

**MEMORIAL RESOLUTIONS**

**S.R. 282** - by Adams: Memorial resolution for William Paulton (Pete) James.

**S.R. 284** - by Snelson: Memorial resolution for Robert Simmons Crawford.

**S.R. 285** - by Snelson: Memorial resolution for Mrs. Roberta Harley.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 231** - by Doggett: Extending welcome to Major Robert Hall.

**S.R. 232** - by Doggett: Extending welcome to Pearce Junior High School Government Classes.

**S.R. 279** - by Mauzy: Extending congratulations to Dallas South Oak Cliff Girls Basketball Team.

**S.R. 280** - by Clower: Extending congratulations to Evelyn Ilma Brown.

**S.R. 283** - by Doggett: Extending welcome to Lockhart High School Senior Government Classes.

**S.R. 286** - by Doggett: Extending welcome to Pflugerville High School Business Class.

**TWENTY-EIGHTH DAY**

(Continued)

(Thursday, March 3, 1977)

**AFTER RECESS**

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

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Jones of Harris 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**.

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 Section 5 of Article III, Constitutional Three-Day Rule and final passage indicated after each bill.)

**S.B. 12** (Brooks) Relating to service requirements for retirement benefits under the Judicial Retirement System of Texas. (31-0)(31-0)(31-0)

- C.S.S.B. 186** (Sherman) Relating to individuals, associations and corporations doing business under an assumed name. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"
- S.B. 200** (Adams) Relating to immunity for witnesses before the legislature. (31-0)(31-0)(31-0)
- S.B. 209** (Andujar) Relating to consent of either parent to autopsy. (31-0)(31-0)(31-0)
- S.B. 383** (Sherman) Relating to state library system. (31-0)(31-0)(31-0)
- C.S.S.B. 388** (Jones of Harris) Relating to legal holidays for banks or trust companies. (31-0)(31-0)(31-0)
- S.B. 389** (Jones of Harris) Relating to probationary services in misdemeanor cases. (31-0)(31-0)(31-0)
- S.B. 426** (Longoria) Relating to use of white-winged dove stamp revenue. (31-0)(31-0)(31-0)
- C.S.S.B. 453** (Schwartz) Relating to reproduction, recording, and retention of records in certain courts of civil appeal by microfilm and other processes. (31-0)(31-0)(31-0)
- S.B. 476** (Harris) Relating to validation of actions of city governments within certain counties. (29-2) Mauzy and Clower "Nay" (29-2) Mauzy and Clower "Nay" (29-2) Mauzy and Clower "Nay"
- S.B. 484** (Harris) Relating to wages of certain patient/student workers of MHMR. (31-0)(31-0)(31-0)
- S.B. 545** (Adams) Relating to conveying portion of Texas State Railroad to City of Palestine. (31-0)(31-0)(31-0)
- S.B. 561** (Jones of Taylor) Relating to county law libraries. (31-0)(31-0)(31-0)
- S.B. 565** (Doggett) Relating to dentists and regulation of practice of dentistry. (31-0)(31-0)(31-0)
- S.C.R. 43** (Jones of Harris) Authorizing Inexco Oil Company to file interpleader action in court of competent jurisdiction. (vv)
- S.C.R. 44** (McKnight) Granting Winnwood Manor Nursing Home permission to sue the State of Texas. (vv)
- S.C.R. 45** (Adams) Requesting study to determine whether the 1841 International Boundary Marker merits designation as National Historic Landmark. (vv) Mauzy "Nay"
- S.C.R. 46** (Schwartz) Granting Hi-Way Billboards, Inc., permission to sue the State of Texas. (vv)

**H.B. 292** (Jones of Taylor) Relating to disposal of confiscated game fish. (31-0)(31-0)(31-0)

**C.S.H.C.R. 9** (Meier) Inviting Congressman James C. Wright, Jr., to address joint session of Legislature. (vv)

Constitutional Rules and regular order were suspended, the following bills were read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Section 5 of Article III, Constitutional Three-Day Rule and final passage.)

**C.S.S.B. 125** (Adams) Relating to Neches River Conservation District. (31-0)(31-0)(31-0)

Senator Adams offered the following amendment to the bill:

Amend **S.B. 125**, Section 3 of the statute in Section 1 of the bill, to read as follows:

“Section 3. The territory which shall be embraced within the boundaries of said Angelina and Neches River Authority [~~Sabine Neches Conservation District (now Neches River Conservation District)~~] shall be that part of the State of Texas defined as follows: All that territory lying and being situated within the watershed of the [~~Sabine and~~] Neches River [~~Rivers~~] and its [~~their~~] tributaries, and which includes the following named Counties, lying wholly or in part within said watershed: [~~Smith, Wood,~~] Van Zandt, [~~Upshur, Camp, Anderson, Henderson, Kaufman,~~] Angelina, Nacogdoches, [~~Cherokee,~~] San Augustine, Sabine, Jasper, Newton, [~~Gregg, Harrison, Panola,~~] Rusk, Shelby, [~~Hunt, Rains,~~] Houston, Trinity, Polk, and Orange [~~Hopkins, Collin, and Rockwall~~], and that portion of the drainage area of Flat Creek in Henderson County which lies west of presently designated Farm-to-Market Road No. 607 leading from LaRue through Leagueville to Brownsboro; provided that there is excepted from the area covered by the Angelina and Neches River Authority all the area presently covered by the Lower Neches Valley Authority and the Upper Neches River Municipal Water Authority. It is the intent of the Legislature to preserve the present area and authority of the Lower Neches Valley Authority, Upper Neches River Municipal Water Authority, and the Neches River Conservation District.”

The amendment was read and was adopted.

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

**S.B. 213** (Brooks) Relating to creating in natural grandparents the right of reasonable access to an adopted child whose parent-child relationship has been terminated.

(30-1) Jones of Taylor “Nay” (30-1) Jones of Taylor “Nay”

(30-1) Jones of Taylor “Nay”

Senator Adams offered the following amendment to the bill:

Amend **S.B. 213**, lines 23 through 25, by substituting the following language:

“effective date of this code. Such relief shall not be granted unless one of the child’s legal parents at the time the relief is requested is the child’s natural parent. The court may [and] issue any necessary”

The 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.

**S.B. 552** (Farabee) Relating to creation, establishment, maintenance and operation of Shackelford County Hospital District. (31-0)(31-0)(31-0)

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 552** by designating existing Section 14 as Section 14, Subsection (a) and by adding a new subsection (b) to Section 14 as follows:

“Sec. 14.

“(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 Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 563** (Doggett) Relating to dentists and practice and regulation of dentistry. (31-0)(31-0)(31-0)

Senator Doggett offered the following committee amendment to the bill:

Amend Senate Bill 563, Sec. 2, by adding after “accredited high school” the following: “or hold a Certificate of High School Equivalency (GED) or be a graduate”

The committee amendment was read and was adopted.

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

**H.B. 388** (Farabee) Relating to open season for quail in Cottle and King counties. (31-0)(31-0)(31-0)

Senator Farabee offered the following amendment to the bill:

Amend **H.B. 388** by adding a new section to be numbered "Sec. 3" to read as follows, and by re-numbering present Sec. 3 to be "Sec. 4:

"Sec. 3. Chapter 163, Parks and Wildlife Code, is amended to read as follows:

**"SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

"Sec. 163.001. Regulatory Act: Applicability

"The Uniform Wildlife Regulatory Act (Chapter 61 of this Code) does not apply to the wildlife resources in Dickens County.

**"SUBCHAPTER B. BIRDS**

**"Sec. 163.011. QUAIL SEASON. (a) No person may hunt quail in Dickens County except during the open season.**

**"(b) The open season for quail in Dickens County begins on December 1 of one year and extends through January 31 of the following year.**

**"(c) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200."**

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)(31-0)

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

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

**ADJOURNMENT**

On motion of Senator Farabee the Senate at 8:54 a.m. adjourned until 10:30 o'clock a.m. today.

**TWENTY-NINTH DAY  
(Thursday, March 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, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Tom Keith, St. Paul's Episcopal Church, Burnet, Texas, offered the invocation as follows:

Amend **H.B. 388** by adding a new section to be numbered "Sec. 3" to read as follows, and by re-numbering present Sec. 3 to be "Sec. 4:

"Sec. 3. Chapter 163, Parks and Wildlife Code, is amended to read as follows:

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**"(c) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200."**

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)(31-0)

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A quorum was announced present.

The Reverend Tom Keith, St. Paul's Episcopal Church, Burnet, Texas, offered the invocation as follows:

O God, the fountain of wisdom whose statutes are good and gracious and whose law is truth, endue, we beseech Thee, with the spirit of wisdom those to whom in Thy name we entrust the authority of government. Bless and guide, we pray, the Senators of the State of Texas, that they may serve Thy compassionate justice by word and law. More especially, we pray that the cries of the poor, the needy and the powerless will be heard by these Thy servants, the Texas Senate. And that in serving these, the least of our brothers, they best serve us and serve Thy holy name. In the name of the Lord of Lords, the God of justice and compassion, we pray. 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.

### REPORTS OF STANDING COMMITTEES

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

**S.B. 719**

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

**S.B. 485**

**S.B. 429**

**S.B. 468**

**S.B. 465**

**S.B. 438**

**S.B. 43**

**C.S.S.B. 252** (Read first time)

**C.S.S.B. 133** (Read first time)

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

**H.B. 876**

**S.B. 203**

**S.B. 517**

**S.B. 519**

**S.B. 553**

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

**H.B. 164**

### MESSAGE FROM THE HOUSE

House Chamber

March 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. 720**, A bill to be entitled An Act amending Section 80 of Chapter 243, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 5547-80 of Vernon's Texas Civil Statutes); authorizing the head of a mental hospital to discharge a resident patient absent without authority from a state hospital for the mentally ill for a continuous period of eighteen months; and declaring an emergency.

**H.B. 502**, A bill to be entitled An Act relating to the compensation of judges in certain counties; amending Subsection (c), Section 8, Chapter 427, Acts of the 54th Legislature, 1955 (Article 3883e; Vernon's Texas Civil Statutes); repealing Chapter 322, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970-301h, Vernon's Texas Civil Statutes); and declaring an emergency.

All necessary rules suspended, and the House concurred in Senate amendments to H.C.R. No. 9 by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 388 by a non-record vote.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
 House of Representatives

#### SENATE BILLS AND RESOLUTION ON FIRST READING

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

**S.B. 779** by Ogg Human Resources  
 Relating to supervision of dental hygienists and provision of dental hygiene advice to the Board of Dental Examiners; amending Section 3 of, and adding Section 4A to, Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes).

**S.B. 780** by Ogg State Affairs  
 Relating to the invalidity of ballots cast by persons not signing ballot stubs; adding Section 142a to the Texas Election Code (Art. 9.14a, Vernon's Texas Election Code).

**S.B. 781** by Brooks Education  
 Relating to the right, power, and authority of the Coordinating Board, Texas College and University System, to contract with the Texas Chiropractic College, to provide for the education of certain chiropractic students; providing for severability; and declaring an emergency.

**S.B. 782** by Brooks, Jones of Harris Human Resources  
 Relating to the establishment of a sex offender treatment pilot program administered by the Department of Mental Health and Mental Retardation; citing the powers and duties of the commissioner of the Department of Mental Health and Mental Retardation; citing qualifications for eligibility; allowing for confidentiality of records and patients' rights; requiring periodic examination; allowing for discharge proceedings; and declaring an emergency.



**S.B. 783** by Truan Human Resources  
Relating to an indication of Spanish origin on birth certificates; amending Section 14, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 47a, Article 4477, Vernon's Texas Civil Statutes).

**S.B. 784** by Longoria Jurisprudence  
Relating to suit for the recovery of debts by a foreign executor or administrator; amending the Texas Probate Code, as amended, by adding Section 107A.

**S.B. 785** by Williams Human Resources  
Relating to Chiropractic and the regulation of the practice of chiropractic; amending Acts 1975, 64th Legislature, p. 686, Chapter 286 Subsection 1, by adding thereto two new articles to be known and designated as Articles 4572b(2) and 4512b(3), providing for the repeal of laws in conflict with this Act; providing for severability; and declaring an emergency.

**S.B. 786** by Santiesteban Jurisprudence  
Relating to the treaty between the United States of America and the United Mexican States on the execution of penal sentences; providing court's jurisdiction to approve and order transfer of Mexican nationals under the custody, constrictive custody, in confinement, or under restraint of the State of Texas to federal jurisdiction for purpose of transfer to United Mexican States; making other provisions relative to the implementation of the above treaty; providing a severability clause and declaring an emergency.

**S.B. 787** by Doggett Jurisprudence  
Relating to authorized sentences for corporations and associations adjudged guilty of an offense; amending Section 12.51, Penal Code.

**S.B. 788** by Doggett Jurisprudence  
Relating to an annual report to be filed by a corporation; adding Article 9.17 to the Texas Business Corporation Act, as amended.

**S.B. 789** by Doggett Jurisprudence  
Relating to the rehabilitation of a corporation adjudged guilty of an offense; amending Article 17A.08 of The Code of Criminal Procedure, 1965, as amended.

**S.B. 790** by Doggett Jurisprudence  
Relating to notice by a corporation of indemnification payments and of certain liability insurance claims or payments; amending Section A, Article 2.02, as amended, and adding Section 2.45, Texas Business Corporation Act; and declaring an emergency.

**S.B. 791** by Doggett Jurisprudence  
Relating to a means whereby any person who may be entitled to receive property under any will of or by any inheritance from a decedent may disclaim and renounce such property; amending Section 37A Texas Probate Code; and declaring an emergency.

**S.B. 792** by Traeger State Affairs  
Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Texas Civil Stats., establishing and governing the Texas County and District Retirement System) as follows: amending subsections 16, 20, 21, 26 and 27 of Section II of said Act; amending subsection 1(c) and

subsection 2 of Section IV of said Act; amending Section V of said Act; amending subsections 5, 7, 9, 10 and 11 of Section VI of said Act; further amending Section VI of said Act by adding an additional subsection to be designated as subsection 13, to provide that a participating subdivision under stated conditions may elect to cause benefit credits of non-retired members, and future payments of existing benefits that were originally calculated on less than full salary of the member, to be recalculated and allowed on a full-salary basis; amending Section VII of said Act; amending subsection 2 of Section VIII of said Act; amending subsections 5, 9 and 12 of Section X of said Act; amending subsection 6 of Section 11A of said Act; providing that this Act shall take effect January 1, 1978; declaring the act to be severable; and declaring an emergency.

**S.B. 793** by Traeger State Affairs  
Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Tex. Civil Stats., establishing and governing the Texas County and District Retirement System) as follows: amending subsections 27 and 28 of Section II of said Act; amending subsections 2(c) and 2(d) of Section III of said Act; amending Section VII of said Act by adding thereto new subsections 9 and 10 to authorize the Board of Trustees of the System to make valuation increases in future payments of certain current service annuities and prior service annuities; amending subsection 2(i) of Section VIII of said Act; amending subsection 2 of Section 11A of said Act; amending subsection 3 of Section XII of said Act; declaring the Act to be severable; and declaring an emergency.

**S.B. 794** by Mengden State Affairs  
Relating to the decentralization of state agencies in the central Texas area.

**S.B. 795** by Mengden State Affairs  
Relating to the reinstatement of active membership in the Teacher Retirement System of certain retired members of the system; amending Subsection (c), Section 3.25, Texas Education Code, as amended.

**S.B. 796** by Mengden State Affairs  
Relating to service retirement, disability, and death benefits for officers and employees of incorporated cities, towns, and villages; and repealing Section 2, Chapter 426, Acts of the 64th Legislature, 1975 (Article 6243k, Vernon's Texas Civil Statutes).

**S.B. 797** by Mengden Intergovernmental Relations  
Relating to petitions requesting municipal annexation; amending Subsection A of Section 8, Subsection B of Section 7, and Section 9, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes).

**S.B. 798** by Mengden Intergovernmental Relations  
Relating to the construction of controlled access highways within the city of Jersey Village.

**S.B. 799** by Mengden Intergovernmental Relations  
Relating to the construction of controlled access highways within the Memorial Bend subdivision in Harris County.

**S.B. 800** by Mengden Education  
Relating to recognition of homosexual organizations at state-supported institutions of higher education and the use of campus facilities by these organizations; providing penalties; adding Section 4.32 to Chapter 4, Texas Education Code.

**S.B. 801** by Traeger

Natural Resources

Relating to the conservation, storage, and ownership of natural gas, and granting the right of eminent domain over a specific underground stratum and/or the mineral and royalty interest therein, and providing for underground reservoirs for the injection and storage of natural gas therein and the withdrawal of natural gas therefrom by a natural gas storer or any natural gas public utility engaged in either or both the transportation or distribution of natural gas; providing for the procedure therefor; providing for the right of eminent domain over such surface overlying such underground reservoir, as may be reasonably necessary for the use of said underground storage reservoir; providing a nonlitigation clause; providing for the reversion of the underground reservoir and surface to the appropriate owners thereof; providing for the ownership of gas injected in storage.

**S.C.R. 52** by Mengden

State Affairs

Creating a special Joint Interim Committee to Study Decentralization of State Agencies.

**HOUSE RESOLUTION ON FIRST READING**

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

**H.C.R. 73**, To Committee on Administration.

**BILLS SIGNED**

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

**H.B. 307**

**H.B. 308**

**SENATE RESOLUTION 289**

Senator Moore offered the following resolution:

WHEREAS, our esteemed former colleague in the Senate of Texas, the Honorable Martin Dies, Jr. and his lovely wife, Ruth, have just become grandparents for the first time; and

WHEREAS, the new grandchild is Sharon Elizabeth Schoch, the daughter of Dr. and Mrs. Eugene P. Schoch, the mother being the former Miss Dianne Dies; and

WHEREAS, the new and welcome addition to the Dies family was born February 26, 1977 at John Sealy Hospital weighing eight pounds, three and one-half ounces upon her arrival; and

WHEREAS, Martin Dies, Jr. is now Chief Justice of the Court of Civil Appeals of the Ninth Supreme Judicial District of Texas, having pursued a distinguished career in public service which began in 1959 when he began serving through 1966 as State Senator from the Third Senatorial District, relinquishing this post in 1966 when he did not seek re-election, and having been appointed Secretary of State in 1968, serving in that capacity until 1971 when he was appointed Chief Justice of the Ninth Court of Civil Appeals and continuing in that capacity ever since; and

WHEREAS, the career of Chief Justice Dies in the Senate was considered to be distinguished by those of us who had the privilege of serving with him and by his constituents in the course of which he developed many warm and close friendships among his fellow Senators; and

WHEREAS, the parents of Dr. Schoch reside in Austin where the paternal grandfather is highly respected in medical circles of our Capital city; and

WHEREAS, the members of this Senate join with the new grandparents and other members of the Dies and Schoch families in the joy which accompanies the arrival of little Miss Sharon Elizabeth Schoch, now therefore, be it

RESOLVED that the Senate of the State of Texas extends its sincere congratulations to Chief Justice Dies and all of the other members of the families, at the same time extending our best wishes and hopes for a long and happy lifetime for Sharon Elizabeth Schoch; and be it further

RESOLVED that copies of this resolution be forwarded to Chief Justice and Mrs. Dies and also to the other grandparents, Dr. and Mrs. E. P. Schoch of Austin.

MOORE  
ADAMS

The resolution was read and was adopted.

#### SENATE RESOLUTION 262 ON SECOND READING

On motion of Senator Andujar 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:

**S.R. 262**, Designating an official seal of the Senate of Texas.

The resolution was read second time.

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

#### SENATE BILL 293 ON SECOND READING

On motion of Senator Jones of Taylor 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. 293**, Relating to the methods of taking fish in and within one mile of certain passes; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.2041.

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

#### SENATE BILL 293 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

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

Nays: Truan.

Absent: Clower, McKnight, Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Andujar, Clower, Longoria, Parker, Truan.

Absent: McKnight.

#### SENATE BILL 298 ON SECOND READING

On motion of Senator Jones of Taylor 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. 298**, Relating to commercial fishing by the holder of a fish farmer's license and certain qualifications for holding a fish farmer's license; amending Chapter 48, Parks and Wildlife Code, by adding Section 48.0021.

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

#### RECORD OF VOTES

Senators Adams and Clower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 298 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 298** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Aikin, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy,

Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Andujar, Clower.

Absent: McKnight, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators Adams, Brooks and Clower asked to be recorded as voting "Nay" on the final passage of the bill.

### MOTION TO PLACE SENATE BILL 32 ON SECOND READING

Senator Longoria asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 32**, A bill to be entitled An Act relating to payment of fees, court costs, restitution, and reparations by adult probationers; amending Subsection. (a) of Section 6a and adding Subsection (c) to Section 8, Article 42.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

There was objection.

Senator Longoria then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 32** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 21, Nays 9.

Yeas: Aikin, Andujar, Braecklein, Brooks, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Adams, Clower, Creighton, Doggett, Harris, Jones of Taylor, Parker, Patman, Truan.

Absent: Moore.

### SENATE CONCURRENT RESOLUTION 28 ON SECOND READING

On motion of Senator Mauzy 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.C.R. 28**, Directing the Coordinating Board, Texas College and University System, to conduct a study of the formula system for allocating state funds to public senior colleges and universities.

The resolution was read second time and was adopted.

### MESSAGE FROM THE HOUSE

House Chamber  
March 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:

**S.C.R. 51**, Memorializing the United States Government, the Executive Departments concerned and the Civil Aeronautics Board, to permit international flights between Dallas/Fort Worth Regional Airport and Europe.

**S.B. 456**, Relating to changes of domicile by state banks; amending Article 14, Subchapter III, Texas Banking Code of 1943, as added (Article 342-314, Vernon's Texas Civil Statutes). (With amendment)

**S.B. 30**, A bill to be entitled An Act relating to removing questions concerning legitimacy from the certificate of birth; amending Sections 14 and 14A, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rules 47a and 47b, Article 4477, Vernon's Texas Civil Statutes). (With amendment)

**S.B. 109**, A bill to be entitled An Act relating to the use of an alias driver's license by a law enforcement officer under certain circumstances; amending Section 32, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).

**S.B. 391**, Relating to certain medical malpractice protection provided by The University of Texas System.

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

### SENATE BILL 456 WITH HOUSE AMENDMENT

Senator Moore moved to concur in the House amendment to **S.B. 456**.

Senator Ogg raised the Point of Order that under provisions of Senate Rule 74a the motion was out of order.

The President sustained the Point of Order.

### EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight 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 15, Nays 16.

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

Nays: Adams, Andujar, Brooks, Creighton, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger.

Accordingly, the President at 11:14 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 11:33 o'clock a.m. today.

The President asked if there were requests to sever nominees.

Senator Schwartz moved to sever Mike F. Frost to be a Member of the Texas Water Quality Board.

The request to sever was granted.

Senator McKnight 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 31, Nays 0.

#### NOMINEES CONFIRMED

To be Members of the STATE BOARD OF BARBER EXAMINERS: Rene Garza, Hidalgo County; Victor G. Salazar, Bee County; Dean D. Stanton, Tom Green County.

To be Members of the TEXAS BOARD OF HEALTH RESOURCES: Dr. N. L. Barker, Lamar County; Dr. Charles Max Cole, Dallas County (2 terms—6/20/75-2/1/77 and 2/02/77-2/1/83); Dr. Blanchard T. Hollins, Harris County; Donald A. Horn, Harris County; Dr. Francis A. Conley, Travis County (2 terms—6/24/75-2/1/77 and 2/02/77-2/1/83); Dr. H. Eugene Brown, Lubbock County (2 terms—6/20/75-2/1/77 and 2/02/77-2/1/83); Dr. Roderic Bell, Dallas County (2 terms—6/20/75-2/1/77 and 2/02/77-2/1/83); Dr. Philip Lewis, Harris County; Dr. Robert D. Moreton, Harris County; Raul Jimenez, Bexar County (resigned-tenure only); Mrs. Maria LaMantia, Hidalgo County; Dr. Bob Glaze, Upshur County; Royce E. Wisenbaker, Smith County; Mrs. Johnnie M. Benson, Tarrant County; Ben M. Durr, Harris County; Dr. Sterling Fly, Uvalde County (resigned-confirming tenure only); Dr. Raymond G. Garrett, Williamson County (2 terms—6/24/75-2/1/77 and 2/02/77-2/1/83); Bill Burton, El Paso County (resigned-tenure only); William J. Edwards, Galveston County; William J. Foran, Potter County (2 terms—6/20/75-2/1/77 and 2/02/77-2/1/83); Dr. Ramiro R. Casso, Hidalgo County.

To be Members of the GOVERNOR'S COMMITTEE ON AGING: Rufus Edmonds Palm, Tarrant County; William L. Donnell, Wichita County; Abelardo Villarreal, Jim Wells County (reappointment).



To be Members of the Board of Trustees, **TEACHER RETIREMENT SYSTEM OF TEXAS**: Miss Antoinette Miller, Harris County (reappointment); Roger B. Mize, Scurry County; Dr. Warren Travis White, Dallas County (reappointment).

To be Members of the Board of Directors, **LAVACA COUNTY FLOOD CONTROL DISTRICT NUMBER 3**: Julius Bucek, Lavaca County (reappointment); Leon Louis Kahanek, Jr., Lavaca County (reappointment); Alfred Neumeyer, Jr., Lavaca County (reappointment).

Mr. Mike F. Frost was confirmed to be a Member of the Texas Water Quality Board by the following vote: Yeas 28, Nays 3.

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

Nays: Doggett, Jones of Harris, Schwartz.

(Senator Schwartz in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 559 ON SECOND READING**

On motion of Senator Mengden 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. 559**, Relating to the permissible number of days a retired member may be employed as a substitute employee, and amending Subsections (a) and (d) of Section 3.37, Texas Education Code, as amended.

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

(President in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 559 ON THIRD READING**

Senator Mengden 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. 559** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Moore.

The President then laid the bill before the Senate on its third reading and final passage.

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

Absent: Moore.

**MOTION TO PLACE SENATE BILL 16 ON SECOND READING**

Senator Doggett asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 16**, A bill to be entitled An Act relating to terminating the authority of institutions of higher education to pledge certain tuition charges to the payment of bonds; amending Subsection (d), Section 55.17, Texas Education Code; and declaring an emergency.

There was objection.

Senator Doggett then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 16** for consideration at this time.

The motion was lost by the following vote: Yeas 13, Nays 17.

Yeas: Adams, Andujar, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Mauzy, Meier, Patman, Williams.

Nays: Aikin, Braecklein, Creighton, Hance, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Absent: Traeger.

**STATEMENT BY SENATOR RON CLOWER**

By unanimous consent, Senator Clower addressed the Senate as follows:

My Colleagues and Friends:

I appreciate the consideration given to me by this Honorable Senate to bring to your attention a matter which has some serious implications not only for the integrity of legislative process but for the spirit of democracy which we like to believe exists in Texas.

I have been advised that Mrs. Pat Driscoll, the Vice-President of Nursing Services at St. Paul Hospital in Dallas, was terminated from employment without prior notice, and the facts seem to indicate that the termination was directly related to this individual's support for the revision of the Nursing Practice Act, which is now being considered by the Texas Legislature.

Further evidence indicates that eleven nurses who were planning to offer testimony to a committee of the Texas Legislature regarding the Nursing Practice Act have reluctantly chosen not to offer such testimony because of the jeopardy which would then exist relative to their present employment.

I want to make it clear that I am not speaking, at this point, to the merits of the Nursing Practice Act. The merits will be discussed and evaluated in our time-honored process of committee investigation, fact-finding, deliberation and discussion. My vote on the matter is integrally related to that process.

The key issue here has to do with the fundamental matter of a citizen's rights and privileges in a democracy. If these facts alleging job discrimination are indeed true, if witnesses who try to provide input to the lawmaking process are intimidated

and their actions altered regarding such input, then the very integrity of the legislative process itself is called into question.

During the course of our business in representing the people of Texas, we are called upon to make judgments that have far-reaching repercussions. And we all feel the pressure of making right and proper judgments in this solemn and ultimate responsibility. We must, in many instances, act on the basis of the best advice we can get and the most objective testimony that we can hear. We must summon all the data available and apply fairness. Any wise and prudent man will conclude that a witness should not be intimidated, and that citizens who speak out on issues do not suffer the recrimination, vocational or otherwise, of those who differ with their views.

This principle is fundamental to democracy, and it is crucial to good and decent legislation.

At stake in this instance is also the matter of setting a seriously insidious precedent. I do not believe we can tolerate a situation in which professional people are placed in the position of having to choose between their careers and good citizenship. The legislative process needs the input of competent professionals—those representing all sides of any issue we take up.

If these facts regarding intimidation and recrimination are indeed true, I suggest to you that we have a serious problem on our hands. If what is alleged has really occurred, participatory democracy and individual rights have suffered a serious setback. Perhaps we should inquire further; perhaps the issue will be brought to us, and we will have no choice in dealing with it. In any event, we need to tune into the facts and not shirk our responsibility in dealing with them.

Lieutenant Governor Hobby, and my fellow members, thank you very much.

#### MEMORIAL RESOLUTION

**S.R. 292** - by Jones of Taylor: Memorial resolution for John Homer Martin.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

**H.C.R. 39** (Hance): Designating March 7-11, 1977, as Public Schools Week in Texas.

**S.R. 233** - by Kothmann: Extending welcome to St. Mary's University Government Class.

**S.R. 287** - by Doggett: Extending welcome to Reverend Tom Keith.

**S.R. 288** - by Adams: Extending congratulations to Dr. Ralph W. Steen.

**S.R. 290** - by Brooks: Extending congratulations to Mickey Gilley.

**S.R. 291** - by Snelson: Extending congratulations to Joe Cozby.

**S.R. 293** - by Mauzy: Extending welcome to Girl Scout Troop No. 681.

**S.R. 294** - by Schwartz, Truan: Extending welcome to Port Aransas Junior High School Students.

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, March 7, 1977.

**In Memory of****Jep S. Fuller**

(Senate Concurrent Resolution 53)

Senator Moore offered the following resolution:

WHEREAS, With the death of former State Senator Jep S. Fuller, on December 13, 1975, the city of Port Arthur and the entire State of Texas lost one of its most esteemed and distinguished citizens; Senator Fuller, who served in the Texas Senate from 1951 to 1963, was 68 at the time of his death; and

WHEREAS, A native of East Texas, Jep Fuller had lived in Jefferson County for over 46 years and had been one of the state's most prominent and respected attorneys for many years; he received his law degree from East Texas College of Law and was licensed to practice law in 1939; and

WHEREAS, During World War II, Senator Fuller courageously served his country as a special agent for the Federal Bureau of Investigation and was also in the Security Intelligence Corps of the United States Army; and

WHEREAS, Upon his return from military duty, Senator Fuller was elected district attorney in Jefferson County and served from 1946 to 1950; he had been an assistant district attorney before the war; and

WHEREAS, In 1951, this notable citizen was elected state senator from the fourth senatorial district and served his constituents with distinction for 12 years; during his tenure in the Texas Senate, he was named president pro tempore by his colleagues in the Senate to serve from the end of the 55th Legislature in 1957 until the beginning of the following session, and was Acting Governor of Texas on April 28, 1958; and

WHEREAS, For over 20 years, Senator Fuller was a partner in the law firm of Fuller, Fuller, and McPhearson, of which his son, James S. Fuller, was also a partner; and

WHEREAS, This outstanding Texan was an active participant in various community and state-wide affairs, serving as president of the District and County Attorneys' Association of Texas, president of the Jefferson Bar Association, and, for two years, as judge advocate of the Texas Department of the American Legion; he was appointed by then Governor Preston Smith as interim judge of the 60th District Court; and

WHEREAS, He was also a member of the legislative committee of the State Bar of Texas, a charter member of the Texas Bar Foundation, and was a member of the Port Arthur and Jefferson County bar associations, the State Bar of Texas, and the American Bar Association; and

WHEREAS, This exemplary citizen was well-known for his great love for and his interest in the city of Port Arthur: he was a member of the board of directors of the Port Arthur Chamber of Commerce and a member of the Rotary Club; and

WHEREAS, Senator Fuller was a devoted and faithful member of the St. George Episcopal Church and served on the vestry; for two years, he represented his church at meetings of the Episcopal Diocesan Council; and

WHEREAS, His many contributions to his community and state will be long remembered and he will be deeply missed by his many friends in state government and throughout Texas; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House concurring, That the 65th Legislature pay tribute to the distinguished life of service of former State Senator Jep S. Fuller, and that it extend sympathy on their great loss to the members of his family: to his wife, Mrs. Eva Guidry Fuller of Port Arthur; his

son, James S. Fuller of Port Arthur; his three sisters, Mrs. W. W. Huff, Sr., of Dallas, Mrs. Rayford Mims of Mesa, Arizona, and Mrs. Weynan Dunlop of Crystal Beach; his brother, Charles Fuller of Longview; and four grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when the Texas Legislature adjourns this day, it do so in memory of Senator Jep Fuller.

**MOORE  
PARKER**

The resolution was read.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Members of the Senate.

On motion of Senator Brooks, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.