting of matters for hearing and trial in the courts of this state.
- S.B. 308** by Traeger, Short Economic Development  
Relating to the regulation of invention development services.
- S.B. 309** by Vale Natural Resources  
Requiring that the rear car of a freight train be an occupied caboose; setting standards for cabooses to be enforced and regulated by the Railroad Commission of Texas; and providing penalties.
- S.B. 310** by Glasgow Human Resources  
Relating to the allocation of appropriated funds to community centers to construct buildings for mental health and mental retardation purposes.
- S.B. 311** by Parker Economic Development  
Relating to the deleting of the restriction of city, towns or villages paying all or part of the premiums for dependent coverage.
- S.B. 312** by Parker Economic Development  
Relating to the exclusion of the gross premium tax on group health and accident premiums paid on political subdivision employees.
- S.B. 313** by Williams Natural Resources  
Relating to commercial shrimping in bait bays.

**S.B. 314** by Williams Jurisprudence  
Relating to certain property subject to forfeiture, institution of forfeiture proceedings, and the disposition of money forfeited, under the Texas Controlled Substances Act, ch. 429, Acts of the Sixty-third Legislature, 1973, (art. 4476-15, V.T.C.S.); amending Subsection (a), Section 5.05, Texas Controlled Substances Act, as amended; amending Section 5.08, Texas Controlled Substances Act, by adding Subsection (f); and declaring an emergency.

**S.B. 316** by Doggett Intergovernmental Relations  
Relating to firemen's pension systems in certain cities.

**S.B. 317** by Howard Jurisprudence  
Relating to a requirement that grantees' addresses be in or attached to any document conveying real property before the document may be recorded.

#### SENATE RESOLUTION 182

Senator Richards offered the following resolution:

**S.R. 182**, Expressing gratitude to Dr. Charles Reynolds for serving as "Capitol Physician" today.

The resolution was read and was adopted.

#### GUEST PRESENTED

Senator Richards was recognized and presented Dr. Reynolds to the Members of the Senate.

#### GUESTS PRESENTED

Senator Brooks was recognized and introduced the following members of team and staff of the Houston Astros: Pitcher, Nolan Ryan; Shortstop, Craig Reynolds; Vice-president of Houston Sports Association, Jim Weidler and batting coach, Deacon Jones.

On motion of Senator Brooks and by unanimous consent, these gentlemen were escorted to the President's Rostrum.

Coach Jones expressed the appreciation of the team for the support shown them in the adoption of S.C.R. 8 by the Legislature.

#### MESSAGE FROM THE GOVERNOR

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

Austin, Texas  
January 29, 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 appointment:

**TO BE A MEMBER OF THE METRIC SYSTEM ADVISORY COUNCIL:**

For a term to expire August 29, 1981:

CHARLES E. HADDOCK of Dallas, Dallas County, will be replacing Francis N. O'Bryan of Houston, Harris County, whose term expired. (representing trade and labor organizations)

**TO BE A MEMBER OF THE STATE BOARD OF VOCATIONAL NURSE EXAMINERS:**

For a six-year term to expire September 6, 1985:

MAX E. JOHNSON, M.D. of San Antonio, Bexar County, will be replacing Dr. R. D. Douglas, Jr. of Jefferson, Marion County, who is deceased.

**TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION:**

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

MRS. ALBERT G. HILL of Dallas, Dallas County, will be replacing Jack C. Kellam of Van, Van Zandt County, whose term expired.

**TO BE ASSISTANT ADJUTANT GENERAL FOR AIR:**

BRIGADIER GENERAL BELISARIO D. J. FLORES of San Antonio, Bexar County, is being reappointed.

**TO BE ASSISTANT ADJUTANT GENERAL FOR ARMY:**

BRIGADIER GENERAL WILLARD DIMOCK HILL, JR. of Austin, Travis County, is being reappointed.

**TO BE A MEMBER OF THE TEXAS BOARD OF IRRIGATORS:**

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

DOUGLAS HAWTHORNE of Dallas, Dallas County, is being reappointed.

HUGH RUSHING, JR. of Austin, Travis County, is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.  
Governor of Texas

**COMMITTEE SUBSTITUTE SENATE BILL 143 ON SECOND READING**

Senator Leedom moved that Senate Rules 12 and 89 be suspended and that C.S.S.B. 143 be taken up for consideration at this time:

C.S.S.B. 143, Relating to the election of the boards of trustees of certain independent school districts. (Submitted by the Governor as an emergency)

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

**COMMITTEE SUBSTITUTE SENATE BILL 143 ON THIRD READING**

Senator Leedom 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. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

#### SENATE BILL 201 ON SECOND READING

Senator Short moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 201** be taken up for consideration at this time:

**S.B. 201**, Relating to compensation of members of the board of directors of the Canadian River Municipal Water Authority.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

#### SENATE BILL 201 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 201** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

#### SENATE BILL 108 ON SECOND READING

Senator Blake moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 108** be taken up for consideration at this time:

**S.B. 108**, Repealing Chapter 376, Acts of the 66th Legislature, Regular Session, 1979, relating to the Rayburn Municipal Utility District.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

**SENATE BILL 108 ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

**SENATE BILL 240 ON SECOND READING**

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 240** be taken up for consideration at this time:

**S.B. 240**, Relating to employment benefits for state employees working outside this state.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

**SENATE BILL 240 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 **S.B. 240** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

**SENATE BILL 136 ON SECOND READING**

Senator Farabee moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 136** be taken up for consideration at this time:

**S.B. 136**, Relating to fees for the issuance of teaching certificates.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

**SENATE BILL 136 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. 136** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

**SENATE BILL 182 ON SECOND READING**

Senator Snelson moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 182** be taken up for consideration at this time:

**S.B. 182**, Relating to the creation of a juvenile board in each of the counties of Brewster, Crockett, Jeff Davis, Pecos, Presidio, Reagan, Sutton, and Upton.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

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

**SENATE BILL 182 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

**SENATE RULE 74a SUSPENDED**

On motion of Senator Doggett and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to **S.B. 3**.

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**SENATE BILL 3 WITH HOUSE AMENDMENTS**

Senator Doggett called **S.B. 3** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Committee Amendment 1:

Amend **S.B. 3** on page 1, line 8 by striking the figure "\$81,424,200" and inserting in lieu thereof the figure "\$64,039,000"; and on line 9 by striking the figure "\$28,876,800" and inserting in lieu thereof "\$22,711,400".

Floor Amendment 1:

Amend Committee Amendment No. 1 to **S.B. 3** as follows:

- (1) Strike the dollar amount on line 3 and substitute "\$68,819,238".
- (2) Strike the dollar amount on line 5 and substitute "\$24,431,762".

The amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

**SENATE RULE 74a SUSPENDED**

On motion of Senator Doggett and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to **S.B. 1**.

**SENATE BILL 1 WITH HOUSE AMENDMENTS**

Senator Doggett called **S.B. 1** from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Committee Amendment 1:

Amend **S.B. 1** on page 1 by striking the figure "6.8" on line 19 and inserting in lieu thereof "5.1".

Floor Amendment 1:

Amend Committee Amendment No. 1 to **S.B. 1** to read as follows:

**COMMITTEE AMENDMENT No. 1**

Amend **S.B. 1** on page 1 by striking "\$50" on line 19 and inserting in lieu thereof "\$75" and by striking the figure "6.8" on line 19 and inserting in lieu thereof "5.1".



The amendments were read.

Senator Doggett moved to concur in the House amendments.

Senator Brooks made the substitute motion that the Senate not concur in the House amendments and requested the appointment of a Conference Committee.

Question on the substitute motion, the motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Meier, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Doggett, Kothmann, Mauzy, McKnight, Truan, Vale, Williams.

Absent-excused: Andujar, Mengden, Parker.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on S.B. 1 before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill: Senators Doggett, Chairman; Brooks, Farabee, Jones and Leedom.

#### RECESS

On motion of Senator Brooks the Senate at 12:10 o'clock p.m. took recess until 3:00 o'clock p.m. today.

#### AFTER RECESS

The Senate met at 3:00 o'clock p.m. and was called to order by President Pro Tempore Traeger.

#### MESSAGE FROM THE HOUSE

House Chamber  
January 29, 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.C.R. 11, Commemorating the 100th anniversary of the birth of General Douglas MacArthur.

S.C.R. 23, In memory of former State Senator Andrew J. Rogers.

S.C.R. 24, Granting permission for the Texas YMCA Youth and Government Program to use the House and Senate Chambers.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1**.

House Conferees: Gerald Hill—Chairman; Wilhelmina Delco, Bill Presnal, Rodney Tow, TomDeLay.

All necessary rules suspended and the Conference Committee Report on **S.B. 1** adopted by record vote of 124 Ayes, 0 Nays, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE RULE 96(h) SUSPENDED**

On motion of Senator Doggett and by unanimous consent, Senate Rule 96(h) was suspended as it relates to the Conference Committee Report on **S.B. 1**.

**CONFERENCE COMMITTEE REPORT ON SENATE BILL 1 ADOPTED**

Senator Doggett called from the President's table the Conference Committee Report on **S.B. 1**.

**CONFERENCE COMMITTEE REPORT SENATE BILL 1**

Senator Doggett submitted the following Conference Committee Report:

Austin, Texas  
January 29, 1981

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 1** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROOKS  
FARABEE  
JONES  
LEEDOM  
On the part of the Senate

PRESNAL  
TOW  
DeLAY  
On the part of the House

CONFERENCE COMMITTEE REPORT  
SENATE BILL 1

A BILL TO BE ENTITLED  
AN ACT

relating to state employees' compensation; authorizing transfers of funds; authorizing an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. COMPENSATION INCREASE. Each state agency, board, commission, department, or institution for which appropriations out of the State Treasury were made by the 66th Legislature shall pay an increase in monthly compensation to each of its employees. The increase is in addition to other compensation that is to be paid from legislative appropriations or from other available funds. The increase may not be paid to employees of the house of representatives or the senate without the approval of the appropriate committees of the legislature. The increase shall not be applied to the compensation of any person paid a salary set by the constitution. The initial payment of the increase is for employment during the first calendar month that begins after the effective date of this Act.

SECTION 2. AMOUNT OF INCREASE. (a) The increase in compensation for an employee position is \$50 or 5.1 percent of the monthly compensation rate in effect for the position on January 1, 1981, whichever amount is greater.

(b) If compensation for a position is based on a contract salary for a period of less than 12 months, such as for a faculty member in a university, the monthly compensation rate that determines the percentage increase for the position is the total contract salary divided by the number of months in the contract period.

(c) If an employee holds a position that is covered by the state's position classification plan and that is classified in a salary group by the current General Appropriations Act or holds a position that is covered by a position classification plan of an institution of higher education, the increase in compensation shall be paid to the employee regardless of the maximum limit imposed on the salary group by that Act or the position classification plan of an institution of higher education.

SECTION 3. INCREASE DETERMINED ON FULL-TIME EMPLOYMENT. An increase in compensation under this Act shall be determined on the basis of regular full-time employment. A person who is paid hourly wages shall receive an increase in compensation in the proportion that the number of hours worked bears to regular full-time employment for that type of work.

SECTION 4. INCREASE PAID FROM TREASURY FUNDS. A state agency, board, commission, department, or institution shall pay the increase in compensation from its funds in the State Treasury in the same proportion as the employee's regular compensation.

SECTION 5. AUXILIARY EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION. Within the limit of institutional funds available, the increase in compensation shall be granted to auxiliary employees of institutions of higher education.

SECTION 6. TRANSFER OF FUNDS TO PRESERVE FUND EQUITIES. To preserve fund equities, the comptroller of public accounts shall transfer to the General Revenue Fund an amount necessary to reimburse the

fund for the payment of the increase in compensation. The amount shall be transferred from the unexpended and unencumbered cash balances in the special funds in the State Treasury on August 31, 1981. If the unexpended and unencumbered cash balances are insufficient to reimburse completely the General Revenue Fund, the legislature shall appropriate from the income to the special funds during the state fiscal biennium beginning September 1, 1981, an amount necessary to reimburse completely the General Revenue Fund for the payment of the increase in compensation.

**SECTION 7. TRANSFER OF FUNDS TO PAY INCREASE.** (a) The comptroller of public accounts may transfer to accounts in the General Revenue Fund and to special funds in the State Treasury any funds appropriated from the General Revenue Fund to pay the increase in compensation.

(b) A state agency, board, commission, department, or institution seeking reimbursement for an expenditure made from funds held in the State Treasury shall file a certified statement with the comptroller detailing the actual cost of increases in compensation under this Act. The statement shall be filed during the month after the month in which the expenditure is made from the State Treasury and shall reconcile to the comptroller financial statements furnished to the agency, board, commission, department, or institution. The comptroller may prescribe the information necessary for qualification for the reimbursement.

**SECTION 8. SUPPLEMENTATION RESTRICTIONS SUSPENDED.** Restrictions placed on the supplementation of special funds in the State Treasury with general revenue funds by other provisions of general law are suspended for the purposes of this Act.

**SECTION 9. AUTHORITY OF COMPTROLLER.** The comptroller of public accounts shall adopt procedures necessary to administer this Act. Before funds are disbursed under this Act, the comptroller may require appropriate persons to file information necessary for the comptroller to carry out this Act. The information shall include a statement from each state agency, board, commission, department, or institution showing the compensation of each employee position, including auxiliary, staff, and other employee positions compensated from institutional funds of institutions of higher education that are in or outside the State Treasury, and a statement showing the fund from which the compensation was paid on January 31, 1981.

**SECTION 10. EXPIRATION.** (a) Except as provided by Subsection (b) of this section, this Act expires September 1, 1981.

(b) Section 6 of this Act expires September 1, 1983.

**SECTION 11. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read.

On motion of Senator Doggett, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 0.

Absent-excused: Andujar, Mengden, Parker.

#### AT EASE

On motion of Senator Brooks and by unanimous consent, the Senate at 3:16 o'clock p.m. agreed to Stand At Ease pending the completion of the administrative duties necessary on S.B. 1 and S.B. 3.

**IN LEGISLATIVE SESSION**

President Pro Tempore Traeger called the Senate to order as In Legislative Session at 3:40 o'clock p.m.

**BILLS SIGNED**

The President Pro Tempore announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**S.B. 3** (Signed subject to Sec. 49a,  
Article III, Constitution of  
State of Texas)

**S.B. 1** (Signed subject to Sec. 49a,  
Article III, Constitution of  
State of Texas)

**MEMORIAL RESOLUTIONS**

**S.R. 187** - By Snelson: Memorial resolution for John Keese Miller.

**S.R. 188** - By Snelson: Memorial resolution for Lee Roy Grigsby.

**S.R. 189** - By Snelson: Memorial resolution for Mildred Stroman Riggs.

**S.R. 190** - By Farabee: Memorial resolution for Grady Flynt.

**S.R. 191** - By Farabee: Memorial resolution for Gene V. Barnett.

**S.R. 192** - By Farabee: Memorial resolution for Joe D. Turnbow.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 167** - By Truan: Extending congratulations to Corpus Christi Catholic diocesan schools.

**S.R. 180** - By Truan: Extending congratulations to Black History—Cultural Committee of Corpus Christi.

**S.R. 181** - By Williams: Extending congratulations to Mr. and Mrs. Roy Rasor.

**S.R. 183** - By Mauzy: Extending congratulations to Jenny Engh.

**S.R. 184** - By Vale: Extending congratulations to The Oliver Wendell Holmes High School water polo team.

**S.R. 186** - By Harris: Extending welcome to Ms. Carol Cohen and students from the Hockaday School, Dallas.

**S.R. 193** - By Brown: Extending welcome to Dennis McClintock.

**ADJOURNMENT**

On motion of Senator Brooks the Senate at 3:42 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 2, 1981.

**APPENDIX**

Sent to Comptroller  
(January 29, 1981)

**S.B. 1**  
**S.B. 3**

In Memory

of

Harvie Allen Parker

Senator Mauzy offered the following resolution:

(Senate Resolution 185)

WHEREAS, The life of Harvie Allen Parker came to an end on January 28, 1981, after a long illness which he battled with characteristic valor, leaving a host of saddened friends, not only in Port Arthur, Texas, but across the world; and

WHEREAS, Harvie Parker was born in Logansport, Louisiana, but at the age of 20 came to Port Arthur where he firmly remained for 50 busy and useful years, a loving adopted son of Texas; and

WHEREAS, A very important part of his life was devoted to union activities, first as organizer and then as official and representative; he was a member of the Gulf Main Plant Group of OCAWIU Local 4-23 from 1943 to his retirement in 1970 and held many positions of trust and responsibility, including Secretary-Treasurer, 1952-1954, and President, 1955-1957, and was a delegate to the Gulf nationwide council, District 4 council of OCAW, and to all international conventions of OCAW; and

WHEREAS, When Harvie Parker retired as Steward of the Light Oil Department of the Gulf Refinery after 40 years of service, it was to a new career as General Agent for Kentucky Central Life Insurance Company and founder of Parker and Son Insurance Agency; and

WHEREAS, Despite the demands of a career already full of work and honor, Mr. Parker somehow found time to enter municipal government and was for many years a member of various city boards and commissions and the governing body of Port Arthur, then called the City Commission; and

WHEREAS, The citizens of Port Arthur rewarded him with the highest office in their power to bestow when he became Mayor in 1962, and his civic work is well remembered by his good friend, Bernis Sadler, the present Mayor of Port Arthur, who spoke of him warmly as "a truly dedicated public servant"; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, That the richly honored life of Harvie Allen Parker be commended as a continuing example to all his fellow citizens for whom he toiled so long and so well; and, be it further

RESOLVED, That the Senate of Texas extend deepest sympathy to the members of his family: his widow, Juanita Christian Parker, of Port Arthur; his sons, the Honorable Carl A. Parker of Port Arthur and Harvie Bruce Parker of Houston; his daughter, Karen Parker of Houston; his three sisters, Addie Mae Williams of Port Neches, Dovie Tolley of Bridge City, and Tressie Smith of Logansport, Louisiana; and his seven grandchildren; and, be it further

RESOLVED, That copies of this Resolution be prepared for the family of Mr. Harvie Allen Parker, and that when the Senate adjourns this day, it do so in his memory.

The resolution was read.

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

**TWELFTH DAY**  
(Monday, February 2, 1981)

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, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Andujar.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, remind us that people who think they can't do something are always right. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 29, 1981, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

**REPORT OF STANDING COMMITTEE**

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 9  
S.B. 112  
S.B. 119  
S.B. 210 (Amended)  
S.B. 17 (Amended)  
C.S.S.B. 102 (Read first time)

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 315 by Wilson, Harris, Meier, Human Resources  
Mengden, Ogg, Sarpalius, Brown  
Relating to regulation of the practice of medicine; providing penalties.

S.B. 318 by Sarpalius Intergovernmental Relations  
Relating to underground water rights of the Green Belt Municipal and Industrial Water Authority.



- S.B. 319** by Short Economic Development  
Relating to the definition of "modular home" in the Texas Manufactured Housing Standards Act.
- S.B. 320** by Parker Human Resources  
Relating to pilot programs and services for deaf-blind multihandicapped individuals.
- S.B. 321** by Mauzy State Affairs  
Relating to collective bargaining rights of certain public employees.
- S.B. 322** by Farabee, Caperton Finance  
Increasing benefits paid to annuitants of the Teacher Retirement System of Texas.
- S.B. 323** by Farabee, Caperton State Affairs  
Amending Chapter 3 of the Texas Education Code, relating to the Teacher Retirement System of Texas, and providing for effective dates.
- S.B. 324** by Mauzy Jurisprudence  
Relating to mandatory workers' compensation coverage; providing a penalty.
- S.B. 325** by Williams, Traeger Intergovernmental Relations  
Relating to building a training facility for firemen with County bond funds.
- S.B. 326** by Mauzy Jurisprudence  
Relating to workers' compensation insurers' appointment of an agent for service of process and for receiving other communications.
- S.B. 327** by Williams Intergovernmental Relations  
Amending Section 1. (j), Acts 1979, 66th Legislature, Chapter 217 (Article 1970-110.c.4., Texas Revised Civil Statutes) providing for the random filing of cases in the County Criminal Courts at Law of Harris County, Texas; and declaring an emergency.
- S.B. 328** by Mauzy Jurisprudence  
Relating to workers' compensation death benefits.
- S.B. 329** by Wilson Economic Development  
Relating to the creation, administration, powers, duties, and financing of the Texas Public School Employees Group Insurance Program.
- S.B. 330** by Mauzy Jurisprudence  
Relating to workers' compensation benefits for general and specific injuries.
- S.B. 331** by Traeger Economic Development  
Relating to administration, coverage, and taxation under college and university employees health insurance.
- S.B. 332** by Mauzy Jurisprudence  
Relating to jurisdiction of the Industrial Accident Board over claims under voluntary workers' compensation insurance policies.
- S.B. 333** by Santiesteban, Truan, Education  
Parker, Ogg, Vale

Relating to the provision of textbooks for nonpublic school students; adding Section 12.05 to Chapter 12, Texas Education Code, as amended.

**S.B. 334** by Mauzy Jurisprudence  
Relating to application of general workers' compensation laws to certain special workers' compensation programs.

**S.B. 335** by Williams, Doggett Human Resources  
Relating to the State Board of Dental Examiners and to regulation, licensing, and certification of dentists, dental hygienists, dental technicians and assistants, and dental laboratories; amending Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by amending Articles 4543, 4543a, 4544, 4545, 4545a, 4547, 4548f, 4548g, 4549, 4550, 4550a, 4551, 4551a, 4551c-1, 4551d, and 4551f, and by adding Articles 4549b, 4551e-1, and 4551k; amending Chapter 501, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 4548h, Vernon's Texas Civil Statutes); amending Sections 1, 2, 3, and 5, Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes); repealing Articles 4548a, 4548b, 4548j, 4551d(1), and Section 6(b) of Article 4551f, Revised Civil Statutes of Texas, 1925, as amended; and repealing Sections 4A, 6-12, and 14, Chapter 475, Acts of the 52nd Legislature, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes).

**S.B. 336** by Mauzy Jurisprudence  
Relating to the awarding and payment of workers' compensation benefits.

**S.B. 337** by Doggett State Affairs  
Relating to abolition of the State Board of Library Examiners and regulation of county librarians by the Texas State Library and Archives Commission.

**S.B. 338** by Mauzy Jurisprudence  
Relating to workers' compensation settlement agreements.

**S.B. 339** by Blake Economic Development  
Relating to the requirement of personal injury protection coverage with certain liability insurance policies.

**S.B. 340** by Mauzy Jurisprudence  
Relating to the power of the Industrial Accident Board to order the association to make compensation and medical benefit payments in cases of emergency or impending necessity.

**S.B. 341** by Caperton, Santiesteban Education  
Relating to standards for the employment of public school professional personnel.

**S.B. 342** by Mauzy Jurisprudence  
Relating to application of the workers' compensation law to farm and ranch laborers.

**S.B. 344** by Mauzy Jurisprudence  
Relating to including volunteer firefighters, policemen, emergency medical personnel, and other volunteers specifically named under political subdivisions workers' compensation.

- S.B. 346** by Mauzy Jurisprudence  
Relating to workers' compensation death benefits.
- S.B. 348** by Mauzy Jurisprudence  
Relating to state funding for school district workers' compensation and unemployment compensation.
- S.B. 350** by Mauzy Jurisprudence  
Relating to workers' compensation benefits for hernias.
- S.B. 352** by Mauzy Jurisprudence  
Relating to the payment of workers' compensation benefits pending an appeal from a decision of the Industrial Accident Board.
- S.B. 354** by Mauzy Jurisprudence  
Relating to workers' compensation medical reports.
- S.B. 356** by Mauzy Finance  
Relating to a supplemental appropriation to the attorney general for the purpose of paying state employees' workers' compensation claims.

#### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following resolutions:

S.C.R. 11  
S.C.R. 23  
S.C.R. 24

#### CO-AUTHOR OF SENATE BILL 120

On motion of Senator Howard and by unanimous consent, Senator Travis will be shown as Co-author of **S.B. 120**.

#### CO-AUTHOR OF SENATE BILL 122

On motion of Senator Brown and by unanimous consent, Senator Travis will be shown as Co-author of **S.B. 122**.

#### CO-AUTHOR OF SENATE BILL 123

On motion of Senator Brooks and by unanimous consent, Senator Travis will be shown as Co-author of **S.B. 123**.

#### CO-AUTHOR OF SENATE BILL 138

On motion of Senator Traeger and by unanimous consent, Senator Kothmann will be shown as Co-author of **S.B. 138**.

#### CO-AUTHOR OF SENATE BILL 205

On motion of Senator Harris and by unanimous consent, Senator Mauzy will be shown as Co-author of **S.B. 205**.

**CO-AUTHOR OF SENATE BILL 222**

On motion of Senator Jones and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 222.

**CO-AUTHOR OF SENATE BILL 248**

On motion of Senator Mengden and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 248.

**SENATE RESOLUTION 200**

Senator Parker offered the following resolution:

WHEREAS, The citizenry of Port Arthur in Jefferson County annually express love and appreciation of their important city on Port Arthur Day, celebrated this year on Monday, February 2; and

WHEREAS, The settlement of Aurora, on the site of present-day Port Arthur, was known as early as 1840, just four years after Jefferson County was created from a Mexican municipality; the settlers there were forced by freezes and hurricanes to leave their fishing, trapping, and farming about 1890; the potential of the area caught the imagination of Arthur E. Stillwell, promoter and railroad executive, as an ideal location for a port and southern terminus for his company and bought 53,000 acres, of which 4,000 were designated for the townsite; and

WHEREAS, In 1895, crews began construction of homes, a hotel, a pleasure pier, loading docks, and a canal 25 feet deep in the shallow Sabine Lake to open the port to ocean vessels; port facilities were finished just in time, in 1901, to serve the huge quantities of oil from the Spindletop gusher when it came in, and this required still further additions to port installations; and

WHEREAS, Port Arthur became the center of one of the world's largest oil refining districts; it is Port Headquarters for the Port Arthur District, consisting of Beaumont, Orange, Sabine, and Lake Charles, Louisiana, in addition to Port Arthur, each year handling huge tonnages of oil imports and a variety of exports that include petroleum and paper products, chemicals, and wheat and sorghum grains; and

WHEREAS, Residents of Port Arthur, as well as tourists, enjoy a variety of healthy outdoor recreations at Sea Rim State Park, Pleasure Island, and the Gulf Beaches; quality of life in the area is enhanced by two adjacent wildlife refuges, the Sabine National and the J. D. Murphrey; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, commend the justifiably proud citizens of Port Arthur and extend best wishes for a happy celebration of Port Arthur Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Port Arthur in recognition of this fine occasion and as an expression of congratulations from the Senate of Texas.

The resolution was read.

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

**GUESTS PRESENTED**

Senator Parker was recognized and introduced to the Members a large delegation, seated in the Gallery, from Port Arthur and welcomed them as guests today.

**SENATE RESOLUTION 199**

Senator Williams offered the following resolution:

**S.R. 199**, Expressing gratitude to Dr. Wayne Mulloy, "Capitol Physician" for today.

The resolution was read.

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

**HOUSE CONCURRENT RESOLUTION 30**

The President laid before the Senate the following resolution:

**H.C.R. 30**, Expressing gratitude to the government of Algeria on role of freeing 52 American hostages.

The resolution was read.

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

**HOUSE CONCURRENT RESOLUTION 26**

The President laid before the Senate the following resolution:

**H.C.R. 26**, Commending the participants in the movie "The Acorn People".

The resolution was read.

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

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
January 30, 1981

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

Pursuant to Article III, Section 5 of the Constitution of Texas, I hereby submit as an emergency matter the following:

- 1). State inheritance taxes can be an onerous burden on families of persons who have died and who had worked all their lives to leave something for their families. This is particularly true with farming and ranching operations where a lot of land is involved. Changes in the state inheritance tax law is desirable and House Bill 325 by Geistweidt and others would do this, and I therefore declare this as an emergency matter so the House of Representatives may begin consideration of it.
- 2). The state is self-insured on the buildings owned by the state and when damage occurs to them it is customary to have an appropriation to repair them. Sul Ross State University has suffered structural damage to the classroom/administration building and House Bill 511 by McBee would appropriate money to make the repairs and I therefore declare this as an emergency. Also, Texas Tech University suffered some damage to buildings from fire, tornado, and windstorm, therefore I declare Senate Bill 156 by Short as an emergency matter for it appropriates money to repair the damage.
- 3). I have sent several emergency messages concerning raises for state employees and retired employees. State employees have a group insurance program that public school teachers do not have. I feel that the Legislature should give consideration to establishing a group insurance program for Texas Public School Employees, and House Bill 409 by Simpson would do this, and to allow the House of Representatives to begin consideration of this I, therefore, declare it as an emergency matter.
- 4). The Sunset Commission has recommended the abolishment of the Fleet Admiral Chester W. Nimitz Naval Museum Commission and the transferring of Nimitz Museum to the Parks and Wildlife Department. Since it is important that this take place before the Appropriations Bill is considered, and since the Nimitz Museum is agreeable to the move, I therefore declare House Bill 478 by Ceverha, which makes the transfer, as an emergency matter.
- 5). It is evident that there has arisen a need in some fast-growth areas of Texas for additional district courts to handle the increased load placed on the existing courts, to comply with the Speedy Trial Act. As long as the courts outlined following are created quickly and I am treated the same as all other governors have been in the appointment of new District Judges, I will sign legislation creating these courts. So the House of Representatives may begin immediate consideration of the most needed courts, I hereby declare as an emergency the creation of the following: 1) An additional court composed of Calhoun, DeWitt, Goliad, Jackson, Refugio, and Victoria Counties to be known as the 267th Judicial District as contained in House Bill 203 by Sharp and Senate Bill 219 by Wilson; and 2) creating an additional court in the 26th Judicial District in Williamson County as contained in Senate Bill 166 by Wilson and House Bill 144 by Kubiak.
- 6). In the appropriation process the Legislature appropriates funds to pay for purchased utilities at institutions of higher education. Unfortunately, in the past several years the cost of this has risen

faster than the Legislature reasonably anticipated and it appears there needs to be some supplemental appropriations to some of these institutions, and therefore I declare House Bill 623 by Presnal as an emergency matter, which makes the necessary supplemental appropriation.

- 7). During recent years there have been decisions that have seemed to subvert the original intent of the Employment Compensation Act. Benefits have been awarded to people who have voluntarily quit their jobs, to teachers who refused signing a contract to seek other employment and to people who have lost their jobs because of their own felonious conduct. It appears that consideration of changes are warranted and I therefore declare Senate Bill 2 by Blake as an emergency matter.

Respectfully submitted,

/s/W. P. Clements, Jr.  
Governor

#### **COMMITTEE SUBSTITUTE SENATE BILL 22 ON SECOND READING**

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 22 be taken up for consideration at this time:

C.S.S.B. 22, Relating to the number of peace officers certain navigation districts may appoint.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 22 ON THIRD READING**

Senator Traeger 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. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

**SENATE BILL 48 ON SECOND READING**

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 48 be taken up for consideration at this time:

**S.B. 48**, Relating to the date for holding county and senatorial district conventions of a political party.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

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

**SENATE BILL 48 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 S.B. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

The bill was read third time and was passed.

**SENATE BILL 49 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 49**, Relating to the annual audit of funds appropriated for adult apprenticeship training programs.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend S.B. 49 by striking the quoted Subsection (d) on lines 7-9 and substituting the following:

(d) The State Auditor [~~Comptroller of Public Accounts~~] shall include [~~perform an annual audit of~~] all state funds appropriated to the Central Education Agency [~~or received~~] pursuant to this chapter in the periodic audits of the Central Education Agency. Funds received pursuant to this chapter by a school district or postsecondary institution are subject to audit as otherwise provided by law.

The committee amendment was read and 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.

**SENATE BILL 49 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 **S.B. 49** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

**COMMITTEE SUBSTITUTE SENATE BILL 90 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 90**, Relating to penalties for violation of the Deceptive Trade Practices and Consumer Protection Act which can be recovered by the State and to the limitations period for actions brought by the State.

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

**COMMITTEE SUBSTITUTE SENATE BILL 90 ON THIRD READING**

Senator Doggett 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. 90** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

**SENATE BILL 132 ON SECOND READING**

On motion of Senator Ogg and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 132**, Relating to the jurisdiction of the Justice Courts in counties with a population of 1,500,000 or more.

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

**SENATE BILL 132 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

**SENATE BILL 73 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 73**, Relating to surplus water diverted by Maverick County Water Control and Improvement District No. One.

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

**SENATE BILL 73 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 73** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

**MEMORIAL RESOLUTIONS**

**S.R. 195** - By Farabee: Memorial resolution for Mr. Shirley Donnell.

**S.R. 196** - By Farabee: Memorial resolution for Buster Harper.

**S.R. 197** - By Farabee: Memorial resolution for Judge Henry Heck.

**S.R. 198** - By Farabee: Memorial resolution for Fuller Shannon.

**S.R. 201** - By Jones: Memorial resolution for W. P. "Bill" Sayles.

**S.R. 202** - By Mauzy: Memorial resolution for Ken Smartt.