

JOURNAL
OF THE
House of Representatives
OF THE
FIRST CALLED SESSION
OF THE
Sixty-fifth Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
JULY 11, 1977



HCR 2 - NOTICE GIVEN

Pursuant to the provisions of Rule XXI, Section 10, at 10:40 a.m., the Speaker notified the House that in one hour, Representative Maloney would be recognized to make a motion to suspend all necessary rules in order to take up and consider **HCR 2**.

HOUSE AT EASE

At 10:44 a.m., the Speaker announced that the House would stand at ease.

The Speaker called the House to order at 11 a.m.

(Bigham now present)

ADDRESS BY GOVERNOR DOLPH BRISCOE**(The House of Representatives and the Senate in Joint Session)**

In accordance with the provisions of **SCR 2**, 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 Dolph Briscoe, Governor of Texas, Lieutenant Governor William P. Hobby and the Honorable Senators were admitted to the hall of the House and occupied seats arranged for them.

Lieutenant Governor Hobby was escorted to a seat on the Speaker's rostrum.

At 11:05 a.m., Governor Dolph Briscoe and party, escorted by Senators Grant Jones, Farabee, Lombardino, Williams, and Andujar, committee on the part of the Senate; and Representatives Hale, Close, Delco, Grant, and Vale, 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 Bill Clayton, Speaker of the House, called the House of Representatives to order.

Speaker Clayton directed all members present to register.

A quorum of the House was announced present.

Speaker Clayton stated that the two Houses were in joint session for the purpose of hearing an address by His Excellency, Dolph Briscoe, Governor of Texas.

Speaker Clayton then presented Governor Briscoe to the joint session.

Governor Briscoe addressed the joint session, speaking as follows:

Lieutenant Governor Hobby, Speaker Clayton, and Members of the 65th Legislature: I thank you for the opportunity to meet with you at the beginning of this called session of the legislature. I am most appreciative of the excellent

spirit of cooperation which has existed between the executive and legislative branches during my administration as Governor. Working together we can enact a sound and equitable public education program in a relatively short period of time.

Throughout our history there have been considerable differences of opinion on public school legislation. I am most encouraged that there now appears to be greater unity by the various groups interested in public education than at any time I can remember.

In my opinion we can be most proud of our education system—a system started by our forefathers and carried across this state by the pioneers. They fashioned a system that would respond to the unique requirements of a young, untamed, pioneer land—a system to blend a mixture of differing cultures into a single Texas culture—a system to prepare man to feed and shelter a rapidly growing population, and as our state grew and as our life-styles changed, our education system responded.

The greatest single fact of all is that from September to June, five days a week, two and a half million young Texans, from every conceivable set of environmental circumstances, with incredibly varying abilities and ambitions, with all the problems and potentials of humanity itself, march into the open doors of public elementary and secondary schools of Texas. The majority leave those buildings with their minds enriched, their ambitions stimulated, and their capacity for further knowledge greatly increased. We can take pride in the accomplishments of our system of free public education because it is the greatest system of public education ever devised by man.

But as we view the accomplishments of the past, we must, at the same time, determine how to meet the challenges of tomorrow. Since the Minimum Foundation Program was adopted in 1949, there have been four major studies leading to further changes in public education. There have been nine major pay raises for teachers, nearly quadrupling average salaries. In every session of the legislature, public education has commanded priority attention as it must now and in the future. Again, you are called upon to enact major school legislation and I am confident that you will respond effectively and expeditiously to the challenge. There are some \$900 million available to provide for one of the most significant increases in state support of public education in our history. It is our responsibility to spend it wisely.

I would like to offer my views on the type of legislation which will provide the greatest assistance to the local school district and to the teaching profession while working toward a better system of financing education.

First, the statewide local fund assignment should be decreased from its current level of \$500 million a year to \$400 million or less. This would greatly assist local school boards in meeting their responsibilities in the funding partnership of public education with the state.

Second, I recommend a salary increase for teachers and other public school employees, costing some \$300 million, recognizing especially the necessity to attract and retain qualified personnel who have been severely affected by the rising cost of living.

Third, I recommend an increase in equalization funding, which is vital to the enhancement of the program started with the enactment of **HB 1126** two years ago. At that time \$100 million was provided for equalization, and in my opinion, this should be doubled for a total state expenditure of \$200 million.

Fourth, we must again address the issue of continuing to work toward a more equitable and workable index for determining local fund assignments. We must renew our continuing efforts to seek an even better plan by authorizing an in-depth study of alternatives, a study which must have substantial input from the citizens of our state.

I have received over five hundred requests to open the session to other subjects. The funding of public education is, in my opinion, the top priority item facing state government today. Therefore, in order that adequate attention can be focused upon this subject, it is my decision not to open the call to any other subject until the matter of public school financing is resolved. This special session is for the public schools of Texas and for the children who attend those schools. They must be first in our attention during this special session.

It is my belief that the people of Texas expect swift action on the education bill. I pledge my support toward a cooperative effort to address this issue with all deliberate speed so that the purpose of this session can be achieved in the shortest possible time.

I thank each of you for your excellent service to the people of Texas. I am confident that we will succeed in the task before us.

At the conclusion of the speech by Governor Briscoe, the Speaker introduced the following platform guests: Mark White, Secretary of State; Reagan Brown, Commissioner of Agriculture; Bob Armstrong, General Land Commissioner; Rudy Flores, John Poerner, and George Lowrance of the Governor's office; and Janey Briscoe, First Lady of Texas.

SENATE RECESSES

At 11:12 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 recessed until 2 p.m. today.

HOUSE AT EASE

Speaker Clayton announced that the House would stand at ease pending the departure of the guests.

Speaker Clayton called the House to order at 11:25 a.m.

HCR 2 - ADOPTED

By unanimous consent, Representative Maloney moved that all necessary rules be suspended to take up and consider at this time, **HCR 2**.

The motion prevailed without objection.

The Speaker laid before the House the following resolution:

By Maloney and Nabers:

HCR 2

WHEREAS, **SCR 1**, filed in the Senate, and **HCR 1**, filed in the House of Representatives, propose to address the Governor of Texas to remove Associate Justice Donald B. Yarbrough from office as provided by Article XV, Section 8, of the Texas Constitution; and

WHEREAS, The constitution provides that the judge so intended to be removed shall be admitted to a hearing in his own defense before any vote for such address shall pass; and

WHEREAS, The hearing can most expeditiously be conducted by each House of the legislature sitting as a Committee of the Whole but meeting jointly in the chamber of the House of Representatives; and

Honorable Bill Clayton
Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to **SB 1** by: 22 yeas, 7 nays.

Respectfully,
Betty King
Secretary of the Senate

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

To the Members of the 65th Legislature, First Called Session:

Pursuant to Proclamation 41-1632, Section 2, issued by me on the 8th day of July, 1977, I hereby submit as an additional subject for consideration in the First Called Session, and ask the enactment of legislation:

1. authorizing the Governor to determine the need for a public deepwater port if a private facility is not built, the creation, administration, powers and duties of the Texas Deepwater Port Authority; preserving Texas' claim to its tidelands and coastline; and for only the purposes herein expressed and providing for repayment of said appropriation;
2. authorizing the participation in the National Flood Insurance Program;
3. pertaining to assets and liabilities of an abolished state agency or advisory committee pursuant to Senate Bill No. 54, Acts of the 65th Legislature, Regular Session, 1977, including:

- a. provision for the designation by the Governor of an appropriate state agency to carry out covenants contained in bonds and the proceedings authorizing such bonds outstanding on the date of abolition of any state agency and to provide payment of such bonds from the sources provided in such bonds in accordance with their terms;

- b. provision assuring holders of bonds outstanding on the date of abolition of any agency issuing such bonds of the intention of the Legislature that the payment of such bonds in accordance with the terms of such bonds not be impaired or impeded, and that such bonds remain valid and enforceable in accordance with their terms and the laws and proceedings authorizing such bonds notwithstanding abolition of the agency which issued the bonds, and

- c. provision for transfer of property, and records, to the appropriate state agency designated by the Governor and provision for retention of funds by the State Treasurer or previously designated trustees, if so provided in the proceedings authorizing such bonds, and if not so provided, then provision for transfer of such funds to the designated state agency.

Issued on July 15, 1977, at 3:30 p.m.

Respectfully submitted,
Dolph Briscoe
Governor of Texas

By J. Wilson:

HCR 14

WHEREAS, The Deepwater Port Procedures Act, enacted in 1975, provided procedures whereby an applicant might be permitted by the State of Texas to construct a deepwater port facility pursuant to the federal Deepwater Port Act of 1974; and

WHEREAS, No application to construct a deepwater port has been received by the Commissioner of the General Land Office, as provided by the Deepwater Port Procedures Act; and

WHEREAS, It appears that no substantial progress is being made toward the construction of a deepwater port facility off the coast of Texas, as provided by the Deepwater Port Procedures Act; and

WHEREAS, Without a deepwater port facility, the Texas refinery industry is at a competitive disadvantage, and the economy of the State of Texas will suffer; now, therefore be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislature hereby expresses its desire that appropriate steps be taken to insure that construction of deepwater port facility be commenced without further delay; and, be it further

RESOLVED, That the legislature hereby expresses its intention to provide for a public body to finance and construct a deepwater port facility if it determines insufficient progress toward the construction of a facility has been made by the convening of the 66th Legislature.

Representative J. Wilson moved that consideration of HCR 14 be postponed until 2:45 p.m. today.

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

To the Members of the 65th Legislature, First Called Session:

Pursuant to Proclamation 41-1632, Section 2, issued by me on the 8th day of July, 1977, I hereby submit as an additional subject for consideration in the First Called Session, and ask the enactment of legislation pertaining to nursing and convalescent homes and to the protection of elderly persons resident therein, including:

- a. strengthening licensing requirements for nursing and convalescent homes facilities;
- b. unannounced inspections of licensed facilities;
- c. periodic open hearings in licensed facilities;
- d. providing for additional temporary restraining order and injunctive relief against noncomplying facilities;
- e. additional economic sanctions against noncomplying facilities;
- f. transfer of medical functions and quality of care to the Texas Department of Health;
- g. increase in criminal penalties for those who abuse or neglect elderly persons in licensed facilities;

h. protective services for elderly persons and other persons who may be patients in nursing or convalescent homes.

Issued on July 15, 1977, at 1:30 p.m.

Respectfully submitted,
Dolph Briscoe
Governor of Texas

HOUSE BILL ON FIRST READING

By unanimous consent, the following House bill was today laid before the House, read first time and referred to committee:

By Ezzell, E. Martin, Willis, and Blythe:

HB 9, A bill to be entitled An Act relating to the regulation of nursing and convalescent homes and to the protection of elderly persons; providing penalties; amending Sections 4, 7, 9, 10, 11, and 12 of, and adding Section 6A to, Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes); amending Title 20A, Revised Civil Statutes of Texas, 1925, as amended by adding Article 695j-2; amending Subsection (b) and adding Subsections (c) and (d) to Section 22.01, Penal Code.

To Committee on Health and Welfare.

HSR 8 - FAILED OF ADOPTION

Representative Smothers moved that all necessary rules be suspended to take up and consider at this time, **HSR 8**.

The motion prevailed without objection.

The Speaker laid before the House the following resolution:

By Smothers:

HSR 8

WHEREAS, The media in all of its forms is in a uniquely advantageous position to initiate and encourage affirmative action in equal opportunity for all citizens, and its failure to do so is tantamount to a violation of the public trust bestowed on the representatives of the media; and

WHEREAS, The media has an obligation not only to examine and criticize social injustices but also to exemplify and take the lead in social change instead of perpetuating the very social ills against which they so vigorously pontificate; and

WHEREAS, The lack of ethnic minority representation among the media correspondents covering the capitol is deplorable and a blatant contradiction of their endorsement of affirmative action and minority representation in the legislature; they are tilting at the very windmills which mill their chaff; now, therefore, be it

RESOLVED, That the House of Representatives of the 65th Legislature, First Called Session, hereby express disappointment in the media services which provide coverage of the legislative process and urge them to take steps to integrate the ranks of capitol correspondents.