

S.R. 452 - By Farabee: Extending congratulations to the junior high students from Lockney.

S.R. 453 - By Parker: Extending congratulations to those involved in Gene and Lonnie's Fifth Annual Chili Cook-off.

S.R. 454 - By Glasgow: Extending welcome to the students and teachers from Millsap High School.

S.R. 455 - By Sims: Extending welcome to the Eldorado Woman's Club.

RECESS

On motion of Senator Mauzy, the Senate at 1:04 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

FIFTIETH DAY

(Continued)

(Thursday, April 14, 1983)

AFTER RECESS

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

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Brown in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

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

S.B. 257 (Farabee) Relating to the authority of the commissioners court of Wichita County to create the office of public defender for that county. (29-1) Washington "Nay" (30-0)

C.S.S.B. 291 (Mauzy) Relating to the time a claim for compensation shall be made under the Workers' Compensation Act. (29-1) Washington "Nay" (30-0)

C.S.S.B. 292 (Mauzy) Relating to the reduction of workers' compensation death benefits because of benefits paid for prior period of incapacity. (29-1) Washington "Nay" (30-0)

C.S.S.B. 311 (Mauzy) Relating to future medical benefits under an award of the board, compromise settlement agreements, agreement on a judgment in a court, on a judgment of the court. (29-1) Washington "Nay" (30-0)

S.B. 439 (Mauzy) Relating to the adoption of the Uniform Child Custody Jurisdiction Act and to jurisdiction of suits affecting the parent-child relationship. (29-1) Washington "Nay" (30-0)

S.B. 516 (Montford) Relating to the authority of the Board of Regents of Texas Tech University to purchase certain land in El Paso County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 517 (Montford) Relating to the authority of the Board of Regents of Texas Tech University and the Texas Tech University Health Sciences Center to accept gifts and manage real property. (29-1) Washington “Nay” (30-0)

S.B. 590 (Sims) Relating to the creation, administration, powers, duties, operation and financing of the Sterling County Underground Water Conservation District. (29-1) Washington “Nay” (30-0)

S.B. 657 (Whitmire) Relating to the annual financial report filed by the Texas Board of Health relating to administration of the law regulating circuses, carnivals and zoos. (29-1) Washington “Nay” (30-0)

S.B. 688 (Santiesteban) Relating to the use of tetrahydrocannabinols and their derivatives for therapeutic and research purposes. (29-1) Washington “Nay” (30-0)

S.B. 697 (Sarpalius) Relating to the Coordinating Board approval of certain construction, repair, or rehabilitation projects at institutions of higher education. (29-1) Washington “Nay” (30-0)

S.B. 781 (Mauzy) Relating to the magistrates appointed by the judges of the district courts of Dallas County that give preference to criminal cases and the judges of the criminal district courts of Dallas County. (29-1) Washington “Nay” (30-0)

S.B. 800 (Traeger) Relating to the authority of a city or town to make a contract with a conservation and reclamation district for the purchase of hydroelectric power or energy. (29-1) Washington “Nay” (30-0)

C.S.S.B. 864 (Lyon) Relating to attorney’s fees in workers’ compensation death cases. (29-1) Washington “Nay” (30-0)

S.B. 875 (Jones) Relating to the creation of the County Court at Law No. 2 of Taylor County. (29-1) Washington “Nay” (30-0)

S.B. 892 (Montford) Relating to security personnel of the Texas Tech University Health Sciences Center. (29-1) Washington “Nay” (30-0)

S.B. 893 (Montford) Relating to the authority of the Board of Regents of the Texas Tech University Health Science Center to sell obsolete medical equipment to public or nonprofit hospitals in this State. (29-1) Washington “Nay” (30-0)

S.B. 894 (Montford) Relating to the conveyance of certain State-owned real property in Lubbock County. (29-1) Washington “Nay” (30-0)

S.B. 897 (Caperton) Relating to the authority of the Comptroller to charge bingo licensees an audit fee. (29-1) Washington “Nay” (30-0)

S.B. 960 (McFarland) Relating to contracts, leases and other arrangements for the use and occupancy of airport property entered into by joint boards under the Municipal Airports Act. (29-1) Washington “Nay” (30-0)

Senator McFarland offered the following committee amendment to the bill:

Section 1 of **S.B. 960** is amended by deleting all of subsection (4) of Section (d) of Article 46d-14, Vernon’s Texas Civil Statutes, as presented in the Bill, and inserting a new subsection (4) to said Section (d) to read as follows:

“(4) Disposal of Real Property, Use of Property by Others. The joint board shall not dispose of any airport, air navigation facility or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies. ~~[provided that]~~ However, the joint board may, without such consent, enter into ~~[the contract, lease or other arrangements contemplated by Section 4 of this Act]~~ contracts, leases or other arrangements for the use and occupancy by others

of airport lands and personal property for the purposes specified in Section 4 of this Act upon such terms, for such rentals, revenues and payments, and for such period or periods of years and with such options of renewal, as shall be approved by the joint board. It is provided, however, that if any such contract, lease or other arrangement shall be for a term, including any renewal or option terms, in excess of 40 years, the same shall be subject to the approval of each of the governing bodies of the constituent public agencies of the board unless the necessity for such approval is waived by resolution of each such governing body."

The committee amendment was read and was adopted.

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

C.S.S.B. 1006 (Mauzy) Relating to coverage of State employees working outside of the State. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1062 (Whitmire) Relating to the counties in the First and Fourteenth Supreme Judicial Districts reimbursing Harris County for certain costs incurred by Harris County pertaining to those courts. (29-1) Washington "Nay" (30-0)

S.B. 1064 (Uribe) Relating to the prevention and control of communicable diseases. (29-1) Washington "Nay" (30-0)

C.S.S.B. 1221 (Blake) Relating to the approval of certain State purchase vouchers. (29-1) Washington "Nay" (30-0)

S.B. 1224 (Sims) Relating to the establishment of a juvenile board in Culberson and Hudspeth counties. (29-1) Washington "Nay" (30-0)

S.B. 1226 (Caperton) Relating to the periodic review of certain State agencies under the Texas Sunset Act. (29-1) Washington "Nay" (30-0)

S.B. 1245 (Jones) Relating to the conduct and financing of Governor for a Day and Speaker's Day ceremonies. (29-1) Washington "Nay" (30-0)

S.B. 1270 (Farabee) Relating to the name and the powers and duties of the Greater Texoma Municipal Utility District. (29-1) Washington "Nay" (30-0)

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 1270**, SECTION 1 (page 1) to read as follows:

"SECTION 1. Section 1, Chapter 97, Acts of the 66th Legislature, Regular Session, 1979, is amended to read as follows:

Sec. 1. CREATION. Under the provisions of Article XVI, Section 59 of the Texas Constitution, a conservation and reclamation district is created in Grayson County, Texas, to be known as Greater Texoma [Municipal] Utility Authority [District], hereinafter called the "district", which shall be a governmental agency, a political subdivision of the state, and a body politic and corporate. The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution."

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.C.R. 40 (Whitmire) Creating a joint interim committee to study the State role in providing housing for moderate- and low-income persons. (vv)

S.C.R. 46 (Harris) Granting Titan Group, Inc., permission to sue the Trinity River Authority of Texas. (vv)

S.C.R. 49 (Harris) Granting Mark Homes, Inc., permission to sue the State of Texas. (vv)

S.C.R. 51 (Truan) Granting Jose R. Villarreal permission to sue the State of Texas. (vv)

S.C.R. 52 (Truan) Granting Gwendolyn P. Johnson permission to sue the State of Texas. (vv)

S.C.R. 55 (Lyon) In memory of E. W. Rowland. (vv)

**BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS
CALENDAR**

The following bill and resolution were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
S.B. 769	Edwards, Blake
S.C.R. 47	Uribe, Blake

MESSAGE FROM THE HOUSE

House Chamber
April 14, 1983

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.J.R. 1, Proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments.

H.B. 604, Relating to conviction of a sexual offense on the testimony of a child or on the uncorroborated testimony of an accomplice if the victim of the sexual offense is a child.

H.B. 665, Relating to a transcript form for distinguishing the academic achievement record of a student who has completed an advanced high school program.

H.B. 872, Relating to the requirements for obtaining a certificate of title to a vehicle that has not been previously registered or titled in any state.

H.B. 1229, Relating to the service plan and fare and service changes of a regional transportation authority in a metropolitan area; amending Chapter 683, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1118y, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

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

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

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 8:53 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

FIFTY-FIRST DAY
(Thursday, April 14, 1983)

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: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Pastor Merle Franke, First English Lutheran Church, Austin, offered the invocation as follows:

Lord, walk with us through the hallways and pathways of our lives. As we move from one responsibility to another, move with us so that we may move with certainty. As we take our posts as leaders or as followers, stand with us so we will not falter in our God-given tasks. As we walk the halls of justice and civic responsibility, be by our side as our guide and counsellor.

We pray today, Lord, for all legislators and leaders of people, in the state and nation and world. May they look to You for guidance and deal with their people with equity and justice, securing the rights and upholding the trust of the people they serve, and particularly that they may be faithful to You in their dealings with people. Amen.

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

CO-AUTHOR OF SENATE BILL 1183

On motion of Senator Caperton and by unanimous consent, Senator Leedom will be shown as Co-author of S.B. 1183.

CO-AUTHOR OF SENATE JOINT RESOLUTION 38

On motion of Senator Glasgow and by unanimous consent, Senator McFarland will be shown as Co-author of S.J.R. 38.

REPORTS OF STANDING COMMITTEES

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

S.B. 426

S.B. 871

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REPORTS OF STANDING COMMITTEES

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

S.B. 426

S.B. 871

Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.B. 225
C.S.S.B. 711 (Read first time)

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

S.B. 932
S.B. 950
S.B. 46
S.B. 342
S.B. 367
S.J.R. 27
S.B. 858
S.B. 1228
S.B. 910
C.S.S.B. 117 (Read first time)
C.S.S.B. 923 (Read first time)
C.S.S.B. 303 (Read first time)
C.S.S.B. 306 (Read first time)

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

S.B. 970
S.B. 1073

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

H.B. 687
S.B. 551
S.B. 618
C.S.S.B. 946 (Read first time)
C.S.S.B. 1261 (Read first time)
C.S.S.B. 804 (Read first time)
C.S.S.B. 325 (Read first time)
C.S.S.B. 1260 (Read first time)
C.S.S.B. 1140 (Read first time)
C.S.S.B. 1269 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber
April 14, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

S.C.R. 53, Designating March 22, 1983, as Brazoria County Day.

H.C.R. 136, Directing State agencies to release personnel of the Jewish faith for observance of Rosh Hashanah and Yom Kippur.

H.C.R. 145, Honoring the Sagemont Baptist Church.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL SIGNED

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

H.B. 1352

SENATE BILLS ON FIRST READING

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

S.B. 1326 by Parker Natural Resources
Creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, to be known as "North LaBelle Sewage District," located within the West Jefferson County Municipal Water District, Jefferson County, Texas; declaring the district a governmental agency, body corporate and politic; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; conferring on the district the power to issue bonds to finance the construction of sanitary sewer facilities pursuant to Chapter 54, Title 4, Texas Water Code, where not in conflict with this Act; providing for the appointment of directors for the district and their qualifications, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d) and Section 59(e), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

S.B. 1327 by Parker Jurisprudence
Relating to the state paying attorney's fees for certain suits against court-appointed attorneys.

S.B. 1328 by Brooks Health and Human Resources
Relating to loans, grants, or scholarships granted by the State Rural Medical Education Board.

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. 604**, To Committee on Jurisprudence.
- H.B. 665**, To Committee on Education.
- H.B. 872**, To Committee on State Affairs.
- H.B. 1229**, To Committee on Intergovernmental Relations.
- H.J.R. 1**, To Committee on State Affairs.
- H.J.R. 30**, To Committee on State Affairs.

**SESSION TO CONSIDER EXECUTIVE
APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

NOMINEES CONFIRMED

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

The President asked if there were requests to sever nominees.

Senator Brown requested that Karl Rove, to be a Member of Board of Regents, Texas Woman's University, be severed.

The request was granted.

The following nominees, not severed and as reported by the Subcommittee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent: Uribe, Washington.

Member, Public Utility Commission of Texas: PHILIP FRANKS RICKETTS, Travis County.

Member, State Board of Medical Examiners: MRS. ADELE LUCAS, DeWitt County.

Members, Board of Regents, Texas Woman's University: ROLAND BOYD, Collin County; MRS. LAVONNE P. MASON, Travis County; MRS. ELIZABETH B. SELLERS, Harris County.

Member, Board of Regents, East Texas State University: HERMAN FURLOUGH, JR., Kaufman County.

Members, Texas Guaranteed Student Loan Corporation: JOHN RUSSELL SCHOTT, Hays County; HULEN MACK DAVIS, SR., Waller County; WILLIAM HENRY SCHROEDER, JR., Caldwell County.

Member, State Board of Morticians: REVEREND WILLIAM THOMAS STEPHENSON, Dallas County.

Member, Texas State Board of Podiatry Examiners: DR. JOHN T. DONOHOO, Bexar County.

Member, Texas College and University System Coordinating Board: SAM BARSHOP, Bexar County.

Member, Texas State Board of Examiners of Professional Counselors: STEPHEN A. HABERMAN, Van Zandt County.

Member, Texas Sesquicentennial Museum Board: LAWRENCE WOOD, Nueces County.

Member, Structural Pest Control Board: LARRY A. ESPARZA, Cameron County.

Member, Teacher's Professional Practices Commission: MRS. JO RENE NEWTON, Kleberg County.

Member, Texas Judicial Council: JUDGE RAY L. MCKIM, Ector County.

Member, Texas Youth Council: DR. WILLIAM M. SHAMBURGER, Smith County.

Member, Veterans Land Board: JACK M. RAINS, Harris County.

District Attorney, 266th Judicial District: DAN B. GRISSOM, Hood County.

Judge, 332nd Judicial District: JUDGE MARIO E. RAMIREZ, JR., Hidalgo County.

Judge, 329th Judicial District: JUDGE DANIEL R. SKLAR, Wharton County.

Presiding Judge, 8th Administrative Judicial District: JUDGE CHARLES J. MURRAY, Tarrant County.

Judge, 324th Judicial District: BRIAN ALLAN CARPER, Tarrant County.

NOMINATION RECOMMITTED

Senator Brown moved the nomination of Karl Rove, to be a Member of the Board of Regents, Texas Woman's University, be recommitted to the Subcommittee on Nominations.

Senator Brooks made the substitute motion that the nomination of Karl Rove be recommitted to the Subcommittee on Nominations for a period of two weeks, until April 28, 1983.

The substitute motion prevailed.

MOTION TO PLACE SENATE BILL 769 ON SECOND READING

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

S.B. 769, Relating to authority to establish a foreign trade zone at Midlothian.

There was objection.

Senator Edwards then moved to suspend the regular order of business and take up **S.B. 769** for consideration at this time.

The motion was lost by the following vote: Yeas 1, Nays 28.

Yeas: Edwards.

Absent: Uribe, Washington.

MOTION TO RECONSIDER THE VOTE BY WHICH THE MOTION FAILED TO SUSPEND THE REGULAR ORDER OF BUSINESS TO CONSIDER SENATE BILL 769 ON ITS SECOND READING

Senator McFarland moved to reconsider the vote by which the motion failed to suspend the regular order of business to consider **S.B. 769** on its second reading and passage to engrossment.

POINT OF ORDER

Senator Mauzy raised the Point of Order that the motion to reconsider the vote could not be considered because no other business had been transacted.

The President sustained the Point of Order.

GUEST PRESENTED

Senator Parker was recognized and presented Dr. Raymond Benski of Nederland, Capitol Physician for the Day.

The Senate welcomed Dr. Benski.

SENATE BILL 769 ON SECOND READING

On motion of Senator Edwards 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:

S.B. 769, Relating to authority to establish a foreign trade zone at Midlothian.

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

SENATE BILL 769 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 769** be placed on its third reading and final passage.

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

Absent: Uribe, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber

April 14, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

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

S.C.R. 7, Granting Pierce Contractors, Inc.-Dallas permission to sue the State.

S.C.R. 14, Requesting the Department of Health to redirect its diabetes screening money.

S.C.R. 16, Requesting Texas Dietetic Association to develop standards for hospital and outpatient care for persons with diabetes.

S.C.R. 17, Recommending that nursing schools include in their coursework on diabetes mellitus material relevant to outpatient management and patient education.

S.C.R. 18, Recommending that medical schools include in their coursework on diabetes mellitus material relevant to outpatient management and patient education.

H.C.R. 118, Granting Dave Chovanic permission to sue the State.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

PROVISIONS FOR INTENT CALENDAR SUSPENDED

On motion of Senator Jones and by unanimous consent, the provisions of **S.R. 5**, providing for Temporary Rules of 68th Legislature, as it applies to the Intent Calendar, were suspended in order to consider **C.S.S.B. 391**, not placed on the Intent Calendar for today's session.

COMMITTEE SUBSTITUTE SENATE BILL 391 ON SECOND READING

On motion of Senator Jones 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. 391, Relating to public school finance.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 391** by deleting Section 1 and substituting therefor the following:

SECTION _____. Subchapter C, Chapter 16, Texas Education Code, is amended by adding Section 16.057 to read as follows:

Sec. 16.057. EDUCATION EXCELLENCE FUND. (a) The legislature recognizes that each school district has specific needs, particularly in regard to employment, in providing a quality education program for the children of Texas, and that the governing body of each school district has the ability to make appropriate decisions. The purpose of this section is to provide state aid for meeting those individual needs.

(b) In addition to other amounts provided under the Foundation School Program, each eligible district is entitled to a portion of the amount provided by Subsection (d) of this section determined by increasing the amounts allocated under the existing formulas for salaries and other Foundation School Program components. Thirty-five percent of the amount provided by Subsection (d) shall be distributed for establishment of an education excellence fund that may be used for any legal purpose. The remaining 65 percent shall be used for:

(1) payment of salaries for classroom teachers in pay grades 7, 8, and 9 in excess of the minimum salaries prescribed by Section 16.056 of this code;

(2) payment of minimum salaries on the basis of an individual remaining at a step for only one year before advancing to the next step, notwithstanding the requirement of Section 16.056(b) of this code; and

(3) increasing minimum salaries for pay grades 1 through 10 by one percent a year for each \$150 million of the total amount provided by Subsection (d).

(c) Money received under this section may not be used to supplement the salary of an employee for conducting cocurricular activities.

(d) The amount distributed under this section shall be set in the General Appropriations Act.

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 391**, SECTION 2, Sec. 16.152, to read as follows:

Sec. 16.152. USE OF OPERATING ALLOTMENT. A school district may use its operating cost allotment for any legal purpose [current operating expenses other than professional salaries].

The amendment was read and was adopted.

(Senator Brooks in Chair)

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 391, SECTION 4, to read as follows:

SECTION 4. Section 16.254, Subsection (d), Texas Education Code, is amended to read as follows:

(d) Notwithstanding Subsection (b) of this section, no school district shall receive less state aid, plus pay raises exclusive of service increments for foundation personnel provided by Section 16.055(b) of this code, and such funds as provided by the Education Excellence Fund, Section 16.057 of this code, per student in average daily attendance than it received per student in average daily attendance under the total of the Foundation School Program for the [1980-81] school year immediately preceding the biennium for which appropriations are made, added to the amount received for that year under Subchapter D, Chapter 20 of this code.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 391 by inserting the following as SECTION 2 and renumbering subsequent sections accordingly:

“SECTION 2. Section 16.151, Texas Education Code, is amended to read as follows:

“Section 16.151. OPERATING COST ALLOTMENT. Each school district shall be allotted an operating cost allotment of \$139, or a greater amount provided by the General Appropriations Act, for each student in average daily attendance. For each student whose parents reside in housing owned by a state agency and who is enrolled on October 1 of the year for which the allotment is made, the district shall receive twice the operating cost allotment. In this section, “state agency means:

“(1) a department, commission, board, office, or other agency in the executive branch of state government created by the constitution or a statute; and

“(2) a university system or an institution of higher education as defined by Section 61.003 of this code.”

DOGGETT
CAPERTON

The amendment was read and was adopted.

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

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 391 ON THIRD READING

Senator Jones 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. 391 be placed on its third reading and final passage.

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

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Lyon.

Absent: Washington.

(President in Chair)

MOTION TO PLACE SENATE BILL 1141 ON SECOND READING

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

S.B. 1141, Relating to the regulation of manufacturers and sellers of new motor vehicles and the protection of purchasers of new motor vehicles.

On motion of Senator Brown and by unanimous consent, the motion to suspend the regular order was withdrawn.

COMMITTEE SUBSTITUTE SENATE BILL 764 ON SECOND READING

On motion of Senator Doggett 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. 764, Relating to student fees at The University of Texas at Austin.

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

RECORD OF VOTE

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

COMMITTEE SUBSTITUTE SENATE BILL 764 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. 764** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Howard, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Howard.

SENATE BILL 998 REREFERRED

On motion of Senator Farabee and by unanimous consent, **S.B. 998** was withdrawn from the Committee on Natural Resources and rereferred to the Committee on State Affairs.

MEMORIAL RESOLUTIONS

S.R. 460 - By Lyon: Memorial resolution for Benjamin Franklin (Frank) Mince.

S.R. 461 - By Lyon: Memorial resolution for Daniel M. Higdon.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 308 - By Sharp: Extending congratulations to Belen De Leon, Jr.

S.R. 456 - By Doggett: Extending congratulations to Mrs. Elspeth Davies Rostow.

S.R. 457 - By Leedom: Applauding the efforts of the National Youth "Living" Hall of Fame Foundation.

S.R. 458 - By Leedom: Extending congratulations to Ernest Tubb.

S.R. 459 - By Caperton: Extending welcome to the Stephen F. Austin Social Studies Club of Bryan.

S.R. 462 - By Parmer: Expressing gratitude to Marsha Anne Franklin.

S.R. 463 - By Parmer: Recognizing the week of April 24th to April 30th, 1983, as Professional Secretaries Week and Wednesday, April 27, 1983, as Professional Secretaries Day.

S.R. 466 - By Whitmire: Extending congratulations to Allen Ross Parker, Sr.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, April 18, 1983.

APPENDIX

Signed by Governor
(April 12, 1983)

H.C.R. 42

H.C.R. 36

H.C.R. 37

H.C.R. 140

H.C.R. 132

FIFTY-SECOND DAY

(Monday, April 18, 1983)

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

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Absent-excused: Washington, Whitmire.

A quorum was announced present.

The Reverend Joseph Phelps, Highland Park Baptist Church, Austin, offered the invocation as follows:

Father in Heaven, what a gift You've given us again today - the chance to do justice, love mercy and walk humbly with our God.

All we lack is the courage to say "yes" and the strength to walk with You. For these we pray.

Father, what an awesome task to place before us today! Something You cannot do -