The house met at 10:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 10).

Present — Mr. Speaker; Agaich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Blanton; Bomer; Buchanan; Bush; Cain; Carriker; Cary; Ceverha; Clark; Colbert; Collazo; Connelly; Coody; Craddock; Cross; Crockett; Davis; Delay; Delco; Denton; Eckels; Edwards; Eikenburg; Emmett; English; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia, T.; Gavin; Geistweidt; Gibson, B.; Gilley; Glossbrenner; Grisham; Haley; Hall, B.; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heflin; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee, D.; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez, R.; Messer; Millias; Moreno, P.; Oliveira; Oliver; Patrick; Patronella; Patterson; Pennington; Peveto; Pierce; Polk; Polunbo; Presnal; Price; Robinson; Robnett; Rudd; Russell; Salinas; Saunders; Schlueter; Schoolecraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, C.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Thompson, S.; Toomey; Tow; Turner; Uher; Valles; Vowell; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Berlanga; Cavazos; Clemons; Danburg; Garcia, M.; Gibson, J.; Granoff; Green; Hackney; Martinez, W.; Moreno, A.; Parker; Rangel; Waldrop.

Absent — Burnett; Hernandez; Hudson, S.; Ragsdale; Wallace.

The invocation was offered by Father Fred Bomar, pastor, St. Peter the Apostle Church, Austin, Texas.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Cavazos on motion of Collazo.
Hackney on motion of Colbert.
J. Gibson on motion of W. Hall.
Berlanga on motion of R. Martinez.
Parker on motion of Hury.
M. Garcia on motion of Glossbrenner.
Clemons on motion of Carriker.
W. Martinez on motion of R. Martinez.
Waldrop on motion of Patterson.
Granoff on motion of Oliveira.
A. Moreno on motion of Oliveira.

Green on motion of A. Smith.

The following member was granted leave of absence for today because of a death in the family:

Rangel on motion of Glossbrenner.

The following member was granted leave of absence for today because of illness:

Danburg on motion of Glossbrenner.

(S. Hudson and Burnett now present)

OATH OF OFFICE ADMINISTERED TO THE HONORABLE IRMA RANGEL

By unanimous consent, Speaker Lewis submitted the following oath of office administered to Irma Rangel:

OATH OF OFFICE

I, Irma Rangel, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of STATE REPRESENTATIVE FOR DISTRICT 37 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.

Signed: ________________

IRMA RANGEL

SWORN TO and Subscribed before me this 11th day of January, 1983.

Signed: ________________

PAUL W. NYE

Chief Justice, Court of Appeals,
Thirteenth Supreme Judicial District of Texas

COMMITTEE APPOINTED

The following committee, pursuant to SCR 1, was appointed to escort the Governor: Representatives Ceverha, chairman; Connelly, Eckels, Hammond, Heflin, Hilbert, P. Hill, Jones, Kuempel, McKenna, Shea, and Toomey.

COMMITTEE APPOINTED

The speaker announced the appointment of the following inaugural committee pursuant to SCR 3: Representatives Peveto, chairman; Blanton, Price, Oliveira, and Robinson.

HCR 13 - ADOPTED

Representative Peveto moved that all necessary rules be suspended to take up and consider at this time, HCR 13.

The motion prevailed without objection.
The speaker laid before the house the following resolution:
By Peveto:

HC R 13

WHEREAS, State law provides that at a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a “state of the judiciary” message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby invite The Honorable Jack Pope, Chief Justice of the Supreme Court of Texas, to address the legislature on the subject of the state’s judiciary during a joint session in the hall of the house at 2:30 p.m. Monday, January 17, 1983.

The resolution was adopted without objection.

ADDRESS BY GOVERNOR WILLIAM P. CLEMENTS, JR.
(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of SCR 1, providing for a joint session of the senate and the house of representatives at 11 a.m. today, for the purpose of hearing an address by the Honorable William P. Clements, Jr., Governor of Texas, Lieutenant Governor William P. Hobby, and the Honorable Senators were announced at the door of the house and were admitted. The senators occupied seats arranged for them.

Lieutenant Governor William P. Hobby was escorted to a seat on the speaker’s rostrum.

At 11 a.m., Governor William P. Clements, Jr., and party escorted by Senators Leedom, Blake, Traeger, and Jones, committee on the part of the senate; and Representatives Ceverha, chairman; Connelly, Eckels, Hammond, Helles, Hilbert, P. Hill, Jones, Kuepmel, McKenna, Shea, and Toomey, committee on the part of the house, were announced at the door of the house and, being admitted, were escorted to the speaker’s rostrum.

Lieutenant Governor Hobby called the senate to order.

A quorum of the senate was announced present.

The Honorable Gib Lewis, Speaker of the House, called the house to order. Speaker Lewis directed all members present to register.

A quorum of the house was announced present.

Speaker Lewis stated that the two houses were in joint session pursuant to SCR 1 for the purpose of hearing an address by the Honorable William P. Clements, Jr., Governor of Texas.

Speaker Lewis recognized the senators and members of the judiciary present in the house chamber. Speaker Lewis then presented Governor Clements to the joint session. Governor Clements addressed the joint session, speaking as follows:

The 68th Legislature this week continues a tradition—a constitutional responsibility—that dates back 137 years to when the first Texas Legislature convened here in Austin. Ever since that first legislative session in 1846, the Texas Legislature has served our state well, and I consider it a high privilege to have worked with the legislature through two regular sessions and three special sessions.

I particularly want to thank Lieutenant Governor Hobby and Speaker Clayton and the committee chairmen for their spirit of cooperation and coordination. Our relationship, past governors tell me, was unique and exceptional—better than any
in their memory. Our efforts with respect to legislative programs were united and productive, and the people of Texas benefited from this cooperation.

Bill Hobby is a knowledgeable, capable, and compassionate leader, and all state officials would be wise to look to him for his experience and leadership.

Bill Clayton—who served 20 years in the Texas house, eight of them as speaker—is a man whose talent and ability and character will be missed, and I wish him well in his future endeavors.

I appreciate the cooperation given me by the 66th and 67th legislative sessions. We all shared in the accomplishments. As our state constitution requires, I am submitting to you a written report which details the progress of our state over the past four years.

Together we waged the kind of joint effort that Texans need, are entitled to, and must have. In every instance over the past four years, we observed only one criterion. That was: what is right for Texas, without regard to vested interests. I hope you will continue in this spirit. Texas deserves no less, and the seriousness of the challenges ahead requires much more.

The challenges facing Texas are well known: continued improvement in law enforcement and the prison system, agriculture, water, education, transportation, energy, human services, and creating jobs.

Since the end of the 67th regular session, I appointed several gubernatorial task forces to study a variety of critical issues, and you will be receiving reports from each of them.

These task forces were higher education, water, agriculture, traffic safety, foreign investments, small business, undocumented workers, work-related accidents, industrial and tourist development, state aviation policy, equal opportunities for women and minorities, and state personnel management. Also at work have been the County Officials Advisory Committee, the Blue Ribbon Commission on Criminal Justice, and the Task Force on Intellectually Handicapped Citizens in the Criminal Justice System.

These task force reports were not produced by vested interest groups, but by a broad cross-section of interested citizens, including several of you as legislators, as well as citizens recommended by both Lieutenant Governor Hobby and Speaker Clayton.

Working with our task forces were staff members from many state agencies and institutions of higher education. This kind of wide ranging participation ensured that these groups would be absolutely apolitical, and the quality of this nonpartisan effort is readily apparent.

I directed each, by executive order, to steer clear of political implications. I also insisted that these reports should not in any way reflect or mirror a preconceived idea of what the governor's office wanted to accomplish. They were to address every aspect of all issues from a free and unfettered view.

The task force members were volunteers in every instance. They came from business, from academia, from state government. They included lay people and professionals. These task forces represent talents and experience and judgmental capabilities that are not available from any other source. I want to thank the more than 600 Texans who participated for their unselfish efforts.

We cannot afford to ignore the valuable body of information which can serve as a starting point for you in addressing these many crucial issues.

I submit to you the task force reports as my recommendations for action by the legislature this year. I am also submitting to you my budget recommendations for the upcoming biennium.

For the first time in many years, the comptroller's estimate of funds available for general appropriations is lower than previously announced. As you know, his
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estimate of January 10 reduced his September forecast by approximately $1.5 billion.
My own budget, which soon will be presented to you, was based on the best estimates available to me at the time it was prepared.
I endorse and strongly recommend to you a revision to match the latest forecast by the comptroller—on a no-increase-in-taxes basis. This means that the biennial all-funds budget of some $32.9 billion which I am submitting must be selectively reduced by about $1 billion.

This is a challenging task, but it certainly can be done.
After all, even considering the latest revenue estimate revisions, you still have money available for an increase of nearly 20 percent in spending from all funds, over and above the current biennial state budget.
I strongly urge each of you to give special consideration to the appropriations process. You must recognize the need to allocate each state dollar in the most resourceful manner possible to assure that state services are delivered efficiently and effectively.

There is no reason in this legislative session for any new taxes. I repeat, there is no reason for any new taxes. As I have said before, state government must cut the pattern to fit the cloth. We must live within our current income, and we can do that and still increase the budget by 20 percent.
It can be done. State expenditures, when adjusted for population and price increases, are less in fiscal year 1983 than they were in fiscal year 1979.

During that same period, we reduced the per capita state employment. 1976 U.S. census information ranked Texas number one in the number of employees per 10,000 population—a very dubious honor! We had 128 state employees per 10,000 Texans, and that's more than California, New York, Michigan, and all of the other most populous industrial states.
In 1980, U.S. census data showed that Texas had reduced the number of employees per 10,000 population from 128 to 119, and we dropped from number one to number three among the most populous industrial states.
This year, U.S. census bureau data shows that our per capita state employment has again dropped from 119 in 1980 to 117. That's a decrease of 10 percent since 1980, and it has not impaired the ability of state government to fulfill its obligations to the people of Texas.
A most important, ongoing challenge of this legislative session and any legislative session, is to safeguard those unique conditions that have set the stage for the growth and prosperity of Texas.
My four years in office have further strengthened my belief in these principles, which have served us well.
We must maintain the pay-as-you-go provision in our state constitution.
We must continue to refuse to levy a corporate or personal state income tax.
We must safeguard our strong right-to-work laws, and we must resist any efforts to authorize collective bargaining for teachers and other state employees.
We also must resist any attempts to bring about annual sessions of the Texas Legislature and we must preserve our concept of the citizen-legislator.
The management improvement programs we have started through the Texas State Government Effectiveness Program have worked well and we must continue constantly to improve the operations of our state government. The ultimate beneficiaries are the taxpayers of Texas.
I urge you to look for opportunities to abolish agencies, consolidate agencies, reduce personnel, continue management training programs, upgrade state employees, and give merit increases for a job well done.
We also must instill a stronger sense of accountability in state government. For any practical matter, we have no audit system in state government. The current
system has no teeth in it, but it could have. State government must exercise its fiscal responsibility to the taxpayers by providing a true, well-defined, capable audit function which will result in visible accountability.

The Texas Research League has conducted a study which points out the need for greater accountability in a number of areas in state government, and I urge you to give this report full consideration when it is presented to you.

The long-range planning, established through Texas 2000, must also be continued so that Texas knows what it faces in the future and what it must do to maintain our high quality of life.

Our renewed and successful efforts at the state level to improve our relations with Mexico also must continue to be a high priority.

Drawing on the talents and experience of citizens from the private sector provides a great resource for state government. I would like to see citizen task forces, addressing the critical issues of the day, become a permanent feature of state government.

One of the worst things government can do is to withdraw itself and become insulated from the great reservoir of talent in the private sector. This is what a free society really means to me. Our fellow citizens possess tremendous expertise and they want to help and to participate in state government. In every instance, when we asked the most talented people to help us, no one turned us down. The people of Texas are ready, willing, and enthusiastic about giving of themselves to state government. They are waiting to be asked and you as elected officials should not hesitate to recruit them.

All of these initiatives have proved to be valuable to Texas and I urge their continuance. At the same time, I want to put before you today several other concepts which I think must be addressed by Texas state government in the coming years.

Texas state government must give its citizens the opportunity to decide whether they want initiative and referendum. I again urge submission of a constitutional amendment providing for true initiative and referendum.

I also recommend that the legislature adopt a limitation of two four-year terms for the office of governor and all other statewide elected officials.

The State Board of Education should be changed to appointive positions.

Texas also needs a system for the nonpartisan election of judges to ensure that we have the highest quality judiciary, and we should also consider the merit selection of judges, giving the public the right to remove judges. In public education, our current formula basis is wrong. It doesn’t work properly. The school districts that need help the most are not getting what they need.

Furthermore, we are spending approximately 52 percent of our total state budget on public education—it’s the highest percentage in the nation.

I believe we can provide the same high level of education at a lower cost by eliminating some of the tax dollars that have nothing to do with the teaching-learning environment. At the same time, we can free some of those tax dollars for other necessary state services.

Our criminal justice system is failing to do the job that must be done. I urge you to give strong consideration to the recommendations of the Blue Ribbon Commission on Criminal Justice, which is making the first comprehensive study of the system as a whole.

State government also should consider a capital budgeting process and a bond program that might include programs like highways, prison construction, and university construction.

This could be essential down the road in our state, in view of predictions that state revenues from oil and gas taxes will begin to decline by 1990.
Again, I recommend a sound fiscal management provision in our state constitution, enabling state government, for the first time, to have real budget execution authority.

We need to reevaluate the relations between the federal government and the state government, and the relationship between state government and local governments. I believe in the Jeffersonian principle that government which is closest to the people is the best government.

Texas state government must give closer and constant scrutiny to onerous federal formulas by which federal funds are allocated to the states. We must make sure that these formulas as they are being devised in Congress do not discriminate against Texas.

Our scrutiny of the highway formula, during discussion of the federal gasoline tax, paid off for Texas. In the past, Texas has received approximately 70 cents for every dollar in gasoline taxes we sent to Washington; now, Texas will get a minimum of 85 cents for every dollar.

State government must not follow the pattern of what's happening with the federal government. As our Texas state government gets larger and more complex, it must constantly keep in mind to push downstream to the counties and the cities more and more responsibility—authority, but with accountability.

To further improve the operations of state government, I recommend that the state replace its fragmented personnel statutes with a more consistent approach to personnel policies, and establish uniform standards for all state agencies.

I do not believe that the state should be carrying the Workmen's Compensation Program.

In addition, we can better serve the needs of the people of Texas by centrally combining the services of our state human service agencies at one central location at the local level. State government should also consider locating new facilities of the Texas MHMR in major population centers. Texas state government should coordinate and perhaps consolidate all its alcohol treatment programs to ensure better services.

To increase employment opportunities, we should expand technical-vocational education programs offered through outstanding institutions such as Texas State Technical Institute, and we should work hard to stimulate the environment for small business which provides approximately 80 percent of all jobs in America. Another top priority should be to improve Texas agriculture by expanding export markets—particularly Mexico where we have a tremendous opportunity and distinct geographic advantage over other states.

Additionally, we should continue to study innovative ways to improve the quality of higher education as well as elementary and secondary education in Texas.

As a new method is developed for funding colleges and universities outside the permanent university fund, we must stipulate that all construction projects for all colleges and universities be reviewed in detail by the coordinating board which, in turn, will make recommendations to the Legislative Budget Board.

I recommend a system of merit pay increases for high-performing, proven, classroom teachers.

I favor a program in which the state encourages the private sector to get involved in the education of our young people. For example, engineers and scientists could be given time to teach one class a day and help relieve the shortage of math and science teachers.

I also recommend that as Texas approaches its sesquicentennial that we renew our efforts to maintain and restore historic papers, artifacts, and buildings of our past; that we take steps to ensure that the arts flourish for the benefit of all Texans; and that we make an unprecedented commitment to the protection of our
recreational facilities, natural resources, wildlife, and the entirety of our environment.

I realize that the magnitude of these recommendations is too much for one session to handle, but I present them to you as issues that should be pursued in the coming years by Texas state government.

It is the responsibility of the leadership of this state to tackle the hard issues that face Texas, to make the difficult decisions, and to avoid political expediency.

Quality leadership has been a hallmark, a continuing strength, in Texas state government. It has played an integral role in the record of success and "quality of life" that is unparalleled in any state in America.

I believe in the destiny of Texas—in the dreams of the heroes of San Jacinto and the martyrs of the Alamo and Goliad. We in Texas are a breed apart—we are indeed the land of opportunity. We are the frontier, not of cowboys and Indians, but of high technology, quality education, free enterprise, small business, and the last believers in the fundamental rights and opportunities of the individual.

We—all of us—carry a heavy responsibility to see that these attributes, characteristics, and traditions are held dear for future generations to come. That's our sense of accountability, and I'm sure all of you will meet your challenge.

As newly elected and reelected representatives and senators, you have entered into a trust with the people of Texas to put aside partisan considerations and to do what is “right for Texas.”

As elected Texas officials before us have done, as we have done, I am confident that you too will provide outstanding leadership for our state, and I wish you the very best in your endeavors.

God bless you and may you always have fair skies and a following sea. Thank you very much.

Speaker Lewis introduced Mrs. Rita Clements to the joint session.

SENATE ADJOURNS

At 11:28 a.m., Lieutenant Governor Hobby stated that the business of the joint session had been accomplished and that the senate would, in accordance with a previous motion, stand adjourned until 10 a.m. next Monday.

HOUSE AT EASE

Speaker Lewis announced that the house would stand at ease pending the departure of the guests.

Speaker Lewis called the house to order at 11:44 a.m.

ADJOURNMENT

Representatives Barrientos, Messer, Emmett and Carriker moved that the house adjourn until 1:30 p.m. next Monday in memory of Christopher Lemley.

The motion prevailed without objection.

The House accordingly, at 11:46 a.m., adjourned until 1:30 p.m. next Monday.