

Sent to Governor
(March 11, 1981)

S.B. 2
S.C.R. 46

THIRTY-FOURTH DAY
(Continued)
(Thursday, March 12, 1981)

AFTER RECESS

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

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 148.

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

S.B. 243 (McKnight) Relating to the sale of aviation fuel by aviation fuel dealers. (30-0) (30-0) (30-0)

S.B. 303 (Truan) Relating to permitting Department of Mental Health and Mental Retardation to obtain consent for dental treatment of patients or residents. (30-0) (30-0) (30-0)

Senator Truan offered the following committee amendment to the bill:

Amend Section 2 of Article 3174b-2 as contained in Section 1 of Senate Bill 303 to read as follows:

"Section 2. The Texas Department of Mental Health and Mental Retardation, directly or through its authorized agent or agents, also shall provide or perform recognized dental treatment or services to persons admitted or committed to its care. Where the consent of any person or guardian is considered necessary, and is requested, and such person or guardian shall fail to immediately reply thereto, the performance or provision for the treatment or services shall be ordered by the superintendent upon the advice and consent of one dentist licensed by the State Board of Dental Examiners and two physicians licensed by the State Board of Medical Examiners, at least one of whom must principally be engaged in the private practice of medicine. Where there is no

guardian or responsible relative to whom request can be made, treatment and services shall be performed on the advice and consent of one dentist licensed by the State Board of Dental Examiners and two physicians licensed by the State Board of Medical Examiners.”

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.

S.B. 345 (Caperton) Relating to the correction of certain errors on certificates of birth. (30-0) (30-0) (30-0)

Senator Caperton offered the following committee amendment to the bill:

Amend Senate Bill 345 Section A-1 and A-2 to read as follows:

A-1. If an amending certificate of birth filed under Subsection A of this Section completes or corrects information in a person's original or supplementary record of birth concerning the person's sex or color or race, then on request of that person^[5] or his legal representative, the State Registrar, local registrar, or other person who issues birth certificates shall issue a corrected or completed certificate of birth that incorporates the necessary changes in one document instead of issuing a copy of the original or supplementary certificate of birth with an amending certificate attached. The Texas Department of Health shall prescribe the form for certificates issued under this subsection.

A-2. A person whose certificate of birth was amended before the effective date of Subsection A-1 of this Section to correct or complete information concerning sex or color or race, or such ~~the~~ person's legal representative, may request [is entitled to obtain] a corrected or completed certificate of birth under Subsection A-1.

The committee amendment was read and was adopted.

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

S.B. 547 (Ogg) Relating to the authority of certain employees of the Secretary of State to administer oaths. (30-0) (30-0) (30-0)

S.B. 548 (Parker) Relating to the Sabine Pass Port Authority. (30-0) (30-0) (30-0)

S.B. 565 (Parker) Relating to regulation of private investigators and private security agencies. (30-0) (30-0) (30-0)

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 565** by adding a new SECTION 2 as follows and renumbering the remaining sections accordingly:

SECTION 2. Section 4, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Civil Statutes), is amended by adding subsections (e) and (f) to read as follows:

(e) Except as provided by Subsection (f) of this section, all sums of money paid to the board under this Act shall be deposited in the state treasury and

placed in a special fund to be known as the Texas Board of Private Investigators and Private Security Agencies fund and may be used only for the administration of this Act.

(f) The fines collected under this Act shall be deposited to the credit of the general revenue fund and may not be used for the administration of this Act.

The committee amendment was read and was adopted.

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

C.S.S.B. 655 (McKnight) Relating to the confidentiality of certain information derived from the administration and collection of certain taxes. (30-0) (30-0) (30-0)

C.S.S.B. 659 (Doggett) Relating to State Archeological Landmarks under the Natural Resources Code. (30-0) (30-0) (30-0)

S.C.R. 37 (Blake) Directing State Highways and Public Transportation Commission to issue "State Official" plates only to certain officials. (30-0) vv

S.C.R. 48 (Farabee) Granting the Thornton Luckie Trust, the James Luckie Trust and Chesco, Inc., permission to sue the State of Texas. (30-0) vv

MESSAGE FROM THE HOUSE

House Chamber
March 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

H.B. 354, Relating to school-community guidance centers.

H.B. 715, Relating to institutions served by higher education authorities.

H.B. 1341, Relating to an appropriation to the Texas Department of Corrections.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

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

ADJOURNMENT

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

THIRTY-FIFTH DAY
(Thursday, March 12, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

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

Absent-excused: Farabee, Santiesteban, Snelson.

A quorum was announced present.

Senator Bill Meier offered the invocation as follows:

Father, thank You for the blessings of this day, the cool rain. Thank You Father for the privilege of serving in and working with this body in the Senate.

Help us Father to remember Your word each day and to serve You and Your word through our actions.

Forgive us of our sins. In Christ's name we pray. Amen.

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

LEAVES OF ABSENCE

Senator Farabee was granted leave of absence for today on account of important business on motion of Senator Jones.

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

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

CO-AUTHOR OF SENATE BILL 836

On motion of Senator Caperton and by unanimous consent, Senator Mauzy will be shown as Co-author of S.B. 836.

REPORTS OF STANDING COMMITTEES

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

C.S.S.B. 153 (Read first time)

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

S.C.R. 53
S.B. 441
S.B. 851 (Amended)
S.C.R. 54
S.B. 743
C.S.S.B. 684 (Read first time)

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

S.B. 735
S.B. 463 (Amended)
S.B. 728
S.B. 771
C.S.S.B. 709 (Read first time)
C.S.S.B. 490 (Read first time)
C.S.S.B. 7 (Read first time)
C.S.S.B. 56 (Read first time)

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

S.B. 645
S.B. 500
S.B. 651
S.B. 595
C.S.S.B. 656 (Read first time)

BILL AND RESOLUTIONS SIGNED

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

S.C.R. 58
S.C.R. 51
S.C.R. 49
H.B. 559
H.C.R. 86
H.C.R. 89
H.C.R. 95

GUESTS PRESENTED

Senator Truan was recognized and presented to the Members of the Senate Mr. Julio Garcia and Mr. Eugene Upshaw.

They were welcomed as guests of the Senate today.

MESSAGE FROM THE HOUSE

House Chamber
March 12, 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. 20, Declaring Earl Campbell a state treasure.

H.C.R. 57, Commending the Honorable A. R. Schwartz on service in the Texas Legislature.

H.C.R. 77, In memory of Dr. D. Whitney Halladay.

H.C.R. 90, Requesting the Historical Commission to authorize a historical marker at the grave site of Sidney Roper Weisiger.

H.C.R. 91, Commending former state representative Forrest Green on legislative service.

H.C.R. 96, Congratulating United States Marshal T.R. Coney.

H.C.R. 97, Congratulating Teresa Weiss, Texas Junior Miss.

H.C.R. 99, Commemorating the founding of the Harper Presbyterian Church on its 100th anniversary.

H.C.R. 100, Recognizing contributions to the state of William Menefee.

H.C.R. 101, Congratulating James Haller, Baylor University basketball coach.

H.C.R. 102, Granting the Texas DeMolay Association permission to use the chambers of the House of Representatives and Senate on Saturday, February 20, 1982 and Sunday, February 21, 1982 for their traditional Government Day.

H.C.R. 103, Commending Wayne A. Rohne, mayor of Pantego.

H.C.R. 104, Commending Abner McCall.

S.B. 17, Relating to the authority of an insurance company to make loans to certain students. (With amendment)

S.B. 118, Relating to deductions from state officers' and employees' compensation.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

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. 916** by Mengden Finance
Relating to the number of voters required to vote in an election to reduce or limit the ad valorem tax rate adopted by a taxing unit.
- S.B. 917** by Mengden Intergovernmental Relations
Relating to voter approval of the issuance of bonds or other evidences of indebtedness by a unit of government.
- S.B. 918** by Glasgow Economic Development
Relating to elimination of duplicate citations in certain provisions of the Insurance Code.
- S.B. 919** by Howard State Affairs
Relating to deposit and investment of funds of the Teacher Retirement System of Texas.
- S.B. 920** by Santiesteban Jurisprudence
Relating to the regulation of certain professional, business and insurance transactions and practices and to consumer remedies; amending Chapter 17, Business & Commerce Code, as amended, by adding Section 17.49(c).
- S.B. 921** by Short Human Resources
Relating to comprehensive retirement counseling for state employees.
- S.B. 922** by Mauzy Jurisprudence
Relating to marital property rights with regard to certain multiple-party accounts in financial institutions.
- S.B. 923** by Wilson Natural Resources
Relating to jurisdiction over activities associated with uranium exploration.
- S.B. 924** by Short Human Resources
Relating to part-time or temporary employment opportunities for older workers.
- S.B. 925** by Snelson Education
Relating to tuition at state-supported institutions of higher education and use of the revenue derived from tuition.
- S.B. 926** by Snelson Education
Relating to allocation of tuition revenue for the purpose of funding acquisition, construction, and related activities at certain institutions of higher education.
- S.B. 927** by Santiesteban Intergovernmental Relations
Relating to the office of bailiff for the 205th and 210th District Courts of Texas.
- S.B. 928** by Farabee State Affairs
Relating to revision of laws that classify political subdivisions by population.

- S.B. 929** by Brown Natural Resources
Relating to the importation of toxic waste into the state; providing a penalty.
- S.B. 930** by Brown State Affairs
Relating to the payment by the state of certain expenses arising from the prosecution of an inmate or employee of the department of corrections.
- S.B. 931** by Glasgow Intergovernmental Relations
Relating to the composition of the Commission on Fire Protection Personnel Standards and Education, and declaring an emergency.
- S.B. 932** by Sarpalius Natural Resources
Relating to the licensing of persons who sample grain for grading purposes; providing a penalty.
- S.B. 933** by Sarpalius Natural Resources
Relating to the administration of the produce recovery fund; providing a penalty.
- S.B. 934** by Sarpalius Natural Resources
Relating to the control of rodents and predatory animals.
- S.B. 935** by Sarpalius Intergovernmental Relations
Relating to the authority of counties to regulate fireworks; providing a penalty.
- S.B. 936** by Sarpalius Intergovernmental Relations
Relating to ownership and operation of street transportation systems by counties.
- S.B. 937** by Snelson Education
Relating to student fees for the support of student centers at component institutions of the Texas State University System, by amending Chapter 95, Texas Education Code, as amended, by adding Section 95.35, and by repealing Section 96.43 Texas Education Code.
- S.B. 938** by Snelson Natural Resources
Relating to the regulation of injection wells and underground storage of hydrocarbons; providing penalties.
- S.B. 939** by Brown Economic Development
Relating to a small business loan guarantee program.
- S.B. 940** by Brown Natural Resources
Relating to a change of the name of Beach Park Boards of Trustees.
- S.B. 941** by Brown Natural Resources
Relating to disposal of certain hazardous waste by the Gulf Coast Waste Disposal Authority.
- S.B. 942** by Caperton Jurisprudence
Relating to the punishment for a Class C misdemeanor and the criminal jurisdiction of the county, justice, and municipal courts; amending Articles 4.07, 4.11, and 4.14, Code of Criminal Procedure, 1965; Section 12.23, Penal Code; and Article 1195, Revised Civil Statutes of Texas, 1925; amending the following: Subsection (a), Section 2, Chapter 762, Acts of the 61st Legislature, Regular Session, 1969, as amended; Section 2, Chapter 489, Acts of the 64th

Legislature, Regular Session, 1975; Subsection (a), Section 2, Chapter 410, Acts of the 66th Legislature, Regular Session, 1979; Subsection (a), Section 2, Chapter 369, Acts of the 66th Legislature, Regular Session, 1979; Subsection (a), Section 2, Chapter 329, Acts of the 66th Legislature, Regular Session, 1979; and Subsection (a), Section 2, Chapter 428, Acts of the 66th Legislature, Regular Session, 1979 (Articles 1200aa, 1200cc, 1200ee-1, 1200ff-1, 1200gg, and 1200ii, Vernon's Texas Civil Statutes, respectively).

S.B. 943 by Uribe State Affairs
Relating to the right of municipally owned and municipally franchised retail public utilities to provide service to an area within the city limits.

S.B. 944 by Uribe Human Resources
Relating to the voluntary admission of minors to and right to release from mental hospitals; amending Article 5547-23 and 25, Vernon's Texas Civil Statutes.

S.B. 945 by Uribe Human Resources
An Act to be known as the Texas Hospital Equipment Financing Act; providing for the administration of this Act by the Texas Health Facilities Commission; providing for the powers and duties of such Commission under this Act; providing for indemnification of any Commissioner by such Commission in certain circumstances; relating to the establishment of a health related equipment sale and lease program for certain qualified participating health care providers; providing for lease and sale agreements for such health related equipment; providing the procedures to be followed; authorizing the issuance of revenue bonds, notes, or other evidences of indebtedness, and the refunding of outstanding obligations; prescribing prerequisites and procedures for issuance and the terms of such bonds or notes, including the maximum rate of interest which may be borne thereby, and partially amending Article 717k-2, Vernon's Texas Civil Statutes, as amended, as it relates to such bonds and notes; providing for state attorney general approval of such bonds and notes; providing permissible security for such bonds or notes; prohibiting use of money of the state or any political subdivision or agency of the state except revenue from the agreements for payments on the bonds and notes; prohibiting the impairment of the rights and remedies of the holders of such bonds and notes by the state; making provisions in the event of default in payment of such bonds or notes or in the event of violation of such agreements; authorizing the refunding of such bonds or notes; providing for the use and issuance of temporary receipts or temporary notes or bonds; making such bonds or notes and leases and other contracts incontestable; providing that such bonds and notes shall be legal investments and shall be eligible securities to secure public deposits; providing exemption from taxation of such Commission and its bonds or notes or income related thereto and providing for the taxation of health related equipment, as herein defined, to the extent and under the conditions described herein; providing that such bonds or notes shall be exempt securities under the Texas Securities Act; providing that such bonds or notes shall be deemed to be negotiable instruments; providing for the relationship of this Act to the state certificate of need program; containing other provisions relating to the subject; providing for severability; and declaring an emergency.

S.B. 946 by Traeger Economic Development
Relating to regulation of the sale and issuance of securities of mutual loan corporations, farmers' cooperative associations, and farmers' cooperative societies.

- S.B. 947** by Snelson, Caperton Finance
Relating to the compensation of the justices of the courts of appeals.
- S.B. 948** by Parker Natural Resources
Relating to the application of the Parks and Wildlife Code to crayfish.
- S.B. 949** by Mauzy Jurisprudence
Relating to the circumstances under which a surety for a bail bond may surrender his principal, providing the consequences for failure to follow certain requirements, and declaring an emergency.
- S.B. 950** by Mauzy Jurisprudence
Relating to advising grand jury witnesses of certain rights, allowing counsel to be present in the grand jury room, providing consequences for failure to follow such procedures, and declaring an emergency.
- S.B. 951** by Blake Finance
Relating to the allocation and use of state revenue credited to the Omnibus Tax Clearance Fund.
- S.B. 952** by Snelson Human Resources
Relating to the transportation allowance for travel for handicapped state employees.
- S.B. 953** by Snelson Human Resources
Relating to the State Commission for the Blind.
- S.B. 954** by Harris Intergovernmental Relations
Amending Chapter 305, Acts of the 63rd Legislature, Regular Session, 1973, (Article 1269j-4.8, Vernon's Texas Civil Statutes) authorizing the construction and equipment of passenger and shipping terminals, stations and related facilities in addition to or in combination with off-street parking facilities, permitting the sale, lease or other disposition of unneeded subsurface of and air rights above such facilities, and enacting other provisions related to the subject, and declaring an emergency.
- S.B. 955** by Harris State Affairs
Relating to compulsory inspection of certain vehicles, inspection stations, inspectors, and fees; amending Subsections (a), (b), (c), (e), (f), (h), and (i) of Section 140, Subsections (a), (b), (c), and (e) of Section 141, Subsection (b) of Section 142, and Subsections (a), (b), (c), and (d) of Section 142A, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.
- S.B. 956** by Travis Finance
Relating to property tax relief by limiting increases in school district taxes on the residence homesteads of disabled persons.
- S.B. 957** by Travis Education
Relating to the classification of certain persons for purposes of tuition at institutions of higher education.
- S.B. 958** by Mauzy Intergovernmental Relations
Relating to the compensation of the presiding judge of certain administrative judicial districts.

- S.B. 959** by Mauzy Jurisprudence
Relating to the certification of court interpreters for bilingual proceedings.
- S.B. 960** by Mauzy Jurisprudence
Relating to the authority of a judge to order a pre-sentence investigation when a jury has found a defendant guilty and the defendant has elected to have the judge assess punishment and to the authority of a judge to add special conditions to probation in cases where the jury has granted probation.
- S.B. 961** by Mauzy Jurisprudence
Relating to the status of probation department personnel as state employees, providing for representation, workers' compensation, and indemnification for such employees, and declaring an emergency.
- S.J.R. 45** by Snelson Education
Proposing a constitutional amendment relating to the issuance of bonds secured by the permanent university fund and repealing the 10-cent state property tax.
- S.J.R. 46** by Snelson Education
To repeal the existing state ad valorem tax by amending Article VIII, Section 1-e and Article VII, Section 17, of the Texas Constitution; and amending Article VII, Section 18, of the Texas Constitution, relating to the Permanent University Fund and establishing the Higher Education Permanent Fund.
- S.J.R. 47** by Brown Economic Development
Proposing a constitutional amendment relating to the guarantee of small business loans by the state.
- S.J.R. 48** by Caperton Jurisprudence
Proposing a constitutional amendment relating to the jurisdiction and authority of justice of the peace courts and county courts in criminal cases.
- S.C.R. 61** by Brown State Affairs
Commending state disaster authorities.
- S.C.R. 62** by Brown Economic Development
Relating to non-taxable interest on savings accounts.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

- H.B. 354**, To Committee on Education.
- H.B. 715**, To Committee on Education.
- H.B. 1341**, To Committee on Finance.
- H.C.R. 45**, To Committee on Administration.
- H.C.R. 94**, To Committee on Intergovernmental Relations.

GUESTS PRESENTED

Senator Truan was recognized and presented Mr. and Mrs. J. D. "Chick" West.

Senator Truan escorted Mr. and Mrs. West to the President's Rostrum and the President presented them with an enrolled copy of Senate Resolution 295, adopted by the Senate on February 26, 1981.

SENATE RESOLUTION 344

Senator Parker offered the following resolution:

S.R. 344, Congratulating the Lamar University basketball team.

The resolution was read.

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

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

SENATE RESOLUTION 343

Senator Brooks offered the following resolution:

S.R. 343, Expressing gratitude and appreciation to Kerry Horn, Assistant Sergeant-at-Arms, and other employees for their work which assists the Senate in carrying out its responsibilities to the people of Texas.

**BROOKS
BLAKE**

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Brooks presented Kerry to the Senate.

Senator Blake was recognized and presented to the Senate Mrs. Laura Lee Horn, Kerry's mother.

On motion of Senator Brooks and by unanimous consent, Senator Blake will be shown as Co-author of **S.R. 343**.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
March 11, 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). There is strong indication that the people in Wilson County desire to move the election for the Board of Directors of the Wilson County Hospital District, from its current May dates to April. Since the time is short for the Legislature to complete its action on this bill, I

therefore declare Senate Bill 74 by Traeger, as an emergency matter.

- 2). On March 21, 1981 the voters in Conservation and Reclamation District Number 3 in Brazoria County will be voting on water bonds for the District. It has been discovered that there is a technical error in the boundaries of the District that need to be corrected before the election. Therefore, I declare Senate Bill 860 by Brown as an emergency.

Respectfully submitted,

William P. Clements, Jr.
Governor

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
March 12, 1981

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

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

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

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

BOB D. GLAZE of Gilmer, Upshur County, is being reappointed.

BARBARA T. SLOVER of Fort Worth, Tarrant County, is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF CORRECTIONS:

For a six-year term to expire February 15, 1987:

OTHAL E. BRAND of McAllen, Hidalgo County, is replacing Freeman B. Dunn of Houston, Harris County, who resigned.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE COMPTROLLER OF PUBLIC ACCOUNTS

The following Message from the Comptroller of Public Accounts was read and was filed with the Secretary of the Senate:

Bob Bullock
Comptroller of Public Accounts
Austin, Texas 78774

March 10, 1981

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby, Jr.
Lieutenant Governor

The Honorable Billy Clayton
Speaker of the House

Members of the 67th Legislature

Ladies and Gentlemen:

Now that the fiscal year is half over, information is available which allows me to revise the revenue estimate I gave you at the beginning of the session. The result of these revisions is to increase my estimate of funds available for certification by \$137.9 million this year and an additional \$239.5 million during the 1982-83 biennium.

The revisions fall into three areas:

- (1) Sales tax - Based on sales tax collections for the first half of the year, the sales tax forecast has been revised upward by \$61.8 million for 1981. The growth rates assumed for 1982 and 1983 are unchanged. Because of the larger base to which they are applied, however, the 1982 and 1983 estimates are increased by \$65.9 million and \$71.3 million, respectively.
- (2) Oil Production tax - President Reagan's action decontrolling crude oil prices will increase the average value of Texas oil by approximately \$10.50 per barrel over the remaining 6 months of this fiscal year. This will increase our tax revenue by \$67.4 million in fiscal 1981 and an additional \$9.7 million in the first quarter of fiscal 1982.
- (3) Natural Gas Production tax - Warmer than usual winter temperatures are resulting in a decline in marketed natural gas. The latest reports from the Railroad Commission indicate a decline of over 3 percent compared to last year. We have lowered our production forecast by approximately the same amount. At the same time, the price of natural gas has been rising faster than anticipated as indicated by our tax collections to date. Consequently, we are increasing our natural gas tax revenue estimates by the following amounts: \$8.7 million for fiscal 1981; \$33.8 million for fiscal 1982; and, \$58.8 million for fiscal 1983.

As always, I will continue to watch the estimates closely and will inform you immediately should it be necessary to revise them further.

Sincerely,

/s/BOB BULLOCK
Comptroller of Public Accounts

CONSIDERATION OF NOMINATIONS

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

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Santiesteban, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 860 ON SECOND READING

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

C.S.S.B. 860, Relating to the boundaries, powers, duties, functions, and financing of the Brazoria County Conservation and Reclamation District Number Three. (Submitted by Governor as an emergency)

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

COMMITTEE SUBSTITUTE SENATE BILL 860 ON THIRD READING

Senator Brown 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. 860** be placed on its third reading and final passage.

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

Absent-excused: Farabee, Santiesteban, Snelson.

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

Absent-excused: Farabee, Santiesteban, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 123 ON SECOND READING

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

C.S.S.B. 123, Relating to conditions under which shock probation may be granted. (Submitted by Governor as an emergency)

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

COMMITTEE SUBSTITUTE SENATE BILL 123 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 123** be placed on its third reading and final passage.

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

Absent-excused: Farabee, Santiesteban, Snelson.

The bill was read third time and was passed.

SENATE BILL 741 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. 741, Relating to the administration, powers, and elections of the San Antonio River Authority.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 741** by reinserting the following deleted sentences in the indicated pages:

- (1) On page 13, the sentence beginning with the words "In the" on line 18 and ending with the words "bidding procedures." on line 21; and
- (2) On page 14, the sentence beginning with the words "Any provision" on line 14 and ending with the words "for bids." on line 17.

The committee amendment was read and was adopted.

On motion of Senator Traeger 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 741 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. 741** be placed on its third reading and final passage.

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

Absent-excused: Farabee, Santiesteban, Snelson.

(Senator Jones in Chair)

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

Absent-excused: Farabee, Santiesteban, Snelson.

SENATE CONCURRENT RESOLUTION 59 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.C.R. 59, Inviting The Honorable John G. Tower to address a Joint Session of the Legislature.

The resolution was read second time and was adopted.

SENATE BILL 657 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:

S.B. 657, Relating to the organization, administration, and funding of the state military forces and the duties, rights, and liabilities of the members and officers.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend Senate Bill No. 657 in SECTION 12 by amending Subsection (b) of amended Section 15 by adding in (2)(H)(vii) thereof, after the word "consecutively" and before the ",", the following:

"in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively"

The 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.

The bill as amended was passed to engrossment.

SENATE BILL 657 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 **S.B. 657** be placed on its third reading and final passage.

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

Absent-excused: Farabee, Santiesteban, Snelson.

(President in Chair)

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

Absent-excused: Farabee, Santiesteban, Snelson.

SENATE BILL 465 ON SECOND READING

Senator Parker moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 465** be taken up for consideration at this time:

S.B. 465, Relating to a loss of credits for a pupil suspended from public school.

The motion prevailed by the following vote: Yeas 25, Nays 1.

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

Nays: McKnight.

Absent: Brown, Glasgow.

Absent-excused: Farabee, Santiesteban, Snelson.

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend Senate Bill No. 465 by striking the words "is not entitled to" on line 14 and placing in lieu thereof the words "may be denied."

The amendment was read and was adopted by the following vote: Yeas 24, Nays 2.

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

Nays: Andujar, Leedom.

Absent: Brown, Glasgow.

Absent-excused: Farabee, Santiesteban, Snelson.

On motion of Senator Parker 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 465 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 465** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Brown, Glasgow.

Absent-excused: Farabee, Santiesteban, Snelson.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent: Brown, Glasgow.

Absent-excused: Farabee, Santiesteban, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 14 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. 14, Relating to eligibility for parking privileges for the disabled.

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

COMMITTEE SUBSTITUTE SENATE BILL 14 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. 14** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Brown, Glasgow.

Absent-excused: Farabee, Santiesteban, Snelson.

The bill was read third time and was passed.

SENATE BILL 514 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. 514, Relating to creation of a state commission to maintain and operate the Battleship "Texas"; providing a penalty.

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

RECORD OF VOTES

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

SENATE BILL 514 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. 514** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

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