TENTH DAY — THURSDAY, JANUARY 27, 1983

The house met at 10 a.m. and was called to order by the speaker. The roll of the house was called and a quorum was announced present (Record 17).

Present — Mr. Speaker; Agnich; Armbrister; Arnold; Barrientos; Barton, B.; Barton, E.; Berlanga; Blanton; Bomer; Buchanan; Burnett; Bush; Cain; Carriker; Cary; Cavazos; Ceverha; Clark; Clemens; Colbert; Collazo; Connelly; Coody; Craddick; Criss; Crockett; Danburg; Davis; Deleo; Denton; Eckels; Eickenburg; Emmett; English; Evans; Evans, C.; Evans, L.; Finnell; Fox; Gamez; Gandy; Garcia; Gavin; Geistweidt; Gibson; Gilley; Glossbrenner; Granoff; Green; Grisham; Hackney; Haley; Hall; Hall, L.; Hall, T.; Hammond; Hanna; Harrison, B.; Harrison, D.; Heflin; Hernandez; Hightower; Hilbert; Hill, A.; Hill, G.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson; Hury; Jackson; Jones; Keller; Kemp; Khoury; Kubiak; Kuempel; Laney; Lee; Lee, E. F.; Leonard; Luna; McKenna; McWilliams; Madla; Mankins; Martinez; Messer; Millsap; Moreno; Olivera; Oliver; Patrick; Patronella; Patterson; Pennington; Peveda; Pierce; Polk; Polumbo; Presnal; Price; Rangel; Robinson; Robnett; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Shaw; Shea; Short; Simpson; Smith, A.; Smith, T.; Staniswalis; Stiles; Sutton; Tejeda; Thompson, G.; Toomey; Tow; Turner; Valles; Vowell; Waldrop; Watson; Whaley; Wieting; Willis; Wilson; Wolens; Word; Wright.

Absent, Excused — Edwards; Garcia, M.; Gibson; J.; Moreno; Parker; Smith, C.; Uher.

Absent — DeLay; Hudson, S.; Ragsdale; Salinas; Thompson, S.; Wallace.

The invocation was offered by Father Fred Bomar, chaplain.

LEAVES OF ABSENCE GRANTED

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

- Parker on motion of Hury.
- C. Smith on motion of Fox.
- M. Garcia on motion of W. Martinez.
- J. Gibson on motion of Robnett.
- Edwards on motion of D. Hudson.
- Uher on motion of Presnal.
- P. Moreno on motion of Berlanga.

SENATE BILL ON FIRST READING

The following senate bill was today laid before the house, read first time and referred to committee:

SB 183 to Committee on Energy.
HOUSE JOINT RESOLUTIONS ON FIRST READING

The following house joint resolutions were today laid before the house, read first time and referred to committees:

By Oliveira, et al.:
HJR 1, A joint resolution proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments.
To Committee on Judiciary.

By C. Smith:
HJR 2, A joint resolution proposing a constitutional amendment to reserve in the people the powers of initiative and referendum.
To Committee on State Affairs.

By S. Hudson:
HJR 3, A joint resolution proposing a constitutional amendment to exempt from ad valorem taxation the residence homesteads of senior citizens.
To Committee on Ways and Means.

By Bush:
HJR 4, A joint resolution proposing a constitutional amendment relating to the State Commission on Judicial Conduct and the authority and procedure to discipline active judges, certain retired and former judges, and certain masters and magistrates of the courts.
To Committee on Judiciary.

By Bush:
HJR 5, A joint resolution proposing a constitutional amendment providing for trial of election contests for the office of state representative in the courts.
To Committee on Elections.

By Bush:
HJR 6, A joint resolution proposing a constitutional amendment to restore to the people the power of initiative.
To Committee on State Affairs.

By Ceverha:
HJR 7, A joint resolution proposing a constitutional amendment to provide for encumbrance of a homestead.
To Committee on Financial Institutions.

By Patrick, et al.:
HJR 8, A joint resolution proposing a constitutional amendment prohibiting the imposition of income taxes.
To Committee on Ways and Means.

By DeLeo:
HJR 9, A joint resolution proposing a constitutional amendment to restructure The University of Texas and its branches.
To Committee on Higher Education.

By DeLeo:
HJR 10, A joint resolution proposing a constitutional amendment to restructure the permanent university fund.
To Committee on Higher Education.
By M. Garcia:
HJR 11, A joint resolution proposing a constitutional amendment to limit the number of times a person may be elected speaker of the house of representatives.
To Committee on State Affairs.

By Burnett, et al.:
HJR 12, A joint resolution proposing a constitutional amendment to increase from two years to four years the term of office for a member of the Texas House of Representatives.
To Committee on State Affairs.

By Willis:
HJR 13, A joint resolution proposing a constitutional amendment increasing property tax exemptions for disabled veterans and the survivors of certain veterans.
To Committee on Ways and Means.

By Jackson:
HJR 14, A joint resolution proposing a constitutional amendment relating to restrictions on candidacy for public office.
To Committee on Elections.

By Schlueer:
HJR 15, A joint resolution proposing a constitutional amendment to increase property tax exemptions for disabled veterans and the surviving spouses or children of certain veterans.
To Committee on Ways and Means.

By S. Thompson:
HJR 16, A joint resolution proposing a constitutional amendment to recognize a right of privacy.
To Committee on State Affairs.

By S. Thompson:
HJR 17, A joint resolution ratifying a proposed amendment to the Constitution of the United States providing for representation of the District of Columbia in the United States Congress.
To Committee on State Affairs.

By S. Thompson:
HJR 18, A joint resolution proposing a constitutional amendment providing for residence homestead exemptions from certain school district property taxes when state reimbursement of local revenue losses is required by law.
To Committee on Ways and Means.

By Delco, et al.:
HJR 19, A joint resolution proposing a constitutional amendment to provide funds for the support of higher education and to restructure the permanent university fund.
To Committee on Higher Education.

By Hackney:
HJR 20, A joint resolution proposing a constitutional amendment relating to the exemption from ad valorem taxation of boats owned by individuals.
To Committee on Ways and Means.
By Bush:
HJR 21, A joint resolution proposing a constitutional amendment to increase the terms of district and appellate court judges.
To Committee on Judicial Affairs.

By Watson, et al.:
HJR 22, A joint resolution proposing a constitutional amendment relating to the per diem allowance for members of the legislature.
To Committee on State Affairs.

By Wilson:
HJR 23, A joint resolution proposing a constitutional amendment to authorize the governor, with the advice and consent of the senate, to remove any officer holding a position filled by gubernatorial appointment.
To Committee on State Affairs.

By Patterson, et al.:
HJR 24, A joint resolution proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financing assistance for the purchase of farm and ranch land.
To Committee on Agriculture and Livestock.

By T. Hall:
HJR 25, A joint resolution proposing a constitutional amendment relating to the exemption from taxation of certain property of religious organizations.
To Committee on Ways and Means.

(Speaker Pro Tempore in the chair)

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time and referred to committees:

By Agnich, et al.:
HB 1, A bill to be entitled An Act relating to hunting and fishing and to the conservation of wildlife resources in all counties; providing penalties.
To Committee on Environmental Affairs.

By Oliveira, et al.:
HB 2, A bill to be entitled An Act relating to the enforcement of court-ordered child support.
To Committee on Judiciary.

By Schlueter, et al.:
HB 3, A bill to be entitled An Act relating to child passenger safety seat systems; providing a penalty.
To Committee on Transportation.

By G. Hill, et al.:
HB 4, A bill to be entitled An Act relating to the holding of elections on uniform election dates.
To Committee on Elections.

By Wright:
HB 5, A bill to be entitled An Act relating to driving while intoxicated, homicide involving use of a motor vehicle, and possession of alcoholic beverages in motor vehicles; providing penalties.
To Committee on Criminal Jurisprudence.
By Turner, et al.:  
HB 6, A bill to be entitled An Act relating to allocation of certain cigarette tax revenue to and the use of the local parks, recreation, and open space fund.  
To Committee on Ways and Means.

By G. Hill:  
HB 7, A bill to be entitled An Act relating to the requirements for a person who is 15 years of age to obtain a driver’s license.  
To Committee on Transportation.

By J. Gibson:  
HB 8, A bill to be entitled An Act relating to compensation of crime victims through bail bond forfeitures.  
To Committee on Criminal Jurisprudence.

By Haley:  
HB 9, A bill to be entitled An Act relating to the right to eat lunch for teachers.  
To Committee on Public Education.

By Polk:  
HB 10, A bill to be entitled An Act relating to an exception to the physician-patient privilege in investigations or prosecutions involving driving while intoxicated or driving under the influence of drugs.  
To Committee on Public Health.

By Khoury:  
HB 11, A bill to be entitled An Act relating to the insanity defense and treatment of mentally ill offenders.  
To Committee on Criminal Jurisprudence.

By T. Smith:  
HB 12, A bill to be entitled An Act relating to driving while intoxicated and homicide involving use of a motor vehicle.  
To Committee on Criminal Jurisprudence.

By C. Smith:  
HB 13, A bill to be entitled An Act relating to the allocation of revenue from the cigarette tax to the Texas local parks, recreation, and open space fund.  
To Committee on Ways and Means.

By C. Smith:  
HB 14, A bill to be entitled An Act defining unsolicited telephone calls and providing for their regulation; providing for the creation of the Texas Telephone Solicitation Ethics Council and for the appointment of council members; prescribing the duties and powers for the council members and the council and the manner in which the jurisdiction and power conferred herein shall be exercised; and amending all other laws and parts of laws in conflict herewith.  
To Committee on State Affairs.

By C. Smith:  
HB 15, A bill to be entitled An Act relating to the temporary employment of persons in certain fire departments and police departments.  
To Committee on Urban Affairs.

By C. Smith:  
HB 16, A bill to be entitled An Act relating to the prosecution of certain children who have been adjudicated a delinquent child on two previous occasions.  
To Committee on Criminal Jurisprudence.
By C. Smith:
HB 17, A bill to be entitled An Act relating to the duty of a justice of the peace to notify a defendant of his right to appeal a criminal conviction.
To Committee on Criminal Jurisprudence.

By C. Smith:
HB 18, A bill to be entitled An Act relating to defensive driving courses.
To Committee on Transportation.

By C. Smith:
HB 19, A bill to be entitled An Act relating to an administrative class action regarding unfair claims settlement practices, adding new Section 7, Article 21.21-2, Insurance Code, as amended.
To Committee on Insurance.

By C. Smith:
HB 20, A bill to be entitled An Act relating to notice to be given by insurers to policyholders or applicants.
To Committee on Insurance.

By C. Smith:
HB 21, A bill to be entitled An Act relating to disruption of classes.
To Committee on Public Education.

By S. Hudson:
HB 22, A bill to be entitled An Act relating to the membership of and the procedures of the Board of Commissioners of Housing Authorities.
To Committee on Urban Affairs.

By S. Hudson:
HB 23, A bill to be entitled An Act relating to a utility assistance program for the elderly.
To Committee on Retirement and Aging.

By Khoury:
HB 24, A bill to be entitled An Act relating to unlawful carrying of weapons.
To Committee on Criminal Jurisprudence.

By Schluter:
HB 25, A bill to be entitled An Act relating to age requirements for applicants for beginning positions within police departments covered by Article 1209m, Vernon's Texas Civil Statutes, as amended.
To Committee on Urban Affairs.

By Khoury:
HB 26, A bill to be entitled An Act relating to regulation of the practice of electrolytic hair removal; providing a penalty.
To Committee on Public Health.

By A. Hill, et al.:
HB 27, A bill to be entitled An Act relating to child passenger safety seat systems; providing a penalty.
To Committee on Transportation.

By Green:
HB 28, A bill to be entitled An Act relating to emergency child custody procedures involving a child who is the victim of sexual abuse.
To Committee on Judiciary.
By Green:

HB 29, A bill to be entitled An Act relating to the authority of the department of human resources to obtain criminal records of a person providing or applying to provide adoptive or foster care.
To Committee on Human Services.

By Green:

HB 30, A bill to be entitled An Act relating to the Uniform Enforcement of Foreign Judgments Act.
To Committee on Judiciary.

By Green:

HB 31, A bill to be entitled An Act relating to costs in civil suits.
To Committee on Judiciary.

By Green:

HB 32, A bill to be entitled An Act relating to possession, filing, certification, and disposition of certain instruments pertaining to civil suits in the district courts.
To Committee on Judiciary.

By Green, et al.:

HB 33, A bill to be entitled An Act relating to electronic filing of documents in the courts.
To Committee on Judicial Affairs.

By Green:

HB 34, A bill to be entitled An Act relating to exempting military personnel from fishing license requirements.
To Committee on Environmental Affairs.

By Green:

HB 35, A bill to be entitled An Act relating to suits for delinquent property taxes.
To Committee on Ways and Means.

By A. Hill:

HB 36, A bill to be entitled An Act relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.
To Committee on Judicial Affairs.

By Green:

HB 37, A bill to be entitled An Act relating to the payment of court costs as a condition of parole.
To Committee on Criminal Jurisprudence.

By Green:

HB 38, A bill to be entitled An Act relating to alcoholic beverage regulations relating to age.
To Committee on Liquor Regulation.

By A. Hill:

HB 39, A bill to be entitled An Act relating to authorization of certain counties to establish alternative systems for resolving citizen disputes.
To Committee on County Affairs.
By Green:
HB 40, A bill to be entitled An Act relating to injunctions of public nuisances; providing a penalty.
To Committee on Judiciary.

By Green:
HB 41, A bill to be entitled An Act relating to injunctions of common nuisances.
To Committee on Judiciary.

By G. Thompson:
HB 42, A bill to be entitled An Act relating to the jurisdiction of the small claims court.
To Committee on Judicial Affairs.

By G. Thompson:
HB 43, A bill to be entitled An Act relating to the filing of sworn statements under the political funds reporting and disclosure law.
To Committee on State Affairs.

By Bush:
HB 44, A bill to be entitled An Act relating to certain powers, duties, and procedures of the State Commission on Judicial Conduct and the discipline of judges.
To Committee on Judicial Affairs.

By Bush:
HB 45, A bill to be entitled An Act relating to venue in civil actions and providing mandatory venue and permissive venue.
To Committee on Judiciary.

By Bush:
HB 46, A bill to be entitled An Act relating to execution of a directive under the Natural Death Act.
To Committee on Public Health.

By Bush:
HB 47, A bill to be entitled An Act relating to primary elections and conventions held by political parties and the uniform dates for holding elections.
To Committee on Elections.

By Wright:
HB 48, A bill to be entitled An Act relating to alcoholic beverages in motor vehicles; providing penalties.
To Committee on Liquor Regulation.

By Wright:
HB 49, A bill to be entitled An Act relating to nonpartisan election of certain judicial officers.
To Committee on Elections.

By Wright:
HB 50, A bill to be entitled An Act relating to the insanity defense and treatment of mentally ill offenders.
To Committee on Criminal Jurisprudence.

(Speaker in the chair)
MESSAGE FROM THE SENATE

Austin, Texas, January 27, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

HCR 21 by Patrick, authorizing the flying of the MIA flag over the Capitol on January 27, 1983.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTION SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

HCR 19

HR 22 - ADOPTED

Representative Presnal moved that all necessary rules be suspended to take up and consider at this time, HR 22.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Presnal:

HR 22

WHEREAS, James Harvey Johnson has received the well-deserved honor of being appointed Texas State Artist for 1982-83, and Mr. Johnson, who has expressed his love of art and life in his landscapes and scenes of the wildlife of Texas, has shown himself to be an artist of rare distinction; and

WHEREAS, Mr. Johnson, a native of Texas, was born in Snyder and reared in Midland; he received his Doctorate of Veterinary Medicine from Texas A&M in 1969, where he learned not only the skill to heal the animal life of Texas but also the training to accurately reproduce its wildlife on canvas; and

WHEREAS, He began to sketch and draw in his early years and began to practice his talents professionally three years ago; and

WHEREAS, His works have brought him many honors, and have been exhibited throughout Texas and published in such notable magazines as Texas Parks and Wildlife and Southwest Art; and

WHEREAS, This talented artist further paints portraits in contemporary western settings; his art seeks to preserve the natural Texas scene for the enjoyment and education of future generations; and

WHEREAS, Through his fine artistic vision, James Harvey Johnson provides unique interpretations of the state and justly deserves the special recognition of the Texas House of Representatives; now, therefore, be it

RESOLVED, That the House of Representatives of the 68th Legislature of the State of Texas hereby pay tribute to James Harvey Johnson, Texas State Artist for
1982-83, and commend him for the wide critical acclaim and many honors he has received; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Johnson as a memento of his distinguished tenure as Texas State Artist and as an expression of high esteem from the Texas House of Representatives.

The resolution was adopted without objection.

On motion of Representative G. Thompson, the names of all the members of the house were added to HR 22 as signers thereof.

INTRODUCTION OF TEXAS STATE ARTIST

The Speaker introduced Representative Presnal who introduced Dr. James H. Johnson and Mrs. Johnson to the house and presented him with a copy of HR 22.

HCR 38 - ADOPTED

Representative Berlanga moved that all necessary rules be suspended to take up and consider at this time, HCR 38.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga:

HCR 38

WHEREAS, Article III, Section 17, of the Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the House of Representatives, the Senate concurring, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, February 3, 1983, and ending on Monday, February 7, 1983.

The resolution was adopted without objection.

COMMITTEE APPOINTED

The speaker announced the appointment of the following committee, pursuant to SCR 9, to escort Governor White to the speaker's rostrum: Representatives Price, chairman; Rangel, Oliveira, Shaw, Finnell, Gandy, R. Martinez, Grisham, Burnett, Denton, Delco, and Whaley.

SB 183 - RULES SUSPENDED

Representative Hanna moved to suspend the 5-day posting rule to allow the Committee on Energy to consider SB 183.

The motion prevailed without objection.

HR 2 - ADOPTED

Representative Bush moved that all necessary rules be suspended to take up and consider at this time, HR 2.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bush:

HR 2, congratulating Lee B. Alexander.
The resolution was adopted without objection.

(Wallace now present)

ADDRESS BY GOVERNOR MARK WHITE

(The House of Representatives and the Senate in Joint Session)

In accordance with the provisions of SCR 9, 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 Mark White, 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 10:55 a.m., Governor Mark White and party escorted by Senators Brooks, Doggett, Lyon, Sarpalius, and Washington, committee on the part of the Senate; and Representatives Price, chairman; Rangel, Oliveira, Shaw, Finnell, Gandy, R. Martinez, Grisham, Burnett, Denton, Delco, and Whaley, 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 Gibson D. 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 9 for the purpose of hearing an address by the Honorable Mark White, Governor of Texas.

Lieutenant Governor Hobby presented Governor White to the joint session.

Governor White addressed the joint session, speaking as follows:

I appreciate the invitation to appear before you today. I almost feel as if I am coming home. I have worked closely with both your houses for the past 10 years. I have gavelled two different houses and a constitutional convention into session. I count many of you as my personal friends—and I look forward to a close relationship with those of you who are new to the legislature.

Let me say at the outset that as far as I am concerned, our relationship is going to be one of partners. I have no desire to try to impose my will—or the will of my administration—on this legislature, even if I thought I could. What we are going to accomplish, we are going to have to accomplish together.

In that spirit, I pledge to you my full cooperation in all of our mutual endeavors.

There will be no room for the arrogance of power in this administration. Mine will be an administration that exercises power with sureness of purpose—but also with restraint and, I hope, with grace.

It will be an open administration.

It will be a responsive administration.

And I can assure you, I have already informed my staff that it will be a courteous administration.
It will also be an administration that treats our able and hard-working state employees with dignity and respect—and rewards them accordingly. In so doing, I believe we will assure their dedication and enhance their effectiveness.

So today, we face an exciting new beginning.

When I was a very young man, first observing the ways of this city and its government, I used to think it was cruel and unusual punishment to require a newly elected governor to take office and organize his administration in the midst of a session of the legislature. Quite candidly, I thought it was a little like taking a company of draftees from the induction center and sending them straight into combat: they might survive it, but they'd never get organized.

But today, as I stand before you, I wouldn't have it any other way. There is important work to be done—and I am anxious to get on with the task.

I have traveled much during this past year. I have criss-crossed this state many times.

I have talked with tens of thousands of Texans. And, more important, I have listened to them as well.

I have listened to the voice of the teacher in an overcrowded schoolroom in Dallas—to the voice of the unemployed farm worker in Harlingen—to the voice of the skilled worker who stands outside of a closed plant in Port Arthur—to the voice of the steel plant manager in Baytown who must tell his workers that a month's closedown is necessary—to the voice of the farmer on the High Plains who lives from day to day with the fear of foreclosure—to the voice of the small child in a crowded San Antonio classroom who must shout to be heard—to the voice of the elderly woman in Houston who is afraid of leaving her apartment even in broad daylight—to the voice of the homeowner in Austin whose utility bill is larger than his monthly mortgage payment.

Listen to those voices. Listen to them and learn.

The people are not shy about telling us what they want.

The people tell us they want:

—streets that are safe;
—schools that they can be proud to send their children to;
—utility rates that are reasonable and justified;
—government that is open and responsive and fair;
—job opportunities that let them realize their full potential;
—a fair profit for their goods and services and a decent salary for their labors.

Surely these are not unreasonable expectations.

Surely we can translate their hopes into our agenda.

Isn't that what government is for?

Don't we represent the collective will of the people—the instrument by which they accomplish those things that they can't accomplish as individuals?

There will be those who insist that government can't do everything. But all too often, that is just an excuse for not doing anything.

We know that government has limitations. But we also know that government can make a difference. And it had better try.

Governor Hobby was right on target last week when he said that power flowed to Washington a generation ago because state and local governments abdicated their responsibilities.

The test of our generation is to restore the balance of power by proving that we are worthy of power.

Let us begin.

In my inaugural address, I spoke of eight foundations upon which we must build the state of the future:

—education;
—human resources;
—prudence;
—protecting our environment;
—transportation;
—equity;
—cooperation; and
—freedom from the fear of crime.

My legislative program during my term of office will be based on those foundations. In the weeks and months ahead, I will be consulting with your leadership and with individual members of both your houses on a number of specific issues—and I will be sending you specific proposals as well.

I want you to know, however, that I will not be sending you legislative recommendations just for the sake of passing more laws—for the sake of compiling a legislative scorecard. In most cases, we have plenty of laws on the books already. The trouble is, they haven’t been made to work—either fully or effectively. That will be one of the tests of my administration.

But where laws are needed, I will not hesitate to propose them and fight for them.

And today, I want to tell you there are several pieces of legislation that we need right now.

The first of these is a catch-up pay raise for our schoolteachers.

How can we ever become the state of the future when Texas ranks 28th out of 50 states on the national teacher salary scale?

How can we entrust the education and training of our children and grandchildren to people we treat like second-class citizens? As I said last week, second-class citizens will never turn out first-class minds.

The public education agenda is long and pressing.

It calls for parity among all our school districts.

It calls for equal access to quality education, regardless of economic background, race, or the taxable wealth of the educational entity.

It calls for fundamental changes in curriculum to assure us that we are no longer graduating young men and women who are deficient in reading, writing, and math.

It calls for increased funding for bilingual education. No child in Texas should be deprived of an opportunity to fully participate in our society because of a language barrier.

It calls for a reordering of our priorities—a commitment to build not the largest prison system in the nation, but the best educational system. Because if we do build the best educational system—and train people to lead productive lives—we won’t need the biggest prison system.

In short, it calls for the kind of educational system that would make us confident and proud to send our children to any school in Texas.

But the first step toward that goal just must be decent salaries for our teachers.

I endorse the Texas Education Agency proposal for a 24 percent increase for the biennium as a starting point for our consideration.

And I will set teacher salaries as an emergency item. No longer can we let education be the last item we deal with in the budget. No longer can we finance education on the basis of leftover funds. This item must receive first call on our revenues, not last.

We also must recognize the other elements of financing our education system which will require our attention, such as maintenance and operations of our schools.

In higher education, I urge the expeditious enactment of a constitutional amendment to create a construction fund for the non-Permanent University Fund
schools, and to expand the PUF to cover all University of Texas and Texas A&M institutions.

We have debated this issue for a decade now. We have seen one proposal after another founder and fail. The time has come to settle this issue once and for all; to pass an amendment and send it to the people for their approval.

There are a number of proposals that I would support, but my preference would be the creation of a permanent endowment, similar to the PUF. This might require our universities to tighten their belts for a few years, but the creation of such an endowment would be a great monument to the vision of this legislature. It would mean that all of our state public institutions of education—from elementary school through graduate school—would have a permanent source of funds no matter what the future may bring.

The second legislative item that I will ask you to consider on an emergency basis is the reorganization of the Public Utilities Commission.

Government in a democracy must respond to the demands of the people. The genius of our state constitution, although often criticized as cumbersome, rests in its dominant theme that government, in order to be responsive to the people, must be elected by the people.

I believe last November’s election echoed the voice of the people quite clearly in the area of utility regulation.

The people have lost faith in the ability and purpose of the Public Utility Commission. A regulatory body’s primary function is to serve as a watchdog over monopolies, not to serve as a captive handmaiden of those same monopolies.

I am committed to appointing a housewife and strong consumer advocate to the commission at the earliest opportunity but it may be months before that chance comes.

And after careful consideration and more extensive study of the problem and after seeing in fuller detail the repeated abuses perpetrated on the public by the utility companies, I am now persuaded the best solution ultimately will be to make the utility commission directly accountable to the people. Utility bills, like taxes and death, are inescapable. Just as there should be no taxation without representation in a democracy, there should be no utility rate imposed without the people having a direct voice in the selection of those who set the rates.

The Public Utility Commission has given no indication of its willingness or desire to regulate in a manner which will assure Texans that the utility rates they are paying are fairly set and impartially considered.

To restore the people’s faith in the PUC, I ask you to consider the following very fundamental changes in the Public Utility Regulatory Act during this session:

—first, change the basic structure of the commission to allow for three statewide elected commissioners with staggered six-year terms. Campaign contributions to candidates for the office by utility interests or their affiliates must be prohibited;

—second, abolish any and all automatic fuel adjustments;

—third, amend the act to allow thorough regulation of affiliate transactions which are being used by some utilities to avoid regulation;

—fourth, create and adequately fund an office of general counsel, independent of the PUC, to advocate the views of the consuming public, be it homeowner or small business. The general counsel should be appointed by the governor subject to senate confirmation and funded from the assessment already being charged to utilities to support the activities of the PUC.

The crisis in the Unemployment Compensation Trust Fund also demands our immediate attention. So does the plight of more than a half a million Texans out of work.
We are currently paying almost $100 million per month in unemployment benefits. Last fall, the fund was depleted and we began borrowing from the federal government. We are now over $200 million in debt, and paying 10 percent interest on that debt. The Texas Employment Commission estimates we could be as far as one billion dollars in debt by year end.

The causes of the crisis are many. We see a national administration continuing to insist on disastrous economic policies which have kept unemployment levels high and yet have not pulled the nation out of a deep recession. The revenue estimate used to develop last fall's stop-gap measure proved to be too high. And the total taxable wage base is below expected levels.

Unless we together resolve to take firm action on this issue, we will be burdened with a staggering debt and unending interest payments. The employers of Texas have supplied the revenue for this trust fund in the past, and they must be a part of any solution we find in the future.

Consequently, I am today establishing a bipartisan emergency jobs and unemployment fund task force made up of business, labor, and academic leaders. As chairman, I am naming Elvis Mason, a distinguished businessman and leader in labor-management relations. I am charging this committee:

- first, with immediate development of a plan for my consideration to set the unemployment compensation fund on a course of long-term solvency. The task force will design a careful, step-by-step plan for increasing the balance of the trust fund;
- second, with investigating and suggesting any mechanisms which could create jobs in Texas through a strengthened business climate to attract new industry and jobs;
- third, with determining if there are realistic and practical ways to give tax credits to businesses which hire the unemployed;
- fourth, with determining what needs to be done to assure us that our universities are graduating young people prepared to support a high-technology economy—and also to assure us that our research programs are keeping our industry on the cutting edge of competition;
- fifth, with assuring that our community colleges, vocational schools, and high schools are producing students with skills that are marketable in a rapidly changing economy—and not training people for obsolescence.

In another area, I am today designating the Texas Department of Community Affairs as the administrative agency for the Federal Job-Training Partnership Program. This program will devote as much as $300 million to focus on training people for jobs that do exist and will exist; and ensure economic development in areas of high unemployment.

This money will not be spent on inefficient bureaucracies. It will be invested in the future of Texas where its return will be seen in a generation of skilled and fully employed Texans.

I am designating the Department of Community Affairs to administer this program because I intend to see that TDCA is a cornerstone of my administration's efforts in economic development and jobs programs and that it lives up to the expectations of those of you who created it.

There will be a number of legislative proposals before you on the topic of jobs that will receive my careful attention. One of those, which holds great promise of stimulating the economy through new construction, is the Veterans' Housing Assistance Program being proposed by Land Commissioner Mauro. It is an expansion of the Veterans' Land Program which will provide up to $20,000 to finance downpayment on a house. I endorse this proposal as a jobs program and as an attempt to address the problem of a generation frozen out of the housing market.
Another priority area we must address during this session is the role of the farmer in our society and our economy. Traditionally we have given lip service to this vital segment of our population by relying on a good crop year to resolve longstanding problems. We cannot continue to do so.

We must put heavy emphasis on resolving the problems which are forcing so many people away from the agricultural sector. We can begin by promoting at the state level more foreign markets for Texas agricultural products. We also should allocate more state moneys to research and development. Two areas which merit our attention include:

—first, increased emphasis on water recovery technology aimed at lowering costs and increasing efficiency. I will join Lieutenant Governor Hobby in the efforts he has begun to address this vital problem of water resources in Texas, not only for our farmers, but for our cities as well;

—second, research at state colleges and universities aimed at lowering the cost of production and improving the quality of crops.

To assure that my administration is constantly aware of agricultural issues and supportive of efforts to resolve them, my staff and I will be working closely with Commissioner Hightower—and I personally intend to meet at least quarterly with the leadership of various commodity associations and farmers’ groups in Texas. I have approved the expansion of our state office staff in Washington to include more emphasis on agricultural issues at the federal level.

In discussing the agricultural and business climate in Texas, we must recognize the vital importance of transportation.

With me on the platform today is one of the principal architects of the farm-to-market highway system, and a generation of Texans is in Governor Dolph Briscoe’s debt. We have built the finest highway system in the nation. It has served Texas well. As I said in my inaugural address, if we take steps to modernize it and maintain it, it will continue to serve us well.

And we must find ways to deal with traffic congestion in our cities.

In our romance with the automobile we have for too long ignored mass transit. Our cities are in danger of strangulation. All new federal moneys for transportation will be reviewed with mass transit in mind before expenditures are made.

Another problem which calls for immediate action is crime.

We cannot continue to behave as though crime and the fear it causes us can be simply legislated out of existence. Rather than just asking for more laws, I am seeking to streamline and strengthen our existing criminal justice system.

The Crime Victims Compensation Act of 1979 was a beginning effort to compensate innocent victims of crime and to citizens injured or killed trying to prevent crimes. Its promises have not been met. The Victims of Crime Fund currently owes over $1.6 million in awards to victims. The law must be amended to correct that problem.

I support proposed amendments to the law which would increase fees charged convicted criminals.

Sanctions should be imposed against courts which are not assessing or making reasonable efforts to collect crime victims fees.

Drug traffic is growing in Texas at an alarming rate, and its tragic effects reach every age group and economic segment in the state.

Sixty-one percent of all prison inmates nationally admit to a history of illicit drug abuse.

We are attempting to fight this statewide threat to our human resources with only 169 state narcotics agents. It is unrealistic to think that a state the size of ours can counteract the sophisticated, well-organized, multibillion dollar business of criminal narcotics with insufficient numbers of personnel.
Therefore, I will request an increase in the number of narcotics officers and support staff in the Department of Public Safety to assure us that we can at least do something about the traffic of narcotics in Texas.

It's time to do something about drunk driving. I support harsher penalties, stricter enforcement of our existing traffic laws, and steps to crack down on repeat offenders who endanger their lives and the lives of others. I urge you to eliminate deferred adjudication for repeat DWI offenders. I also endorse proposals for better driver education and legislation to encourage greater use of seat belts, including mandatory restraints for children under four.

Relief must be found for our crowded courts and overburdened criminal justice system. Neighborhood dispute centers provide a simpler way to solve these problems. The dispute center in Houston, for example, resolved 5,000 problems last year at no cost to the state.

Finally, there is the question of our state budget.

Someone once said, "The limit of my dreams is the bottom of my pocketbook."

This has special meaning for us here today.

I have already discussed some of my dreams for this administration. Now let us discuss the bottom of the state pocketbook.

We are duty-bound to respond as best we can to the needs of our citizens. Our response is complicated by adverse economic conditions and the changing roles of government. The federal government is altering its relationship with state and local governments. As I said at the beginning, state and local governments are being asked to assume more and more responsibility.

Today's economic climate presents state government with its greatest fiscal challenge. All states are faced with dwindling income because of reduced tax revenues and federal financial assistance. But some states are much worse off than others. Forty-one states face budget deficits. Texas does not.

Our state government finances are in very good shape—and don't let anyone tell you they're not.

According to the latest state comptroller's estimate, we will have 21 percent more money to spend for the 84/85 biennium—over four billion dollars in new revenues. The issue before us is how we are to set priorities in allocating this new revenue among competing demands.

Our task is not to decide where to cut. Our task is to decide wisely where to spend. As I said in my inaugural address: "We must learn to order our priorities. We must decide what is important—and then do the important things well."

If we do that, I see no reason for increasing the taxes paid by the people of Texas.

I will, however, be studying the work of the Senate Committee on Fees and Grants and working with you to bring these collections more in line with today's needs. The budget which I will propose in a few days will not only lay out my priorities, but will also look at the collection of user fees. I will also have recommendations for alternative sources of funding for some state government activities. And I will propose other innovative ways to finance state operations and capital construction needs.

Let me close by saying that I intend to be a leader and an active governor in dealing with the policies and the issues faced by this state and its people. But I can only be that kind of governor if you will give me the necessary flexibility and authority.

Let us join together in a renewed spirit of partnership.

And finally, let me ask you once again to listen with me to the voice of the people. If we do, we will hear the voice of the teacher in Dallas—the voice of the farmer in Harlingen—the voice of the worker outside the closed plant in Port Arthur—the voice of the steel plant manager in Baytown—the voice of the farmer
facing foreclosure on the High Plains—the voice of the child in a crowded San Antonio classroom—the voice of the frightened elderly woman in Houston—the voice of the homeowner paying a utility bill in Austin. Let us listen to those voices and learn. Help me translate their hopes into our agenda.

Thank you.

Speaker Lewis introduced Mrs. Linda Gale White, wife of Governor White; former Governor Dolph Briscoe and daughter Janey, Secretary of State Fainter, the Honorable Pike Powers, and Mr. and Mrs. Robert Baldwin to the joint session.

SENATE ADJOURNS

At 11:35 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 11 a.m. 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 11:45 a.m.

(Ragsdale now present)

MESSAGE FROM THE SENATE

Austin, Texas, January 27, 1983

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

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

SB 95 by Blake, relating to the authority of the lieutenant governor and the speaker of the house of representatives to administer oaths, affidavits and affirmations.

SB 131 by Traeger, relating to the number of trustees in certain school districts and the validation of actions by a board of trustees improperly composed.

Respectfully,

Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, on adjournment today, calendar's committee room, Room G-14.

Energy, on adjournment today, speaker's committee room, to consider SB 183.

Public Health, Subcommittee on Budget and Oversight, on adjournment January 31, 1983, speaker's committee room.

ADJOURNMENT

Representative Messer moved that the house adjourn until 2 p.m. Monday in memory of C. V. Griggs.
The motion prevailed without objection.
The house accordingly, at 11:48 a.m., adjourned until 2 p.m. Monday.

APPENDIX

ENROLLED

January 26 - HCR 19

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign bills and resolutions as coauthors:

HJR 1 - Schlueter
HJR 8 - Pierce
HJR 12 - S. Thompson, Gavin
HJR 19 - Burnett, Stiles, Gilley, E. Barton, Danburg
HJR 22 - E. Barton
HJR 24 - Carriker, Grisham, Stiles, B. Barton, Gilley
HB 1 - Mankins, Berlanga, Speaker Lewis
HB 2 - Schlueter
HB 3 - A. Hill, Stiles, Wright
HB 4 - Stiles
HB 6 - Burnett, Cary, Buchanan, Hanna, Ceverha, A. Hill, Tow, Short, Presnal, Hollowell, Green, Messer, Valles, Clemons, Crockett, Grisham, Jones, Stiles, Whaley, Danburg, Hightower, Edwards, Robinson, Kemp
HB 27 - Ceverha
HB 33 - Patterson