

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

SECTION 5, ARTICLE III OF CONSTITUTION SUSPENDED

Senator Adams moved that Section 5 of Article III of the Constitution be suspended as it applies to the bills and resolutions on the Local and Uncontested Bills Calendar for Thursday, February 3, 1977.

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

Absent-excused: Jones of Taylor, McKnight.

MEMORIAL RESOLUTIONS

S.R. 111 - by Adams: Memorial resolution for Benjamin Leslie Saunders.

S.R. 112 - by Adams: Memorial resolution for Marvin William Lampert.

CONGRATULATORY RESOLUTIONS

S.R. 109 - by Sherman: Extending congratulations to Louise Evans.

S.R. 110 - by Sherman: Extending congratulations to E. W. Williams, Jr.

RECESS

On motion of Senator Aikin the Senate at 11:46 o'clock a.m. took recess until 8:30 o'clock a.m. tomorrow.

TWELFTH DAY

(Continued)

(Thursday, February 3, 1977)

AFTER RECESS

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

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in the 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. 32**.

Section 5 of Article III having been suspended on yesterday, the Constitutional Rule and Regular Order were suspended and the following bills were read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 28 (Adams) Prohibiting hunting of wild turkey in Shelby County. (29-0)(29-0)

S.B. 96 (Adams) Relating to bag limits on squirrel in Angelina County. (29-0)(29-0)

S.B. 182 (Ogg) Relating to requirement of mental health warrant. (29-0)(29-0)

S.B. 206 (Adams) Relating to terms of Panola County Fresh Water District No. 1. (29-0)(29-0)

C.S.S.B. 233 (Mauzy) Relating to compensation of judges in certain counties. (29-0) (29-0)

C.S.S.C.R. 13 (Ogg) Granting Fleetwood Construction Company permission to sue the State of Texas. (vv)

C.S.S.C.R. 14 (Ogg) Granting Fleetwood Construction Company permission to sue the State of Texas. (vv)

S.C.R. 17 (Longoria) Granting Terry Bishop permission to sue the State of Texas. (vv)

S.C.R. 18. (Moore) Granting Evie Wooten permission to sue the State of Texas. (vv)

S.C.R. 19 (Moore) Granting Lewis and Gale Woodruff permission to sue the State of Texas. (vv)

The Constitutional Rule and Regular Order were suspended, the following bill was read second time and passed to engrossment:

S.B. 104 (Adams) Creating County Court at Law district composed of Jasper and Newton Counties.

The Constitutional Rule and Regular Order were suspended, the following bill was read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

S.B. 359 (Truan) Relating to Refugio County Memorial Hospital District. (29-0) (29-0)

Senator Truan offered the following committee amendment to the bill:

Amend **S.B. No. 359** as follows:

(1) Strike the first sentence of Section 2 and substitute the following: "The district herein authorized to be created shall take over and there shall be transferred to it title to all land, buildings, improvements, and equipment pertaining to the hospitals or hospital systems owned by the county or any city, town, or nonprofit hospital within the boundaries of the proposed district."

(2) On page 3, lines 11 and 12, strike the words "Chapter 452, Acts of the 60th Legislature, Regular Session, 1967" and substitute "Section 61, Texas Election Code, as amended (Article 6.05, Vernon's Texas Election Code)".

(3) On page 5, line 24, strike the word "but" and substitute the words "except that they".

(4) After the last sentence of Subsection (e), Section 4 add the following sentence: "The directors and officers may be included in the same insurance plan provided employees of the district."

(5) On page 14, line 7, strike the number "9" and substitute the number "10".

(6) On page 18, line 23, strike the word "if" and substitute the words "and after".

(7) On page 19, line 5, strike the word "may" and substitute the word "shall".

(8) On page 19, line 13, strike all the words and substitute the following: "district shall likewise be transferred to the district, as shall taxes".

(9) On page 15, line 2, insert "(a)" before the words "The district".

(10) At the end of Section 15, add a new paragraph to read as follows:

(b) If the board requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph or telephone lines, conduits, poles, or facilities, or pipelines in the exercise of the power of eminent domain, all of the relocation, raising, lowering, rerouting or changes in grade or alteration of construction due to the exercise of the power of eminent domain shall be the sole expense of the board. The term "sole expense" means the actual cost of relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility.

The committee amendment was read and was adopted.

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

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

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

MESSAGE FROM THE HOUSE

House Chamber
February 3, 1977

Honorable William 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. 145. A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Wood County; and abolishing the office of County Attorney of Wood County.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

ADJOURNMENT

On motion of Senator Truan the Senate at 8:46 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

THIRTEENTH DAY (Thursday, February 3, 1977)

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: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Braecklein, Jones of Taylor, McKnight, Ogg.

A quorum was announced present.

Dr. Rachael Hinderlite, Chairman, Coalition of Church Unions, offered the invocation as follows:

We come to You in prayer this morning, O God, because You have created the world we live in, because You have placed us here, and You have given us a job to do.

We come to You because You have all power, because You alone govern the world You've made.

We come to You because You have entrusted some of that governance to the Senate and the Senate can't do the job unless You give them the power and wisdom they need.

We come to pray for the world, for this state particularly, for every person in it, for justice and peace, for food and clothes and warm dry homes, for jobs to do and fair wages.

And because we pray for them, we come to pray for members of this Senate. Help them to love the people of Texas as You love them. Give them sensitivity to people's needs. Give them concern for people's welfare. Give them a passion for justice.

Give them the wisdom to set up conditions in which each man and woman in the state is warmed and fed and given a chance to do the job and be the person You created him or her to be.

Let members of this Senate never forget that in whatever they do here they are doing it as Your stewards, as a response to Your love for them and for all humankind. Amen.

Respectfully submitted,
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Let members of this Senate never forget that in whatever they do here they are doing it as Your stewards, as a response to Your love for them and for all humankind. Amen.

On motion of Senator Aikin 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 Jones of Taylor was granted leave of absence for today on account of important business on motion of Senator Adams.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Longoria.

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Braecklein was granted leave of absence for today on account of important business on motion of Senator Mauzy.

REPORTS OF STANDING COMMITTEES

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

S.B. 119

S.B. 139 (Amended)

C.S.S.B. 202 (Read first time)

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

S.B. 382 (Amended)

CO-AUTHOR OF SENATE BILL 91

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 91**.

CO-AUTHOR OF SENATE BILL 120

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

RESOLUTION SIGNED

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

H.C.R. 36

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

S.B. 470 by Meier Intergovernmental Relations
Amending the Code of Criminal Procedure, 1965, by adding a new Article 1018 authorizing the collection of a fee by county attorneys, district attorneys and criminal district attorneys for the collection and processing of certain checks or sight orders; providing for the amount thereof; providing for the keeping of certain records pertaining thereto; providing for the auditing and disposition of said fees and declaring an emergency.

S.B. 471 by Schwartz Jurisprudence
Relating to the expunction of records of arrests; amending the Code of Criminal Procedure, 1965, by adding Chapter 55.

S.B. 472 by Jones of Taylor State Affairs
Relating to interagency planning councils and the governor's division of budget and planning; amending Chapter 417, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 4413(32a), Vernon's Texas Civil Statutes).

S.B. 473 by Jones of Taylor State Affairs
Relating to the requirement that the governor compile and make available to the public certain information concerning regulatory agencies.

S.B. 474 by Jones of Taylor State Affairs
Relating to the requirement that each agency of the state file an annual statement of financial condition with the comptroller of public accounts and the governor.

S.B. 475 by Harris Economic Development
Relating to the maximum permissible interest rate which may be charged by certain registered securities brokers or dealers for carrying a debit balance in an account for a customer under certain circumstances; amending Chapter 1, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Articles 5069-1.01, et seq., Vernon's Texas Civil Statutes), by adding Article 1.08; and declaring an emergency.

S.B. 476 by Harris Intergovernmental Relations
Relating to the validation of actions of city governments within counties of 1,000,000 persons or more with respect to the boundaries of those cities; and declaring an emergency.

S.B. 477 by Longoria State Affairs
Relating to the establishment of Texas Woman's University Medical School; amending Chapter 107, Texas Education Code, by adding Subchapter E.

S.B. 478 by Mauzy Jurisprudence
Relating to pension contributions on offset benefits and pension benefits of employees of political subdivisions who are incapacitated from work due to injury; amending Section 5, Article 8309h Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S.B. 479 by Mauzy Jurisprudence
Relating to the withholding of benefits to employees of political subdivisions who are incapacitated from work due to injury and whose benefits are offset by this Act; Amending Section 5, Article 8309h, Revised Civil Statutes of Texas, 1925, and declaring an emergency.

S.B. 480 by Mauzy Intergovernmental Relations
Relating to the vote required to amend the eligibility and benefit requirements in and to make comprehensive amendments to the firemen, policemen, and fire alarm operators' pension system; amending Subsections B and G of Section 11A and Subsections A and F of Section 11B, Chapter 4, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243a, Vernon's Texas Civil Statutes).

S.B. 481 by Mauzy Jurisprudence
Relating to preventing execution of process in a civil cause; providing a penalty; amending Chapter 38, Penal Code, by adding Section 38.14.

S.B. 482 by Mauzy Education
Delegating certain duties relating to higher education to the Coordinating Board, Texas College and University System, and amending Section 61.058, Texas Education Code, as amended.

S.B. 483 by Mauzy Education
Relating to the election of members of the State Board of Education; amending Section 11.21; Subsection (h), Section 11.22; and Subsection (i), Section 11.22, Texas Education Code, as amended; and declaring an emergency.

S.B. 484 by Harris Human Relations
Amending Chapter 796, page 2348, of the Acts of the 61st Legislature, Regular Session, 1969, as amended (codified as Article 5159d, Vernon's Texas Civil Statutes), to add a new Section 10a relating to certain patient/student workers who are clients of care facilities of the Texas Department of Mental Health and Mental Retardation and the wages to be paid to such patient/students; providing that the Department will promulgate rules to effectuate this section; declaring that this section does not create an employer/employee relationship between Texas Department of Mental Health and Mental Retardation and these clients; providing for severability; and declaring an emergency.

S.B. 485 by Mauzy Jurisprudence
Relating to the authority of a guardian to make certain investments; amending Subsection (a), Section 389A, Texas Probate Code, as amended.

S.B. 486 by Adams Administration
Relating to the submission to the State Board of Control of all plans for the erection of monuments or memorials within the Capitol complex; amending Chapter 312, Acts of the 42nd Legislature, Regular Session, 1931 (Article 678e-1, Vernon's Texas Civil Statutes).

S.B. 487 by Mengden State Affairs
Relating to a nomination by the appropriate executive committee of the political party where no candidate files for an office in the party's primary; adding Section 190b, Texas Election Code.

S.B. 488 by Mengden State Affairs
Relating to the state conventions and the state executive committee of a political party which holds primary elections; amending Subsections (b) and (c), Section 205, Section 213, and Section 216, Texas Election Code, as amended (Articles 13.27, 13.35, and 13.36, Vernon's Texas Election Code); adding Section 216a, Texas Election Code; and repealing Section 215, Texas Election Code (Article 13.37, Vernon's Texas Election Code).

- S.B. 489** by Mengden Jurisprudence
Relating to theft of rental services; amending Section 31.04, Penal Code.
- S.B. 490** by Mengden State Affairs
Relating to the apprehension of members of the Texas National Guard who fail to report for official functions; adding Section 8a to Article 5788, Revised Civil Statutes of Texas, 1925, as amended.
- S.B. 491** by Mengden State Affairs
Relating to the accountability of members of the Texas National Guard for certain property; adding Section 9 to Article 5784, Revised Civil Statutes of Texas, 1925, as amended.
- S.B. 492** by Mengden State Affairs
Regulating assistance to voters by persons who are not election officers; stating criminal penalties; amending Paragraph (a), Subdivision 15, Section 37, and Subdivision 2, Section 95, Texas Election Code, as amended (Articles 5.05 and 8.13, Vernon's Texas Election Code).
- S.B. 493** by Mengden State Affairs
Relating to primary elections held by political parties; providing for the conduct and financing of joint primary elections for all parties making nominations by the primary election process; also making changes with respect to other affairs of political parties and to other matters relating to the nomination and election of candidates, which are necessitated by the changes in the law with respect to primary elections; containing penal provisions; amending the Texas Election Code, as amended, in the following respects: amending Subsection (3) of Section 179a, Sections 181 and 182, Subsection (a) of Section 186, Subsections (a) and (c) of Section 187, Section 190, Paragraph (ii) of Subsection (2) of Section 190a, Section 195, Subdivisions 1 and 4 of Section 196, Subsection (3) of Section 196a, Sections 197 and 202, Subdivision 1 of Section 202a, Sections 204, 204a, and 205, Subsection (3) of Section 208, Section 211, Subsections (b) and (e) of Section 212, Section 213, Subsection (d) of Section 15, Subsection (b) of Section 22, Subsection (3) of Section 51a, Section 10 of Section 79, Sections 106 and 107, Paragraph (1) of Subsection (a) of Section 111b, and Paragraph (a) of Subdivision 2 of Section 166a (Articles 13.01a, 13.03, 13.04, 13.08, 13.09, 13.12, 13.12a, 13.17, 13.18, 13.18a, 13.19, 13.24, 13.24a, 13.26, 13.26a, 13.27, 13.30, 13.33, 13.34, 13.35, 3.01, 3.08, 5.19a, 7.14, 8.24, 8.25, 8.29a, and 9.38a, Vernon's Texas Election Code); adding Sections 183 and 188; repealing Sections 185 and 207 (Articles 13.07 and 13.29, Vernon's Texas Election Code), and enacting new Sections 185 and 207; also repealing Section 185, Subsections (e) through (m) of Section 186, Sections 186a, 186c, 193, and 194, Subdivision 5 of Section 196, and Sections 196b, 198, 199, 203, 209, and 215 (Articles 13.07, 13.08, 13.08a, 13.08c, 13.13, 13.14, 13.18, 13.18b, 13.20, 13.21, 13.25, 13.31, and 13.37, Vernon's Texas Election Code).
- S.B. 494** by Mengden State Affairs
Relating to presidential primary elections; providing alternative methods for conducting the primaries; prescribing criminal penalties; amending the Texas Election Code by adding Sections 235b and 235c and by amending Sections 191, 192, 195, and 212, as amended (Articles 13.13, 13.14, 13.17, and 13.34, Vernon's Texas Election Code).
- S.B. 495** by Farabee, Doggett Human Relations

Relating to the authority of the State Department of Public Welfare to accept a gift of real property and to operate a nursing home; amending The Medical Assistance Act of 1967, as amended (Article 695j-1, Vernon's Texas Civil Statutes), by adding Section 15A.

S.B. 496 by Parker Education
Relating to the use of school buses for nonschool activities; amending Section 16.204, Texas Education Code, as added.

S.B. 497 by Parker Economic Development
Relating to the authority of certain insurers to invest in State of Israel bonds; amending Chapter 2, Insurance Code, as amended, by adding Article 2.10-3.

S.B. 498 by Patman Intergovernmental Relations
Relating to the creation of the 271st Judicial District composed of Bell County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.096.

S.B. 499 by Aikin Intergovernmental Relations
Relating to educational or training incentive pay for certain firemen and policemen; amending Section 8A, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes).

S.C.R. 31 by Jones of Taylor State Affairs
Creating the Special Committee on Fiscal Responsibility.

S.C.R. 32 by Jones of Taylor State Affairs
Directing agencies having the constitutional authority to issue bonds to coordinate the administration of their individual bond programs.

S.C.R. 33 by Hance Natural Resources
Establishing a state policy that heating unit thermostats be set at a maximum of 65 degrees.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 145, To Committee on Intergovernmental Relations.

SENATE RESOLUTION 115

Senator Adams offered the following resolution:

WHEREAS, We, the members of the Texas Senate, being extremely mindful of the vital need for honest, able, and dedicated men and women to assist us in the conduct of our official business; and

WHEREAS, Being further mindful that it is our traditional privilege and pleasure to honor outstanding achievements by our entrusted and loyal assistants; and

WHEREAS, Mr. Karl Orrin Bayer, Jr., legislative counsel and aide to Senator Don Adams, began his distinguished career by graduating first in his class from Huntsville High School in 1967; and

WHEREAS, Karl then entered Rice University where he was a consistent member of the President's Honor Roll and a recipient of the prestigious George Brown Engineering Scholarship; and

WHEREAS, Karl was graduated Cum Laude from Rice University in 1971 and then was admitted to graduate school of the Massachusetts Institute of Technology where he was awarded a Master's Degree in Electrical Engineering; and

WHEREAS, Karl then returned to his home state of Texas where he further distinguished himself as a student in the University of Texas School of Law, and graduated from the University Law School in 1976; and

WHEREAS, Karl Bayer's outstanding academic honors include among others, membership in Phi Beta Kappa, Tau Beta Pi, Sigma Tau and Who's Who in American Colleges and Universities; and

WHEREAS, Karl's scholastic achievements are further enhanced by his experiences as a working student, which included positions with the Texas Senate, the Texas Attorney General's Office, advanced legal and scientific research efforts in Austin and Cambridge, and as a teacher and independent businessman; and

WHEREAS, On February 2, 1977, it was announced that Mr. Karl Orrin Bayer, Jr., had once again distinguished himself by passing the State Bar Examination with the unusually high score of 86; and

WHEREAS, This young lawyer, teacher, scientist and gentleman has once again brought honor not only to himself but to his lovely wife Cathy, herself a distinguished young attorney; and his fine parents, the retired minister and Mrs. Karl Bayer, Sr. of Jasper, Texas, now, therefore be it

RESOLVED, That the Senate of Texas, 65th Legislature, hereby extend most sincere congratulations to Mr. Karl Bayer on the occasion of his admittance to the State Bar of Texas; and be it further

RESOLVED, That it is hereby ordered that an official copy of this Resolution be prepared and presented to Karl Bayer in recognition of the honor and pride which his many outstanding academic achievements and dedicated public service have brought to the members of the Senate of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 119

Senator Meier offered the following resolution:

WHEREAS, On January 5, 1976, the Senate directed that the Committee on Administration examine existing procedures and report back to the Senate in open session regarding suggested changes in procedure; and

WHEREAS, In following the dictates of this resolution the Senate Administration Committee, Senator Don Adams, Chairman; Senator John Traeger, Vice Chairman; and Senators Frank Lombardino, Raul Longoria, Oscar Mauzy, Mike McKinnon, and A. R. "Babe" Schwartz met regularly during the interim period; and

WHEREAS, The committee's efforts have achieved new policies and procedures for the effective operation of the business of the Texas Senate and has now presented its report on policies adopted and procedures recommended; and, now therefore be it

RESOLVED, By the members of the Senate of the 65th Legislature of the State of Texas, Regular Session, That Senator Don Adams, Chairman; Senator John Traeger, Vice Chairman; and Senators Frank Lombardino, Raul Longoria, Oscar Mauzy, Mike McKinnon, and A. R. "Babe" Schwartz be commended for their diligent work and stewardship in working towards the enhancement of the

effectiveness and the efficient administration of the Texas Senate in order that the Senate may continue in its constitutional role as representative of the reasoned judgment of the people of the State of Texas.

The resolution was read and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 3, 1977

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointment effective February 7, 1977:

To be PRESIDING JUDGE of the SECOND ADMINISTRATIVE JUDICIAL DISTRICT OF TEXAS: For a four-year term to expire February 6, 1981: The Honorable Max M. Rogers of Huntsville, Walker County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

MOTION IN WRITING

Mr. President:

I ask unanimous consent for the enrolling clerk of the senate to make a correction in S.J.R. No. 2, Section 2, by inserting the word "or" between the words "nonprofit" and "charitable" where they appear in the language of the ballot of the constitutional amendment, authorized by this resolution, to be submitted to the qualified electors, to make the ballot correspond to the corrections made in the resolution by floor amendments.

LOMBARDINO

The Motion in Writing was read and was adopted.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator Andujar, Vice-Chairman, Committee on State Affairs, Sub-Committee on Nominations having given Notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 13, Nays 14.

Yeas: Aikin, Brooks, Clower, Doggett, Jones of Harris, Longoria, Mauzy, Parker, Patman, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Andujar, Creighton, Farabee, Hance, Harris, Kothmann, Lombardino, Meier, Mengden, Moore, Santiesteban, Snelson, Traeger.

Absent-excused: Braecklein, Jones of Taylor, McKnight, Ogg.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:19 o'clock a.m. today.

The President asked if there were requests to sever nominees.

Senator Clower requested the severance of Sidney E. McKinney, to be a Member of the Industrial Accident Board, and David E. Pickett, to be a Member of the Advisory Council for Technical-Vocational Education.

The request to sever was granted.

Senator Clower then moved to postpone consideration of the severed nominees.

There was no objection.

Senator Andujar moved confirmation of those nominees not severed and reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were then confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Braecklein, Jones of Taylor, McKnight, Ogg.

NOMINEES CONFIRMED

To be a Member of the TEXAS ALCOHOLIC BEVERAGE COMMISSION: Ed Harlee, Bexar County.

To be a Member of the BOARD OF PARDONS AND PAROLES: Paul F. Cromwell, Jr., Walker County, Appointed by Judge John F. Onion, Jr.

To be INTERSTATE COMPACT COMMISSIONER FOR THE RED RIVER: Fred Parkey, Wichita County.

To be CRIMINAL DISTRICT ATTORNEY for Upshur County (until 1976 general election): The Honorable Harry R. Heard, Upshur County.

To be a Member of the CRIME AND NARCOTICS ADVISORY COMMISSION: Glen Richard English, Montgomery County.

To be Members of the EGG MARKETING ADVISORY BOARD: Carl Smith, Fayette County; W. C. White, Tom Green County.

To be Members of the AMERICAN REVOLUTION BICENTENNIAL COMMISSION OF TEXAS: Dr. Joe Frantz, Travis County (reappointment); James W. Gorman, Jr., Bexar County.

To be Members of the ADVISORY BOARD OF ATHLETIC TRAINERS: Robert Bissell, Lubbock County; Al Wilson, Bell County; Ross Moore, El Paso County.

To be Members of the TEXAS COMMISSION ON SERVICES TO CHILDREN AND YOUTH: Mrs. Thelma Gavin, Bexar County; Miss Mary Hale, Dallas County; Miss Mary Melissa Pratka, Harris County; Robert C. Lanier, Harris County; Miss Rhonda Sue Graff, Medina County.

To be Members of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Cecil M. Ward, Cooke County; Richard D. Brown, Travis County (reappointment); Billy Cowan, Travis County; The Honorable Leo J. Leo, Hidalgo County; The Honorable Bernis W. Sadler, Jefferson County (reappointment).

To be Members of the ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION: Mrs. Betty Walker, Grayson County (reappointment); John L. Barnett, Tarrant County (reappointment); Dr. Alberta Castenada, Travis County (reappointment); Stuart Fisher, Travis County (reappointment); Dr. Glen A. French, Travis County (reappointment); Mrs. Mabel Pitts, Travis County (reappointment); Mrs. Karen Quebe, Travis County (reappointment); Mrs. Elizabeth F. Smith, Travis County (reappointment); Mrs. Julia O. Willhoite, Travis County (reappointment); William Weldon Tabor, Hardeman County (reappointment); Mrs. Juanita Bridges, Harris County (reappointment); Dr. David S. Dow, McLennan County (reappointment); Mrs. Ninfa Guerra, Hidalgo County (reappointment); Dr. Vicki Davis, Hunt County (reappointment); Dr. Vivian Hicks, Smith County (reappointment); Mrs. Annie McLain, Dallas County (reappointment); Mrs. Marion Pratt, Tarrant County (reappointment); Dr. Robert Holman, Harris County (reappointment); Dr. Gordon McKee, Harris County (reappointment); Mrs. Lucile Hampton, Falls County (reappointment); Dr. Paul R. Meyer, Jefferson County (reappointment); Dr. George A. Constant, Victoria County; Mrs. Lula Mae Paris, Bastrop County (reappointment).

To be Members of the ADVISORY HOSPITAL COUNCIL: Bobby Brown, Morris County; Sister Seraphine Ferrero, McLennan County; J. Fred Perry, Brown County; Tol Terrell, Tom Green County.

To be Members of the HOSPITAL LICENSING ADVISORY COUNCIL: Joe Roddy, Jr., Travis County; John Horn, Baylor County (reappointment); J. T. Palmer, Fisher County; Dr. Sidney Schnur, Harris County; Dr. Emery R. Owens, Waller County; Guy H. Dalrymple, Jefferson County.

To be Members of the ADVISORY COUNCIL ON SMALL BUSINESS ASSISTANCE: Jack R. Parker, Panola County; Tom Lanier, Cass County; Mrs. John Hardwick, Callahan County; Eliseo Sandoval, Hidalgo County; Dick Burdick, Bastrop County; Louie Giallanza, El Paso County; Nestor A. Valencia, El Paso County; Howard G. Diedrichsen, Moore County; Walter Lasley, Sherman County; George N. Wyche, Harris County.

To be Members of the **ADVISORY COUNCIL FOR TECHNICAL-VOCATIONAL EDUCATION** (Appointed by the State Board of Education): Frederick McClure, San Augustine County; Hugh E. McCallick, Harris County; Joe D. Gunn, Travis County; James H. Harwell, Travis County; S. Don Rogers, Travis County; J. W. Hamby, Hale County; Bob Avina, Bexar County; E. D. Redding, Harris County; Dr. J. R. Jackson, Brazoria County; Ray A. Meyer, Bexar County.

To be Members of the **STATE BOARD OF VOCATIONAL NURSE EXAMINERS**: Mrs. Mildred Thormann, Hood County; Gordon H. Russell, Hale County; Dr. Bill L. Halbert, Freestone County; Mrs. Wynelle Childers, Potter County; Mrs. Patsie Anderson, Uvalde County.

To be Members of the **ADVISORY COUNCIL ON YOUTH CAMP SAFETY**: Miss Louise Fargher, Tarrant County (reappointment); Miss Alice H. Mulkey, Dallas County (reappointment); Paul L. Beisenherz, Travis County (reappointment); Hugh Hornsby, III, Travis County (reappointment); Rodney J. Kidd, Travis County (reappointment); Olen S. Miles, Hays County (reappointment); Tom Manison, Galveston County (reappointment); Silas B. Ragsdale, Jr., Kerr County (reappointment); Miss Carol Ann Flores, Wilson County.

To be a Member of the **FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM COMMISSION**: Dr. Vernon B. Spiva (deceased), Gillespie County.

To be a Member of the **TEXAS AMUSEMENT MACHINE COMMISSION**: John H. Garrett, Harris County.

To be Members of the **STATE BOARD OF EXAMINERS IN THE BASIC SCIENCES**: Dr. Everett D. Wilson, Walker County (reappointment); Dr. John Mack Prescott, Brazos County (reappointment).

To be Members of the **BATTLESHIP TEXAS COMMISSION**: Philip C. Koelsch, Harris County; C. Stanley Banks, Bexar County.

To be Members of the **GREATER SOUTH TEXAS CULTURAL BASIN**: Dr. M. L. Brockette, Travis County (reappointment); Harold K. Dudley, Travis County (reappointment); Fratis L. Duff, Travis County; James H. Harwell, Travis County (reappointment); General James Rose, Travis County; Raymond W. Vowell, Travis County (reappointment); Ben Haney, Dallas County; Paul Story, Dallas County (reappointment); Joseph B. Swanner, Brown County (reappointment); Earl Hill, Bexar County; Richard DeMunbrun, Bexar County (reappointment); The Honorable R. H. Fowler, Cameron County; The Honorable Eduardo C. Vela, Hidalgo County; Pat Pace, Cameron County (reappointment); Jose Gonzalez, Hidalgo County (reappointment); Dr. J. A. Garcia, Jim Wells County; Stuart Clarke, Collin County (reappointment); The Honorable Allan Stovall, Edwards County; The Honorable Edward P. Rodriguez, Maverick County; The Honorable H. T. Martinez, Jim Hogg County; Mr. Finis Jolly, Bexar County (reappointment); The Honorable Arnolito J. Garcia, Frio County.

To be Members of the **RADIATION ADVISORY BOARD**: George M. Brewer, Lubbock County (reappointment); Dan Hightower, Lubbock County (reappointment); Dr. Lloyd R. Hershberger, Tom Green County (reappointment).

To be Members of the STATE RURAL MEDICAL EDUCATION BOARD: Lawrence Harmel, Baylor County (reappointment); Dr. Sam A. Nixon, Wilson County (reappointment).

To be Members of the TEACHERS' PROFESSIONAL PRACTICES COMMISSION: Bobby R. Walters, Lamar County; Mrs. Vivian R. Bowser, Harris County (reappointment); Brodie Wayne Hutchinson, Andrews County (reappointment); Herbert F. Groth, Coryell County (reappointment); Mrs. Carol Sue Gray, Gregg County; Dr. Leo D. Bradley, Harris County; Dr. Richard D. Strahan, Harris County (reappointment); Mrs. Jimmy Dixon, Brazos County; Albert J. Vera, Harris County (reappointment); Mrs. Emma Jean Tanner, Brazoria County (reappointment); Mrs. Nancy H. Hall, Deaf Smith County (reappointment); David R. Walvoord, Potter County (reappointment); Mrs. Sherry Lizcano, Webb County.

MEMORIAL RESOLUTIONS

S.R. 113 - by Adams: Memorial resolution for J. W. Primrose.

S.R. 114 - by Adams: Memorial resolution for Paul Jordan.

S.R. 116 - by Brooks: Memorial resolution for Percy Selden and Marjorie Selden Sparks.

S.R. 118 - by Snelson: Memorial resolution for John Goff Hunnicut.

S.R. 120 - by Aikin: Memorial resolution for Elmer C. Bentsen.

CONGRATULATORY RESOLUTION

S.R. 117 - by Snelson: Extending congratulations to Judge Marvin Blackburn, Jr.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:23 o'clock a.m. adjourned in memory of Stuart Long, until 10:30 o'clock a.m. Monday, February 7, 1977.

In Memory**of****Mrs. Temple H. Shell**

Senator Farabee offered the following resolution:

(Senate Resolution 100)

WHEREAS, The Senate of the State of Texas wishes to honor the memory of one of its outstanding citizens, Mrs. Temple H. Shell, who lived in Wichita Falls, Texas for forty-five years and who died on August 15, 1975; and

WHEREAS, Mrs. Shell was a native of Childress, Texas, attending public schools there and in Fort Worth, and was a graduate of Ward-Belmont and Vanderbilt University. She taught school in Wichita Falls, where she was also a past director of the YWCA, the Wichita County American Red Cross Chapter, a member of the Century Study Club and the Episcopal Church of the Good Shepherd; and

WHEREAS, She is survived by her husband, Temple H. Shell, a daughter, Beverly, and a daughter, June Mengden, wife of Senator Walter H. Mengden, Jr., who currently serves as a member of the 65th Legislature, now, therefore, be it

RESOLVED by the Senate of Texas that it does by this Resolution pay tribute to the memory of this worthy citizen and extends sympathy to the members of her family; and be it further

RESOLVED that copies of this Resolution be forwarded to the family as a tribute to the memory of Mrs. Temple H. Shell.

**FARABEE
MENGDEN**

The resolution was read and was adopted by a rising vote of the Members of the Senate.