

THIRTY-SECOND DAY
(Continued)
(Thursday, March 10, 1977)

AFTER RECESS

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

LEAVE OF ABSENCE

Senator Ogg was granted leave of absence for today on account of illness in family on motion of Senator Brooks.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 32.

The Constitutional Rule and regular order were suspended and the following bills were read second time, passed to engrossment, read third time and passed: (Sponsor, Constitutional 60-day Rule and regular order, Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 7 (Creighton) Relating to the payment of workmen's compensation judgment against the State of Texas. (30-0)(30-0)(30-0)

S.B. 43 (Mauzy) Relating to allowing prisoners injured or killed while employed under the Work Furlough Plan to receive workmen's compensation benefits. (30-0)(30-0)(30-0)

C.S.S.B. 133 (Schwartz) Relating to workmen's compensation coverage to member of the commissioners court. (30-0)(30-0)(30-0)

S.B. 143 (Doggett) Relating to the choice of a managing conservator by a child. (30-0)(30-0)(30-0)

S.B. 203 (Schwartz) Relating to authorizing City of Galveston to operate a US Foreign Trade Zone at Galveston. (30-0)(30-0)(30-0)

C.S.S.B. 205 (Longoria) Relating to secured transactions. (30-0)(30-0)(30-0)

S.B. 415 (Patman) Relating to records to be kept by holder of shooting preserve license. (30-0)(30-0)(30-0)

S.B. 429 (Mauzy) Relating to workmen's compensation benefits when employee was recruited in this State. (30-0)(30-0)(30-0)

S.B. 438 (Farabee) Relating to subrogation rights of cities to employees right to recovery for personal injuries. (30-0)(30-0)(30-0)

S.B. 465 (Mauzy) Relating to prehearing conferences of the Industrial Accident Board. (30-0)(30-0)(30-0)

S.B. 468 (Schwartz) Relating to the appointment of a municipal court judge to serve temporarily. (30-0)(30-0)(30-0)

S.B. 478 (Mauzy) Relating to pension contributions and benefits for certain employees incapacitated due to injury. (30-0)(30-0)(30-0)

S.B. 479 (Mauzy) Relating to withholding benefits of employees incapacitated due to injury. (30-0)(30-0)(30-0)

S.B. 485 (Mauzy) Relating to authority of a guardian to make certain investments. (30-0)(30-0)(30-0)

C.S.S.B. 508 (Mauzy) Relating to those not included as employees under the workmen's compensation law. (30-0)(30-0)(30-0)

S.B. 517 (Jones of Harris) Relating to a court manager and coordinator system for certain county courts having criminal jurisdiction. (30-0)(30-0)(30-0)

S.B. 519 (Jones of Harris) Relating to certain procedures in courts having criminal jurisdiction in certain counties. (30-0)(30-0)(30-0)

S.B. 528 (Mauzy) Relating to local governments providing all forms of insurance. (30-0)(30-0)(30-0)

S.B. 553 (Farabee) Relating to office of bailiff of the 30th, 78th and 89th District Courts. (30-0)(30-0)(30-0)

S.B. 657 (Traeger) Relating to dental hygienists, the practice and regulation of dental hygiene. (30-0)(30-0)(30-0)

S.B. 658 (Creighton) Relating to authorizing the Department of MHMR to charge for genetic counseling. (30-0)(30-0)(30-0)

S.B. 684 (Brooks) Relating to sale of municipal utility systems in certain cities. (30-0)(30-0)(30-0)

S.B. 701 (Adams) Relating to the authority of capitol security police to carry firearms. (29-1) Mauzy "Nay" (29-1) Mauzy "Nay" (29-1) Mauzy "Nay"

S.B. 730 (Santiesteban) Relating to local option status regarding alcoholic beverages. (29-1) Adams "Nay" (29-1) Adams "Nay" (29-1) Adams "Nay"

S.B. 731 (Santiesteban) Relating to regulation of liquor containers. (29-1) Adams "Nay" (29-1) Adams "Nay" (29-1) Adams "Nay"

S.B. 743 (Doggett) Relating to lease of certain state-owned property to City of Austin. (30-0)(30-0)(30-0)

S.C.R. 49 (Hance) Granting Dr. Gerald King permission to sue the State of Texas. (vv)

S.C.R. 50 (Hance) Granting Fred Haupt permission to sue the State of Texas. (vv)

S.C.R. 54 (Braecklein) Granting Goodberry Construction Co. permission to sue the State of Texas. (vv)

H.B. 30 (Creighton) Relating to the authority of North Texas State University and Texas Woman's University to exercise the power of eminent domain. (30-0)(30-0)(30-0)

H.B. 164 (Parker) Relating to open season for hunting quail in Chambers County. (30-0)(30-0)(30-0)

H.B. 223 (Doggett) Relating to the maximum width of buses operated in certain cities. (30-0)(30-0)(30-0)

H.B. 876 (Snelson) Relating to creation of Reagan Hospital District of Reagan County. (30-0)(30-0)(30-0)

MESSAGE FROM THE HOUSE

House Chamber
March 10, 1977

Honorable William P. Hobby
President of the Senate

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

H.B. 451, A bill to be entitled An Act relating to creation of a special fund in the state treasury to be used by the Commission on Law Enforcement Officer Standards and Education in administering its powers and duties; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), by adding Section 9B, and declaring an emergency.

H.B. 760, A bill to be entitled An Act relating to the regulation and inspection of boilers; amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 5221c, Vernon's Texas Civil Statutes) by amending Sections 1, 2, 3, 3a, 4, 4a, 5, 6, 8, 9, 19, 12, 13, 14, and 17, and by adding Sections 2a and 12a; and declaring an emergency.

H.B. 873, A bill to be entitled An Act relating to restrictions on provisions in certain contracts for natural gas.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

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

ADJOURNMENT

On motion of Senator Doggett the Senate at 9:01 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

THIRTY-THIRD DAY
(Thursday, March 10, 1977)

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

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Adams, Ogg, Santiesteban.

A quorum was announced present.

The Reverend Gary Buckner, First Baptist Church, Johnson City, Texas, offered the invocation as follows:

Father: We thank You today for Your presence, and for the fact that You love us as we are. We thank You, too, for this moment of silence, for it allows us to recall that we must be still to know that You are God.

We also thank You for our great free land, and the privilege we enjoy of self-government. Help us to remember that this is only possible through the Holy Spirit, the giver of self-control.

Father, we also thank You for Your sense of humor, that opens us to differences of opinion so that we may be reminded that You are the only one who is always right. Help us not to allow our differences to come between us, but instead to bond us together to strengthen us.

Thank You for our representative government, and for the greatest of all representatives, Jesus Christ, who sits at Your right hand in our behalf. We pray this prayer in His name, because He lives. Amen.

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

LEAVES OF ABSENCE

Senator Ogg was granted leave of absence for today on account of illness in family on motion of Senator Longoria.

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

LEAVES OF ABSENCE

Senator Ogg was granted leave of absence for today on account of illness in family on motion of Senator Longoria.

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

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

REPORTS OF STANDING COMMITTEES

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

S.B. 499
S.B. 757
S.B. 806
C.S.S.B. 772 (Read first time)

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 641
S.B. 469 (Amended)
S.B. 497
S.B. 135 (Amended)
C.S.S.B. 198 (Read first time)

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

C.S.S.B. 440 (Read first time)

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

H.B. 987
S.B. 567
S.B. 531
S.B. 417 (Amended)
S.B. 374
S.B. 294 (Amended)
S.B. 292
H.B. 125 (Amended)
C.S.S.B. 624 (Read first time)

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 679
C.S.S.B. 744 (Read first time)

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

S.B. 549
S.B. 754

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

- S.B. 898** by Parker, Brooks, Human Resources
 Jones of Harris, Harris
 Providing for better public understanding of policies and easier readability of terms contained in individual accident and sickness insurance; providing for and regulating the form and content of individual accident and sickness insurance policies issued or issued for delivery in the state; defining certain terms and the purpose of this Act; defining the required fair disclosure and sale of policies; establishing form for policy provisions; establishing guidelines to prevent unreasonable premium charges in relation to benefits provided under such policies; amending standards and periods of noncoverage for pre-existing conditions; amending administrative procedures; amending the provisions for reasonable rules and regulations in the approval of policies; amending the powers granted the State Board of Insurance regarding certain policy form approval procedures; striking certain accident and sickness policy provisions; amending Section 1 and Subsections (A) and (B) of Section 3, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Articles 3.70-1 and 3.70-3, Vernon's Texas Insurance Code); amending Article 3.42, Insurance Code, as amended; and declaring an emergency.
- S.B. 899** by Brooks Human Resources
 Relating to the purchase of insurance for or reimbursement of certain foster parents.
- S.B. 900** by Brooks Human Resources
 Relating to cooperative associations; making certain non-exempt cooperatives eligible for membership in and service by a hospital cooperative association; clarifying the eligibility of cooperative associations; permitting operation of a system for the benefit of non-member eligible institutions; permitting distribution of surplus revenue among non-member patrons; amending Subsection (1) of Section 2, Subsection (1) of Section 3, and Section 6, Chapter 195, Acts of the 64th Legislature, Regular Session, 1974 (Article 4447r, Vernon's Texas Civil Statutes; and declaring an emergency.
- S.B. 901** by Brooks State Affairs
 Relating to open meetings of governmental bodies; amending chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (article 6252-17, Vernon's Texas Civil Statutes); and declaring an emergency.
- S.B. 902** by Brooks Finance
 Making an appropriation to Texas Southern University.
- S.B. 903** by Brooks Education
 Relating to guaranteed student loans; adding Chapter 57 to the Texas Education Code, as amended.
- S.B. 904** by Brooks Human Resources
 Relating to hospital laundry cooperative associations; making certain non-exempt cooperatives and institutions not within a medical center eligible for membership in and service by a hospital laundry cooperative association; clarifying the eligibility of cooperative associations; permitting operation of a system for the benefit of non-member eligible institutions; permitting distribution of surplus revenue among non-

member patrons; amending Subsection (1) of Section (2), Subsection (1) of Section (3), and Section 6, Chapter 56, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4437f-1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 905 by Brooks Human Resources
Relating to the prerequisites to certain actions authorized by the Deceptive Trade Practices-Consumer Protection Act; adding Section 17.50A to Chapter 17, Business & Commerce Code, as amended.

S.B. 906 by Jones of Harris Human Resources
Relating to convalescent and nursing homes, their inspections and consultations, and confidential information; amending Sections 9 and 13, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 907 by Jones of Harris Intergovernmental Relations
Relating to the jurisdiction of municipal courts of record in any city with a population of more than 1,200,000 as determined by the last preceding federal census; amending Sections 2, 7, 8, 9, 10, 11, 13, 14, 16, 17, and 21, Chapter 489, Acts of the 64th Legislature, Regular Session, 1975 (Article 1200cc, Vernon's Texas Civil Statutes) by providing for municipal court jurisdiction over civil actions arising under municipal ordinances with a maximum civil penalty of \$200; providing a civil appeal process; and declaring an emergency.

S.B. 908 by Schwartz Jurisprudence
Relating to the conduct of criminal intelligence investigations by state law enforcement agencies of the Executive Department of this State with statewide jurisdiction and handling of information procured; prohibiting noncriminal intelligence investigations; excluding certain investigations; providing enforcement procedures; defining certain offenses; providing criminal penalties and private remedies; and declaring an emergency.

S.B. 909 by Clower Natural Resources
Relating to nonresident hunting licenses; amending Sections 42.005 and 42.014, Parks and Wildlife Code; adding Section 42.0141 to Chapter 42 and Subsection (c) to Section 42.022, Parks and Wildlife Code.

S.B. 910 by Traeger Natural Resources
Amending Sections 3 and 7 of Chapter 99, Acts of the 56th Legislature creating the Edwards Underground Water District (Art. 8280-219, Vernon's Civil Statutes) by changing and adding to the powers and duties of the district, by changing the compensation of directors and declaring an emergency.

S.B. 911 by Jones of Taylor Education
Relating to investment of the Permanent School Fund; amending Sections 15.02 and 15.03, Texas Education Code; and declaring an emergency.

S.B. 912 by Brooks State Affairs
Relating to exemptions from coverage under the Administrative Procedure and Texas Register Act; amending Section 21, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), by amending Subsection (b) and adding Subsection (d).

- S.B. 913** by Santiesteban Finance
Appropriating supplemental state funds to The University of Texas at El Paso to pay the additional cost of purchased utilities (nontransferable) incurred during the fiscal years ending August 31, 1974; August 31, 1975; August 31, 1976; and declaring an emergency.
- S.B. 914** by Farabee Intergovernmental Relations
Relating to the establishment, jurisdiction, and operation of municipal courts of record in the city of Sweetwater and providing for municipal judges and other personnel of the courts; prescribing rules and procedures for appeals from a municipal court of record and the effect of the ruling of the appellate court; prescribing the extent of applicability of laws other than this Act; and declaring an emergency.
- S.B. 915** by Farabee Intergovernmental Relations
Relating to the creation of a juvenile board in each of the counties of Carson, Childress, Collingsworth, Donley, Hall; providing for a juvenile officer.
- S.B. 916** by Doggett Finance
Making an appropriation to Southwest Texas State University.
- S.B. 917** by Andujar Intergovernmental Relations
Amending Section 1 of Chapter 197, Acts 1973, 63rd Legislature, authorizing contracts for deferred compensation for employees of political subdivisions with certain financial institutions and savings and loan associations.
- S.B. 918** by Patman Education
Relating to education for mentally retarded persons under the care and control of the Texas Department of Mental Health and Mental Retardation; amending Sec. 1.04, and Chapter 30, Texas Education Code; and declaring an emergency.
- S.B. 919** by Mauzy Economic Development
Relating to preservation and use by a taxing unit of its purchases at a tax foreclosure sale; amending Section 9, Chapter 506, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 7345b, Vernon's Texas Civil Statutes).
- S.B. 920** by Longoria Intergovernmental Relations
Relating to creation of the County Court at Law No. 2 of Hidalgo County and making other provisions relative to the court.
- S.B. 921** by Longoria Economic Development
Relating to use of bonds of the Hidalgo County Drainage District Number One as security for certain public funds.
- S.B. 922** by Longoria Intergovernmental Relations
Relating to terms of the County Court at Law of Hidalgo County; amending Section 5, Chapter 25, Acts of the 52nd Legislature, 1951 (Article 1970-341, Vernon's Texas Civil Statutes).
- S.B. 923** by Santiesteban Jurisprudence
Adding to the jurisdiction of all county courts at law, county civil courts, and other statutory courts exercising civil jurisdiction corresponding to the constitutional jurisdiction of county courts in civil cases; amending Section 1, Chapter 915, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1970a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 924 by Santiesteban Education
Relating to contracts for the education of Texas resident medical students attending the Medical College of El Paso; adding Subchapter I to Chapter 61 of the Texas Education Code, as amended.

S.B. 925 by Mauzy Intergovernmental Relations
Relating to the creation, jurisdiction, administration, and procedures of the Juvenile Court No. 3 of Dallas County; making other provisions relative to the courts of Dallas County.

S.B. 926 by Mauzy State Affairs
Relating to the civil liability of a mixed beverage permittee who sells or gives an alcoholic beverage to an intoxicated person; adding Section 17c to Article I, Texas Liquor Control Act, as amended (Article 666-1, et seq., Vernon's Texas Penal Auxiliary Laws).

S.B. 927 by Mauzy Human Resources
Relating to authorizing appropriation for the care of children for whom the State Department of Public Welfare is the managing conservator; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Section 42a.

S.B. 928 by Mauzy Jurisprudence
Relating to workmen's compensation insurance policies and the liability of the association for artificial appliances; adding Section 20a to Article 8308 and amending Subsection (a) of Section 7-e, Article 8306, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 929 by Clower State Affairs
Relating to death benefits for survivors of members of certain firemen's, policemen's, and fire alarm operators' pension systems; amending Section 10, Chapter 4, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243a, Vernon's Texas Civil Statutes).

S.B. 930 by Clower Jurisprudence
Relating to venue for certain suits brought in the justice courts; amending Article 2390, Revised Civil Statutes of Texas, 1925.

S.B. 931 by Clower Human Resources
Relating to deceptive trade practices; amending Subsection (b) of Section 17.46 and adding Subsection (d) to Section 17.50, Business & Commerce Code.

S.B. 932 by Clower Natural Resources
Amending Subsection (c) of Section 3, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes); repealing Section 4, Article 6050, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 933 by Clower Jurisprudence
Relating to the establishment of a state program to compensate certain victims of crime.

S.B. 934 by Clower Intergovernmental Relations
Relating to removal of unauthorized motor vehicles parked in fire lanes.

- S.B. 935** by Clower Natural Resources
Relating to the jurisdiction of the Public Utility Commission of Texas over the sale of water between municipal corporations; amending the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), by adding Section 17A.
- S.B. 936** by Mauzy Economic Development
Relating to claims for excess proceeds from sales of property for delinquent taxes; amending Section 8, Chapter 506, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 7345b, Vernon's Texas Civil Statutes).
- S.B. 937** by Doggett Jurisprudence
Relating to a plea of guilty or nolo contendere; amending Subsection (a), Article 26.13, Code of Criminal Procedure, 1965, as amended.
- S.B. 938** by Sherman Jurisprudence
Relating to parole commissioners and to the operations of the Board of Pardons and Paroles; amending Section 14A, Article 42.12, Code of Criminal Procedure, 1965, as amended.
- S.B. 939** by Sherman Economic Development
Relating to the civil liability and penalties for contracting for, charging or receiving certain interest, time price differential or other charges and for failing to perform certain duties in consumer credit transactions; amending Chapter 8 and Article 14.19 of Chapter 14, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-8.01 et seq., and Article 5069-14.19, Vernon's Texas Civil Statutes); providing penalties; providing a severability clause; and declaring an emergency.
- S.B. 940** by Jones of Taylor Economic Development
Relating to the time within which an emergency license for local recording agents may be issued; amending Section 6a, Article 21.14, Insurance Code; and declaring an emergency.
- S.B. 941** by Mauzy Economic Development
Relating to cost of service by publication in suits to collect delinquent property taxes.
- S.B. 942** by Mauzy Economic Development
Relating to attorney's fees when a city or county collects delinquent taxes for another taxing entity; amending Chapter 10, Title 122, Revised Civil Statutes of Texas, 1925, by adding Article 7335c.
- S.B. 943** by Jones of Harris Intergovernmental Relations
Relating to the establishment, jurisdiction, and operation of additional municipal courts in incorporated cities, towns, and villages of this State; amending Article 1196(a)(V.A.C.S.); providing for additional municipal judges of said courts; and declaring an emergency.
- S.B. 944** by Harris Economic Development
Amending Article 1.07(b), Chapter 1, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-1.07(b), Vernon's Texas Civil Statutes), fixing maximum rates of interest for certain loans or other extensions of credit of \$100,000 or more; containing a savings clause; providing for prospective application of this Act; and declaring an emergency.

S.B. 945 by Sherman Economic Development
Relating to the procedure for incorporating a state bank; amending Article 4, amending Section C and D of, and adding Section E to, Article 5, Subchapter III, The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes).

S.J.R. 50 by Brooks Human Resources
Proposing an amendment to the Texas Constitution to delete the archaic reference to the "Deaf and Dumb Asylum," to allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas, and to eliminate the formality of involvement in such transactions by the Governor, Secretary of State and Comptroller.

S.J.R. 51 by Jones of Harris Jurisprudence
Proposing amendments to the Texas Constitution to change the name of the Courts of Civil Appeals to Courts of Appeals and to prescribe their jurisdiction.

S.C.R.58 by Clower Administration
Granting E. W. Hable and Sons, Inc., permission to sue the State of Texas.

S.R. 322 by Longoria Administration
Authorizing the Special Committee on Trade and Tourism to continue its studies of undue hindrance of trade and tourism.

HOUSE BILLS ON FIRST READING

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

- H.B. 451**, To Committee on Finance.
- H.B. 628**, To Committee on State Affairs.
- H.B. 760**, To Committee on State Affairs.
- H.B. 873**, To Committee on Natural Resources.

MESSAGE FROM THE HOUSE

House Chamber
March 10, 1977

Honorable William P. Hobby
President of the Senate

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

H.C.R. 34, Memorializing Congress to prohibit federal preemption of state workmen's compensation programs and allow such programs to remain under state direction.

S.B. 24, A bill to be entitled An Act relating to the issuance of a state parklands passport to certain disabled veterans; and amending Subsection (a), Section 13.018, Parks and Wildlife Code.

S.B. 150, A bill to be entitled An Act relating to temporary furloughs for inmates of the Texas Department of Corrections; adding Section 36 to Article 42.12, Code of Criminal Procedure, 1965, as amended; adding Article 6184n to the Revised Civil Statutes of Texas, 1925.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

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

H.C.R. 83

SENATE CONCURRENT RESOLUTION 59

Senator Longoria offered the following resolution:

S.C.R. 59, Inviting the Honorable Enrique Cardenas Gonzalez, Governor of Tamaulipas, Mexico, to address a Joint Session of the Legislature on Tuesday, March 29, 1977, at 11:00 o'clock a.m.

LONGORIA
TRAEGER

The resolution was read.

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

HOUSE BILL 761 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 761, A bill to be entitled An Act relating to the authority of the Central Education Agency to allocate and distribute certain federal funds to the public junior colleges.

The bill was read second time and was passed to third reading.

HOUSE BILL 761 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 761** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Andujar.

Absent-excused: Adams, Ogg, Santiesteban.

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

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Andujar.

Absent-excused: Adams, Ogg, Santiesteban.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator Andujar, Vice-Chairman, Committee on State Affairs, Sub-Committee on Nominations, having given Notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 12, Nays 15.

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

Nays: Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Snelson, Traeger, Williams.

Absent: Andujar.

Absent-excused: Adams, Ogg, Santiesteban.

Accordingly, the President at 11:02 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:10 o'clock a.m. today.

The President asked if there were requests to sever nominees.

There were no requests to sever.

Senator McKnight moved confirmation of those nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Andujar.

Absent-excused: Adams, Ogg, Santiesteban.

NOMINEES CONFIRMED

To be PAROLE COMMISSIONERS: Edward Odis Johnson, Travis County; Gilberto DeLeon, Jr., Uvalde County.

To be Members of the GOOD NEIGHBOR COMMISSION: A. John Castillo, Harris County; Dorrance H. Guy, El Paso County (reappointment); Aubrey N. Kline, Bexar County; Steve A. Lillard, III, Webb County.

To be Members of the STATE SCHOOL LAND BOARD: Stuart M. Long, Travis County (reappointment); Fred Wulff, McCulloch County (reappointment).

To be a Member of the STATE BOARD OF BARBER EXAMINERS: Miss H. M. Lynn D'Lynn, Harris County.

To be Members of the TEXAS AIR CONTROL BOARD: Fred Hartman, Harris County (reappointment); William N. Allan, Bexar County.

To be Members of the Board of Regents, TEXAS STATE TECHNICAL INSTITUTE: T. J. Richards, Cottle County; John H. Kultgen, McLennan County (reappointment); Talmadge D. Steinke, McLennan County.

To be a Member of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Pedro G. Rodriguez, San Patricio County.

To be a Member of the ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION: Dr. Roland Brauer, Nueces County (reappointment).

To be a Member of the EGG MARKETING ADVISORY BOARD: John Worsham, Nueces County.

To be Members of the GREATER SOUTH TEXAS CULTURAL BASIN COMMISSION: Phil Garcia, Jr., Kleberg County (reappointment); The Honorable J. M. Attaway, San Patricio County; Dr. Harold T. Branch, Nueces County.

SENATE BILL 31 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 31. A bill to be entitled An Act relating to the definition of peace officers; amending Article 2.12, Code of Criminal Procedure, 1965, as amended.

The bill was read second time.

Senator Andujar offered the following amendment to the bill:

Amend **S.B. 31** by adding a new Section 2 and renumbering the subsequent section:

"Sec. 2. The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), is amended by adding Section 47A to read as follows:

"Section 47A. (a) The State Board of Public Welfare may employ a security force and may commission an employee of the force as a peace officer if he is certified by the Commission on Law Enforcement Officer Standards and Education as qualified to be a peace officer.

"(b) A person commissioned as a peace officer under this Act shall give an oath and bond for the faithful performance of his duties as the Board may require. The bond shall be made payable to the State Board of Public Welfare, is subject to the approval of the Board, and shall be filed with the Board.

"(c) The State Board may prescribe limitations on the powers and duties, the authority to carry weapons, and the geographical jurisdiction of peace officers commissioned under this section."

The amendment was read.

Senator Mauzy raised the Point of Order that the amendment was not germane to the bill.

The President sustained the Point of Order.

The bill was then passed to engrossment.

RECORD OF VOTE

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

VOTE ON ENGROSSMENT OF SENATE BILL 31 RECONSIDERED

Senator Brooks moved that the vote by which S.B. 31 was engrossed be reconsidered.

The motion prevailed by the following vote: Yeas 18, Nays 10.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Patman, Schwartz, Snelson, Traeger.

Nays: Clower, Doggett, Hance, Longoria, Mauzy, McKnight, Parker, Sherman, Truan, Williams.

Absent-excused: Adams, Ogg, Santiesteban.

Question - Shall S.B. 31 be passed to engrossment?

Senator Andujar offered the following amendment to the bill:

Amend S.B. 31, Section 1 (12), (13) as follows and adding a Sec. 1, (14):

"(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier; ~~and~~

“(13) municipal and county park and recreational patrolmen and security officers [-] ; and

“(14) officers commissioned by the State Board of Public Welfare.”

The amendment was read.

(Senator Meier in Chair)

Senator Clower offered the following substitute for the pending amendment to the bill:

Amend **S.B. 31** by substituting the following for floor amendment No. 2:

“Sec. 14. All present and former members of the Texas Legislature are hereby commissioned as Peace Officers.”

The substitute for the pending amendment was read.

On motion of Senator Andujar the substitute for the pending amendment was tabled by the following vote: Yeas 20, Nays 8.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Patman, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower, Jones of Harris, Mauzy, McKnight, Mengden, Moore, Parker, Schwartz.

Absent-excused: Adams, Ogg, Santiesteban.

On motion of Senator Hance, the pending amendment was then tabled by the following vote: Yeas 18, Nays 9.

Yeas: Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Parker, Patman, Schwartz, Sherman, Truan, Williams.

Nays: Aikin, Andujar, Brooks, Harris, Jones of Harris, Jones of Taylor, Meier, Snelson, Traeger.

Absent: Moore.

Absent-excused: Adams, Ogg, Santiesteban.

The bill was again passed to engrossment.

RECORD OF VOTES

Senators Sherman and Mauzy asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

(President in Chair)

SENATE BILL 31 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 31** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

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

Nays: Mauzy, Sherman.

Absent-excused: Adams, Ogg, Santiesteban.

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

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2.

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

Nays: Mauzy, Sherman.

Absent-excused: Adams, Ogg, Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 744 ORDERED NOT PRINTED

On motion of Senator Doggett and by unanimous consent, **C.S.S.B. 744** was ordered not printed.

COMMITTEE SUBSTITUTE SENATE BILL 744 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 744, Providing an appropriation out of the General Revenue Fund for the payment of claims under the workmen's compensation insurance program for state employees.

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

COMMITTEE SUBSTITUTE SENATE BILL 744 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. 744** be placed on its third reading and final passage.

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

Absent-excused: Adams, Ogg, Santiesteban.

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

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

Absent-excused: Adams, Ogg, Santiesteban.

MESSAGE FROM THE HOUSE

House Chamber
March 10, 1977

Honorable William P. Hobby
President of the Senate

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

S.B. 28, A bill to be entitled An Act prohibiting the hunting of turkey in Shelby County for five years; amending Chapter 310, Parks and Wildlife Code, by adding Section 310.0211; providing a penalty; and declaring an emergency.

S.B. 96, A bill to be entitled An Act relating to the bag and retention limits for squirrel in Angelina County; repealing Section 03.012, Parks and Wildlife Code.

S.B. 291, Relating to the seizure and disposition of illegal pelts; amending Chapter 12, Parks and Wildlife Code, by adding Section 12.1101. (With amendments)

S.B. 286, Relating to fees for stocking fish in private water; amending Chapter 12, Parks and Wildlife Code, by adding Section 12.014.

S.B. 289, Relating to the resident hunting license exemption fee; amending Section 42.013, Parks and Wildlife Code.

S.B. 333, Relating to increasing the maximum hotel occupancy tax for cities to four percent; amending Sections 3a and 3c(b), Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 397 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 397, Relating to the commitment and supervision of children in need of supervision and children in violation of certain orders of a juvenile court; amending Subsections (a) and (b) of Section 51.03, Family Code, as amended; amending Section 54.04, Family Code, as amended, by adding Subsection (g); repealing Subsection (b), Section 12, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 5143d, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 397** by deleting Sections 1 and 2 and renumbering subsequent sections accordingly.

The amendment was read.

On motion of Senator Brooks and by unanimous consent the amendment was withdrawn.

Question - Shall the bill be passed to engrossment?

MOTION TO PLACE SENATE BILL 210 ON SECOND READING

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

S.B. 210, A bill to be entitled An Act relating to the possession of antique gambling devices; amending Section 47.06, Penal Code.

There was objection.

Senator Andujar then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 210** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 22, Nays 4.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Aikin, Clower, Hance, Williams.

Absent: Farabee, Moore.

Absent-excused: Adams, Ogg, Santiesteban.

COMMITTEE SUBSTITUTE SENATE BILL 397 ON SECOND READING

The President laid before the Senate as unfinished business:

C.S.S.B. 397, Relating to the authority of a Juvenile Court to commit children in need of supervision to the Texas Youth Council amending Vernon's Annotated Civil Statutes, Article 5143d by repealing Section 12(b) and (c) and amending the T.C.A., Family Code Sections 51.03 and 54.04; and declaring an emergency.

Question - Shall the bill be passed to engrossment?

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 397** by deleting Sections 1 and 2 and renumbering subsequent sections accordingly.

The amendment was read and was adopted.

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

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 397 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 397** be placed on its third reading and final passage.

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

Absent-excused: Adams, Ogg, Santiesteban.

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

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

Absent-excused: Adams, Ogg, Santiesteban.

MEMORIAL RESOLUTIONS

S.R. 323 - by Williams: Memorial resolution for Charles Mabry Cox.

S.R. 325 - by Snelson: Memorial resolution for Bill Briggs.

S.R. 326 - by Snelson: Memorial resolution for Hall Olds.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 324 - by Adams: Extending congratulations to Colonel and Mrs. Leon Jaworski.

S.R. 327 - by Snelson: Extending congratulations to R. S. "Bob" Marshall.

S.R. 328 - by Snelson: Extending congratulations to Mrs. Leona Gray.

S.R. 329 - by Doggett: Extending welcome to Reverend Gary Buckner.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, March 14, 1977.

THIRTY-FOURTH DAY

(Monday, March 14, 1977)

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

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Mauzy.

A quorum was announced present.

The Reverend Samuel N. Baxter, Good Shepherd Episcopal Church, Austin, Texas, offered the invocation as follows:

Our Heavenly Father, by whose mercy we are brought to the beginning of another week in our lives, help us to value the time which Thou givest us.

O righteous God, grant that we may see in true proportion all the claims that are made upon us, and may deal justly with our time, our abilities, our money and the tasks of deciding what is best for our State. Give us the true justice which springs from the insight of an understanding heart; grant that neither indolence nor prejudice, self-seeking nor favoritism may make us unjust to others; and that no partisan spirit or ignorant zeal may blind us to the truth.

We thank Thee for the many blessings which Thou hast bestowed on us, both as individuals and as a people. Help us to live in such a way as to reflect our appreciation and gladly to bear the responsibility which comes to those who are blessed with much.