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AMENDMENTS

SEPTEMBER 7, 1965

S.J.R. NO. 44 -- 39-MEMBER SENATE

NOVEMBER 2, 1965

NO. 1.

NO. 2.

NO. 3.

NO. 4.

NO. 5.

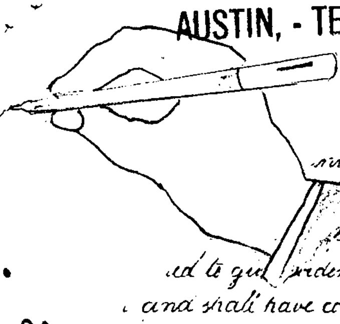
NO. 6.

NO. 7.

NO. 8.

NO. 9.

NO. 10.



TEXAS LEGISLATIVE COUNCIL

STATE CAPITOL—AUSTIN, TEXAS

COUNCIL

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INTRODUCTION

There were 132 resolutions introduced during the recent regular session of the 59th Legislature which proposed to amend the Constitution of the State of Texas, 27 of which were passed and will be submitted to the electorate in 1965 and 1966. This is the greatest number of amendments proposed by any one legislature since the present Constitution was adopted in 1876.

The following table lists by years the number of proposed amendments submitted to the electorate. It can readily be seen that the 27 proposals of the 59th Legislature easily claim the record for the most submissions. In the next high years--1953 and 1961--the number of amendments proposed was 14.

Number of Amendments Submitted to Electorate
Since Adoption of 1876 Constitution

Year	No.	Year	No.	Year	No.
1879	1	1909	4	1937	7
1881	2	1911	5	1939	4
1883	5	1913	7	1941	5
1887	6	1915	7	1943	3
1889	2	1917	3	1945	8
1891	5	1919	13	1947	9
1893	2	1921	5	1949	10
1895	2	1923	2	1951	7
1897	5	1925	4	1953	14
1899	1	1927	8	1955	9
1901	1	1929	7	1957	6
1903	3	1931	9	1959	4
1905	3	1933	12	1961	14
1907	9	1935	13	1963	7
				1965	27

The first of the 27 constitutional amendments proposed by the 59th Legislature to go before the Texas electorate is S. J. R. No. 44. This proposal will be voted on at a special election scheduled for September 7, 1965. Ten additional amendments will be considered on November 2, 1965. The remaining 16 proposed amendments will be voted on in November, 1966.

The 11 constitutional amendments to be considered in the fall of 1965 are:

To Be Voted on September 7, 1965

S. J. R. No. 44 — Increasing membership of the Texas Senate from 31 to 39 members; requiring apportionment of the Senate on the basis of population; and deleting limitation that no single county shall have more than one Senator. Amends Sections 2 and 25, Article III.

To Be Voted on November 2, 1965

Amendment No. 1 — Increasing state ad valorem tax by five cents on the $100 valuation, to be used for building construction for state institutions of higher learning. Amends Section 17, Article VII.

Amendment No. 2 — Authorizing an increase of $200 million in bonds or obligations that may be issued by the Veterans' Land Board, and extending program for eight years. Amends Section 49-b, Article III.

Amendment No. 3 — Providing that the Legislature shall enact appropriate legislation to enable the State of Texas to continue cooperating with the Federal Government in providing assistance to and/or medical care on behalf of

certain aged, needy and handicapped persons; expanding age categories of those eligible for blind assistance and of needy children; and extending eligibility of the program for the aged to citizens of the United States and non-citizens who have resided in the United States for 25 years. Amends Section 51-a and Subsections 51a-1 and 51a-2 of Article III, and incorporates them into one Section 51a, Article III.

Amendment No. 4 — Authorizing four-year terms of office for the Governor, the Secretary of State, and other state officials elected in state-wide elections. Amends Sections 4, 22 and 23 of Article IV.

Amendment No. 5 — Clarifying investment authority for the Board of Trustees of the Teacher Retirement System. Amends Article III by adding a new Section 48b, and repeals conflicting authority which exists in Section 48a, Article III.

Amendment No. 6 — Authorizing the Legislature to provide for issuance of bonds to be used in creating the Texas Opportunity Plan Fund as a loan fund for Texas students attending public and private institutions of higher education within the state. Amends Article III by adding a new Section 50b.

Amendment No. 7 — Exempting certain hospitals expending at least $1.5 million for free care for indigent from the payment of ad valorem taxes levied by any taxing entity except the state itself. Amends Article VIII by adding a new Section 2-A.

Amendment No. 8 — Providing for automatic retirement of District and Appellate Judges for old age and creating a State Judicial Qualifications Commission; providing for removal of District and Appellate Judges for misconduct, and for retirement of Judges in cases of disability. Amends Section 1-a, Article V.

Amendment No. 9 — Authorizing the Legislature to set the salaries of the Lieutenant Governor and the Speaker of the House, and increasing per diem pay of members of the Legislature from $12 for 120 days to $20 for 140 days during a regular session and 30 days of each special session. Amends Section 24, Article III, and Section 17, Article IV.

Amendment No.10 — Providing four-year terms for members of the Texas House of Representatives. Amends Section 4, Article III.

TO BE VOTED ON SEPTEMBER 7, 1965

S. J. R. No. 44

(Proposing an amendment to Sections 2 and 25, Article III, to provide for increase in membership of State Senate from 31 to 39 members; to fix membership of House of Representatives at 150 members; to require apportionment of the Senate according to population; and to delete limitation that no single county is entitled to more than one Senator.)

Senate Joint Resolution No. 44 is the first of the 27 constitutional amendments proposed by the 59th Legislature to go before the Texas electorate, and will be on the ballot at a special election scheduled for September 7, 1965.

This proposed amendment affects Sections 2 and 25, Article III, of the Constitution and actually has two major purposes: (1) to remove from the Constitution the restriction that "no single county shall be entitled to more than one Senator . . . ," and (2) to increase the size of the Texas Senate from 31 to 39 members. A third change included in the amendment makes population the basis for division of the state into senatorial districts rather than the "number of qualified electors . . . ," as presently provided.

The early date for consideration of this amendment was selected by the Legislature in an attempt to approach the deadline for "constitutionally valid apportionment," which was set for August 2, 1965, by the Federal District Court at Houston, Texas, on December 16, 1964 (Kilgarlin v. Martin, Civil Action No. 63-H-390).

Background — The Constitution of 1876 was drafted at a time when the Texas Grange, organized in Dallas in October, 1873, had a membership of almost 50,000, and this body and its members played an important role in the

selection of delegates, as well as in the drafting and ratification of the Constitution. The dominance of the Grangers naturally resulted in a document which protected rural interests. The provision in Article III, Section 25, "that no single county shall be entitled to more than one Senator," which is deleted by the proposed amendment, gave rural areas significant protection by providing a vehicle for maintaining control of the upper house of the Legislature. Increases in population and the growth of large urban areas in Texas through the years have thus had little effect on the composition of senatorial districts.

The Legislature's proposal to increase the size of the Texas Senate from 31 to 39 members stems, in part, from a desire to maintain as nearly as possible the senatorial districts as presently constituted, and still give to the cities and metropolitan areas the senatorial representation demanded by federal courts. Article III, Section 2, provides for a Senate of 31 members, and legislation enacted by the 59th Legislature (S. B. 547) has drawn new senatorial district lines which retain the 31-member status but make major changes designed to increase representation for the heavily-populated urban areas. However, because of the vast size of Texas, this redistricting measure results in several extremely large districts from the standpoint of area, districts in which it has been impossible to maintain community of interest as well as meet the formula of division based upon population. Thus a larger membership in the upper house could serve to alleviate this problem as well as give assurance of their proper representation to the cities.

The Constitution of 1876 retained the plan of the earlier 1845 Constitution (Article III, Section 31), which based apportionment for senatorial districts upon the number of electors rather than population. At that time, qualified electors were free male citizens of 21 (Indians not taxed and Africans and their descendants excepted). Basing representation upon "qualified electors" might work to the disadvantage of those counties with large numbers of Negroes and Latin Americans, as a large percentage of these

minority groups have often failed to pay the poll tax and thus cannot be counted as qualified electors. However, in most Texas counties, qualified electors are all citizens over 21, plus those who are exempt from paying the poll tax, and for all practical purposes representation based upon qualified electors is about the same as representation based upon population.

ARGUMENTS

For:

1. Upon the basis of recent decisions of the Supreme Court of the United States (specifically Reynolds v. Sims and companion cases), the Federal District Court at Houston rendered judgment in Kilgarlin v. Martin declaring invalid that portion of Article III, Section 25, which provided " . . . that no single county shall be entitled to more than one Senator." This provision was held to be in " . . . contravention of the equal protection clause of the Fourteenth Amendment of the United States Constitution in that it did not require and establish apportionment of senatorial districts on a population basis resulting in districts as nearly of equal population as is practicable . . . . " Therefore, it would be better for the people of Texas to amend their Constitution as provided in S.J.R. No. 44 than to have this step taken, in effect, by the Federal Court.

2. The same argument in favor of the amendment applies with respect to changing the basis of apportionment from one of "qualified electors" to one of "population" although federal court holdings in this area have not been as decisive. The 59th Legislature anticipated such a move by the Federal Court, however, and incorporated this change in the proposed amendment of Article III, Section 25.

3. When the arbitrary ceiling was imposed by the Constitution of 1876 upon membership in the Texas Senate, the 31 members

represented around 806,000 people, or one senator per 26,000. With the 1960 population of Texas at 9,579,677, each Texas senator now represents an average population of 309,022. Senatorial representation in states with comparable populations has a much more favorable population-representation ratio: New Jersey, with 6,066,782 people and 21 senators, has each senator representing an average of 288,894; each of New York's 58 senators represents an average population of 287,626 of the state's 16,782,304 people; in Pennsylvania, with 11,319,366 people and a 50-member senate, each senator represents an average of 226,387 people; Illinois, with population most nearly comparable to that of Texas--it has 10,081,158 people--has 58 senators, each of whom represents an average of only 173,812 people. With a 39-member Senate, each Texas senator would still represent an average of 245,633 people.

4. A state with the vast area of Texas, and resulting sectional variations in its economy, makes it difficult for district lines to be drawn for the present 31 senatorial districts which will consider community of interest and still adhere to the "one-man, one-vote" formula set forth by federal courts. The additional eight Senate seats provided by the proposed amendment of Article III, Section 2, would give more flexibility in attaining equitable reapportionment. The needs of heavily-populated metropolitan areas could be given their proper consideration and just representation without jeopardizing the interests of sparsely-settled areas.

5. A 39-member Senate would make possible more efficient operation as it would permit distribution of the work load in such a way as to bring about more careful consideration of the issues. The present small membership results in multiple committee assignments for each senator, and meetings have to be scheduled at all hours of the day, night and weekends in order to give some assurance of a quorum in attendance.

6. A small membership in any legislative body is more susceptible to lobby control. Influencing a 20-senator majority of a

39-member Senate would be much more difficult than exerting the same influence upon the 16 votes now required for a majority in the Texas Senate.

Against:

1. After the Federal District Court at Houston reviews the three redistricting measures--for Congress, the Senate and the House of Representatives--which were enacted by the 59th Legislature, it will doubtless set forth further requirements with respect to apportionment. Defeat of the amendment proposed by S. J. R. No. 44 could bring about the organization of a correlated system of apportionment based entirely upon strict guidelines set out by the Court. As recent opinions so vividly demonstrate, the United States Supreme Court has final jurisdiction in matters hitherto deemed strictly within the purview of the states, and the people of Texas might as well wait for the Court to set forth its final guidelines before taking further action on apportionment.

2. No matter how many senatorial districts are included in a division of the State of Texas, population growth in urban areas would always necessitate a concentration of Senate seats in and around the cities. The 31-member Senate has functioned well under the present Constitution since 1876; increasing the number of senators to 39 would do nothing to change the concentration of senatorial districts around urban areas. Sparsely-settled sections of the state would still have to be drawn into large geographical senatorial districts in order to comply with the Supreme Court's formula of "one-man, one-vote."

3. The fact that all other states except California have a lower population-senatorial representation ratio than Texas cannot be said to be an argument in favor of an increased membership in the upper house of the Legislature. Recurring demands for increased membership with each new population increase shown by the decennial census in order to maintain

a low population-representation ratio could result in such large memberships in legislative bodies that operation would become too unwieldy for efficiency. The framers of the Constitution of 1876 were cognizant of this possibility when they established the arbitrary ceiling providing for a 31-member Senate in Texas.

4. Section 25 of Article III of the Constitution of the State of Texas, providing that ". . . no single county shall be entitled to more than one Senator," has already been held in conflict with the equal protection clause of the Fourteenth Amendment of the Constitution of the United States. Thus for all practical purposes, this provision no longer exists in the Texas Constitution and it is not necessary to delete it by amendment.

5. The addition of eight more senatorial districts in Texas would result in increased cost to the taxpayers. Senators now receive an annual salary of $4,800 plus per diem, which amounts to $1,440 each for the first 120 days of a regular, 140-day session. In a regular session year, annual pay to a senator would total $6,240, plus an allowance for contingent expenses during the interim. Eight additional senators would involve a minimum increased cost to the State of Texas of $49,920 for the regular session year of a biennium.

6. With the prospect of further supreme court decisions completely abolishing the poll tax as a prerequisite for voting the constitutional provision (Article III, Section 25) of apportionment upon the basis of "qualified electors" serves the identical purpose of apportionment upon the basis of "population." Thus it is not necessary to amend Article III, Section 25, to change the basis of apportionment to one of "population."

By: Crump S. J. R. No. 44

A JOINT RESOLUTION

PROPOSING an Amendment to Sections 2 and 25 of Article III of the Constitution of the State of Texas so as to provide for an increase in the membership of the State Senate from 31 to 39 members; to fix the membership in the House of Representatives at 150 members; to require apportionment of the Senate according to population; and to delete the limitation that no single county is entitled to more than one Senator.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Sections 2 and 25 of Article III of the Constitution of the State of Texas be amended to read respectively as follows:

"Section 2. The Senate shall consist of 39 members. The House of Representatives shall consist of 150 members.

"Section 25. The state shall be divided into Senatorial Districts of contiguous territory according to population, as nearly as possible.

"Should the Legislature enact any enabling legislation in anticipation of this Amendment, no such law shall be void by reason of its anticipatory nature.

"This Amendment shall become effective upon its adoption."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the 7th day of September, 1965, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator.

"AGAINST the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

TO BE VOTED ON NOVEMBER 2, 1965

Amendment No. 1--S. J. R. No. 24

(Increasing the state ad valorem tax by five cents on the $100 valuation, to be used for building construction by state institutions of higher learning)

This proposed Amendment No. 1 to Section 17, Article VII, Constitution of the State of Texas, increases the state ad valorem tax for acquiring and constructing buildings at state institutions of higher learning from five cents to ten cents on the $100 valuation. Five schools are added to those already benefiting from funds obtained through the ad valorem tax now provided for in the present Section 17: Arlington State College, Midwestern University, University of Houston, Pan-American College and Angelo State College.

Amendment No. 1 also changes the method of allocating the revenues from this tax from an amount based on the average enrollment over the five years preceding the date of allocation to an amount 90 per cent of which is based on the projected enrollment increases and 10 per cent on the additional space requirements to meet the average "square feet per full-time equivalent student of all state senior institutions." Both projections extend over approximately the ten-year period following the date of allocation.

The proposed amendment is self-enacting and would become effective immediately upon its adoption.

Under the present Section 17, a state institution of higher learning may issue bonds to be paid from its share of the ad valorem tax, but this power to issue bonds is expressly restricted to a 20-year period beginning with the effective date of the last amendment of the section--January 1, 1958. The tax, however, would

expire when all bonds issued are paid off. Both of these provisions are omitted from the proposed Amendment No. 1; no time limit is imposed upon the power to issue bonds, nor is there a time limitation upon the continuation of the ad valorem tax.

The power of the Legislature to appropriate funds to be used by the schools named in Section 17 in acquiring and constructing buildings was expressly withdrawn in the original language of this section. The proposed Amendment No. 1 continues the restriction upon legislative appropriations for this purpose.

Background

The plan contained in the present Section 17, Article VII, was adopted in 1947 and amended in 1958. Its original purpose was to establish a constitutional source of revenue for certain state-supported colleges to be used in the construction of new buildings. This fund was derived from an ad valorem tax on property at the rate of five cents on the $100 valuation. Schools listed in the amendment participated in use of the funds in an amount based upon previous enrollment experience.

There is a continuing need for the constitutional fund which was provided in the original Section 17, Article VII. In 1947 when a portion of the ad valorem tax was allocated for this purpose, there had been a tremendous increase in the number of young people seeking a college education in the aftermath of World War II. Existing college buildings were inadequate to meet the needs of the thousands of veterans enrolling after discharge from the military service. Also, the schools made eligible to participate in this fund were not, in general, entitled to share in revenues from the public school land owned by the state, and their only revenue source stemmed from legislative appropriations.

The 1947 provisions resulted in a decrease in the state ad valorem tax on property. Prior to the adoption of Section 17 in 1947, the state collected an ad valorem tax of seven cents on the $100 valuation for use in carrying on the Confederate pension system.

The needs of the pension system had become so reduced that the ad valorem tax was lowered to two cents on the $100 valuation for this purpose, and the five-cent tax provided was allocated to the college building fund. As funds for college building construction were now specifically provided for in the Constitution, the Section 17 created by amendment in 1947 also reduced the state's general revenue fund ad valorem tax from 35 cents to 30 cents on the $100 valuation. This general revenue fund ad valorem tax was eliminated in 1951 by Section 1-a, Article VIII, of the Constitution.

Schools which are participating in the constitutional fund at present include: Texas Woman's University; Texas College of Arts and Industries; Texas Technological College; East Texas State University, North Texas State University; Sam Houston State College; Southwest Texas State College; Stephen F. Austin State College; Sul Ross State College; West Texas State University; Texas Southern University; and Lamar State College of Technology.

ARGUMENTS

For:

1. The change provided in the amendment which bases distribution of the fund upon projected enrollment for ten-year periods is a more realistic method for use in making adequate provision for classroom and other physical facilities than the present method of allocating the funds upon enrollment experience for the preceding five years, without consideration of the growth factor.

2. Expansion of the Texas state college system, with the addition of new institutions from time to time, makes it essential that sufficient funds be available at all times to provide adequate school plants. The proposed amendment accomplishes this goal.

3. By meeting the needs for building construction in the state college system through this special ad valorem tax, appropriations now required from other tax sources can be decreased and thus free these available funds for other uses.

4. Schools and colleges participating in the funds provided by the proposed Amendment No. 1 are excluded from benefits of all other constitutional funds in a companion amendment (S. J. R. No. 39, to be voted on in November, 1966). Thus if both amendments are adopted, there will be no duplication in fund allocations.

5. The proposed Amendment No. 1 removes the time limitation now provided for continuation of the special ad valorem tax for college building construction in the present Section 17. Need for future amendment of this section is thereby decreased.

Against:

1. The adoption of the proposed Amendment No. 1 would increase the state ad valorem tax on property at a time when it is the consensus of tax experts that this levy should be completely abolished.

2. One of the institutions listed in the proposed Amendment No. 1 is now a participant in another constitutional fund (Section 18, Article VII), which was established for the same purpose. If the proposed Amendment No. 1 is adopted and S. J. R. No. 39 is not adopted by the electorate in November, 1966, there will be a duplication of fund allocations to this institution.

3. The proposed amendment deletes the time limitation on the continuation of this ad valorem tax. Therefore, the tax cannot be abandoned without further amendment to the Constitution, even when the tax becomes unnecessary and bonds have been retired.

4. Some schools are presently overcrowded while facilities at other institutions are only partially utilized. The allocation formula of the proposed Amendment No. 1 will tend to perpetuate the imbalance in space utilization. Furthermore the allocation formula proposed--based primarily on anticipated enrollment increases and, to a smaller degree, upon space required to bring a particular school up to the standard of floor space per student for all the schools--does not include other factors which should be considered. Among other considerations should be the possible need for improvement in quality of existing space at a particular school and special buildings required by a specific institution to meet its program needs.

5. The building program of the state institutions of higher learning should not be limited by the Constitution to schools now in existence and to an allocation formula which may be inadequate. Instead, the Legislature should have the authority to appropriate funds actually needed by any particular institution of higher learning.

By: Hardeman, et al S. J. R. No. 24

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas by amending Article VII, Section 17, providing a method of payment for the acquiring, constructing and equipping of buildings and other permanent improvements at certain state institutions of higher learning; providing for allocation of funds therefor; authorizing the issuance of bonds or notes and the pledging of allotted funds for the payment of same; providing for an election and the issuance of a proclamation therefor.

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. That Section 17 of Article VII of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 17. In lieu of the state ad valorem tax on property of Seven Cents (7¢) on the One Hundred Dollars ($100.00) valuation heretofore permitted to be levied by Section 51 of Article III, as amended, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Two Cents (2¢) on the One Hundred Dollars ($100.00) valuation for the purpose of creating a special fund for the continuing payment of Confederate pensions as provided under Section 51, Article III, and for the establishment and continued maintenance of the State Building Fund as provided in Section 51b, Article III, of the Constitution.

"Also, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Ten Cents (10¢) on the One Hundred Dollars ($100.00) valuation for the purpose of creating a special fund for the purpose of acquiring, constructing and initially equipping buildings or other permanent improvements at the designated institutions of higher learning provided that none of the proceeds of this tax shall be used for auxiliary enterprises; and the governing board of each such institution of higher learning is fully authorized to pledge all or any part of said funds allotted to such institution as hereinafter provided, to secure bonds or notes issued for the purpose of acquiring, constructing and initially equipping such buildings or other permanent improvements at said respective institutions. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, shall bear interest not to exceed four per cent (4%) per annum and shall mature serially or otherwise in not more than ten (10) years;

provided further, that the state tax on property as heretofore permitted to be levied by Section 9 of Article VIII, as amended, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed Thirty Cents (30¢) on the One Hundred Dollars ($100.00) valuation. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas. Said bonds shall be sold only through competitive bids and shall never be sold for less than their par value and accrued interest.

"The following state institutions then in existence shall be eligible to receive funds raised from said Ten Cent (10¢) tax levy for the twelve-year period beginning January 1, 1966, and for the succeeding ten-year period:

Arlington State College at Arlington
Texas Technological College at Lubbock
North Texas State University at Denton
Lamar State College of Technology at Beaumont
Texas College of Arts and Industries at Kingsville
Texas Woman's University at Denton
Texas Southern University at Houston
Midwestern University at Wichita Falls
University of Houston at Houston
Pan American College at Edinburg
East Texas State College at Commerce
Sam Houston State Teachers College at Huntsville
Southwest Texas State College at San Marcos
West Texas State University at Canyon
Stephen F. Austin State College at Nacogdoches
Sul Ross State College at Alpine
Angelo State College at San Angelo.

"Eighty-five per cent (85%) of such funds shall be allocated by the Comptroller of Public Accounts of the State of Texas on June 1, 1966, and fifteen per cent (15%) of such funds shall be allocated by said Comptroller on June 1, 1972, based on the following determinations:

"(1) Ninety per cent (90%) of the funds allocated on June 1, 1966, shall be allocated to state institutions based on projected enrollment increases published by the Coordinating Board, Texas College and University System for fall 1966 to fall 1978.

"(2) Ten per cent (10%) of the funds allocated on June 1, 1966, shall be allocated to certain of the eligible state institutions based on the number of additional square feet needed in educational and general facilities by such eligible state institution to meet the average square feet per full time equivalent student of all state senior institutions (currently numbering twenty-two).

"(3) All of the funds allocated on June 1, 1972, shall be allocated to certain of the eligible state institutions based on determinations used in the June 1, 1966, allocations except that the allocation of fifty per cent (50%) of the funds allocated on June 1, 1972, shall be based on projected enrollment increases for fall 1972 to fall 1978, and fifty per cent (50%) of such funds allocated on June 1, 1972, shall be based on the need for additional square feet of educational and general facilities.

"Not later than June first of the beginning year of each succeeding ten-year period the Comptroller of Public Accounts of the State of Texas shall reallocate eighty-five per cent (85%) of the funds to be derived from said Ten Cent (10¢) ad valorem tax for said ten-year period and not later than June first of the sixth year of each succeeding ten-year period said Comptroller shall reallocate fifteen per cent (15%) of such funds to the eligible state institutions then in existence based on determinations for the said ten-year period that are similar to the determinations used in allocating funds during the twelve-year period beginning January 1, 1966, except that enrollment projections for succeeding ten-year

periods will be from the fall semester of the first year to the fall semester of the tenth year. All such designated institutions of higher learning shall not thereafter receive any general revenue funds for the acquiring or constructing of buildings or other permanent improvements for which said Ten Cent (10¢) ad valorem tax is herein provided, except in case of fire, flood, storm, or earthquake occurring at any such institution, in which case an appropriation in an amount sufficient to replace the uninsured loss so incurred may be made by the Legislature out of any General Revenue Funds. The State Comptroller of Public Accounts shall draw all necessary and proper warrants upon the State Treasury in order to carry out the purpose of this Amendment, and the State Treasurer shall pay warrants so issued out of the special fund hereby created for said purpose. This Amendment shall be self-enacting. It shall become operative or effective upon its adoption so as to supersede and repeal the former provisions of this Section; provided further, that nothing herein shall be construed as impairing the obligation incurred by any outstanding notes or bonds heretofore issued by any state institution of higher learning under this Section prior to the adoption of this Amendment but such notes or bonds shall be paid, both as to principal and interest, from the fund as allocated to any such institution."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1965, at which election all ballots shall have printed thereon:

"FOR the Amendment to Article VII of the Constitution of the State of Texas by amending Section 17 thereof, providing a method of payment for the acquiring, constructing and equipping buildings and other permanent improvements at certain state institutions of higher learning.

"AGAINST the Amendment to Article VII of the Constitution of the State of Texas by amending Section 17 thereof, providing a method of payment for the acquiring, constructing and equipping of buildings and other permanent improvements at certain state institutions of higher learning."

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and Laws of this state.

Amendment No. 2--H. J. R. No. 5

(Authorizing an increase of $200 million in bonds or obligations that may be issued by the Veterans' Land Board)

This proposed amendment to Section 49-b, Article III, of the Constitution of the State of Texas authorizes an additional $200 million in bonds or obligations that may be issued by the Veterans' Land Board, and continues the program for eight years after sale of the bonds authorized. It also increases the maximum rate or rates of interest on all bonds issued and sold in any installment from 3-1/2 to 4-1/2 per cent.

Enabling legislation (H. B. 25, 59th Legislature, R. S.) becomes effective and operative only upon the condition that this constitutional amendment is adopted by the electorate. This measure increases the maximum amount which can be paid for a place made available from land acquired and subdivided by the Board from $7,500 to $10,000. The same maximum of $10,000 is provided as the amount which the Board may pay on the purchase of a place located by an eligible veteran which costs more than $10,000 and on which the veteran must make his payment of the difference in price. The veteran is also required to pay at least 5 per cent of the $10,000 allowed prior to the time the Veterans' Land Board procures title to the property.

The enabling Act eliminates the $15,000 maximum amount which may be paid as the total purchase price as now provided by law (Article 5421m, Vernon's Texas Civil Statutes).

Background

From the period immediately following the Revolutionary War, it has been the custom of the Federal Government to reimburse veterans of military service with land, since at that time it was the cheapest and most sought-after commodity in this nation. The Texas Republic

adopted the custom and reserved a part of its vast public domain for soldiers of the Texas Revolution. In 1836, lands of the Republic were granted to all volunteers who had served in the armies of Texas, and in 1837 additional lands were granted to veterans of the more outstanding battles in the War of Independence. Since Confederate soldiers were ineligible for pensions granted by the Federal Government following the War Between the States, the State of Texas provided lands in compensation.

After World War II, the gratitude of Texas for the service of her sons again found expression in the present Veterans' Land Program. As the public domain for land grants was long since exhausted, a liberal credit program for the purchase of land by veterans was instituted.

A brief history of the program begins with creation of the Veteran's Land Board by adoption of a Constitutional Amendment in 1946. A fund of $25 million in bonds was authorized to be used by that Board in the purchase of lands for resale to veterans of World War II. Enabling legislation was adopted in 1949.

By amendment of Section 49-b, Article III, adopted on November 13, 1951, the fund was increased by an additional $75 million to bring the total to $100 million. Again in 1956, another $100 million was authorized, for an overall total of $200 million.

In 1963, a Constitutional Amendment proposing to increase the sum to $350 million was defeated by the electorate, although it was estimated that some one million Texas veterans had not participated in the program and available funds had been reduced to only those resulting from the revolving feature of the program. Accumulation of these funds has been too slow to provide a sustaining program, and the Constitution now provides that after December 1, 1965, all moneys collected on maturing bonds shall be deposited in the General Revenue Fund. Thus the Veterans' Land Program dies on that date if the proposed Amendment No. 2 fails in adoption.

ARGUMENTS

For:

1. The Veterans' Land Program has not only given the state an opportunity to aid the men and women of Texas who served their country during World War II and the Korean conflict, but it has boosted the state's economy and will produce an eventual profit on the $200 million from sale of bonds used to finance veteran land purchases. Failure to adopt the proposed amendment will result in reduced business activity--lawyers, abstract companies, and real estate dealers will be affected--and since every invested dollar changes hands approximately eight times, every man and woman in Texas will be indirectly concerned.

2. The Veterans' Land Program is one of the most effective and least costly means whereby Texas citizens can express their gratitude to veterans for their wartime service. Today, 34,000 purchases have been made by the Veterans' Land Board, consisting of three million acres. When the program is terminated, unless it is extended by adoption of this amendment, approximately 35,000 veterans will have purchased land and a bonus result has been obtained through the $200 million paid for the land, which is in circulation in the Texas economy. Of further significance are the 6,000 mineral leases on land owned by veterans, with 466 of these producing.

3. The program is without cost to the taxpayer. In fact, the difference in interest paid on the bonds and that received from the veteran puts the program on the credit side of the state's profit and loss ledger. In 1965, over 5,100 veterans had already paid off their contracts, and approximately 5,000 veterans were waiting for the Board to purchase selected land tracts.

4. The program will terminate on December 1, 1965, unless it is extended by adoption of the proposed Amendment No. 2. Although the program is in its 16th year, it has not, as yet, been able to provide equal opportunity for nearly all of the one million eligible veterans in Texas to purchase a tract of Texas land.

Against:

1. It is not a function of state government to engage in the loan business. The Veterans' Land Program, in this respect, may be considered unfair to private enterprise.

2. During the 16 years that the Veterans' Land Program has been in operation, it would seem that all veterans of World War II and the Korean War with a desire to participate in the program have had sufficient time and opportunity to make application for these funds. For many, the availability of "cheap money" tends to invite purchase of land they neither need nor plan to use for productive purposes.

3. It is time to bring the recurring requests for increased funds in carrying on the Veterans' Land Program to a halt. The program started with $25 million in 1946; it was increased by $75 million in 1951; in 1956, there was another $100 million increase. The electorate vetoed a proposed amendment in 1963 which would have increased the fund another $150 million, and the eight-year extension proposed in the same amendment was refused. If the present Amendment No. 2 is adopted, Texas citizens can anticipate new proposals for expansion and extension of the program following conclusion of the Viet Nam conflict and other undeclared wars in which the United States may participate.

By: Mutscher, Price, et al H. J. R. No. 5

A JOINT RESOLUTION

PROPOSING an Amendment to Section 49-b, Article III of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Four Hundred Million Dollars ($400,000,000); providing for the issuance of said bonds or obligations and the conditions relating thereto and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 49-b, Article III of the Constitution of Texas, be amended so that the same will hereafter read as follows:

"Section 49-b. By virtue of prior Amendments to this Constitution, there has been created a governmental agency of the State of Texas performing governmental duties which has been designated the Veterans' Land Board. Said Board shall continue to function for the purposes specified in all of the prior Constitutional Amendments except as modified herein. Said Board shall be composed of the Commissioner of the General Land Board and two (2) citizens of the State of Texas, one (1) of whom shall be well versed in veterans' affairs and one (1) of whom shall be well versed in finances. One (1) such citizen member shall, with the advice and consent of the Senate, be appointed biennially by the Governor to serve for a term of four (4) years; but the members serving on said Board on the date of adoption hereof shall complete the terms to which they were appointed. In the event of the resignation or death of any such citizen member, the Governor shall appoint a replacement to serve for the unexpired portion of

the term to which the deceased or resigning member had been appointed. The compensation for said citizen members shall be as is now or may hereafter be fixed by the Legislature; and each shall make bond in such amount as is now or may hereafter be prescribed by the Legislature.

"The Commissioner of the General Land Office shall act as Chairman of said Board and shall be the administrator of the Veterans' Land Program under such terms and restrictions as are now or may hereafter be provided by law. In the absence or illness of said Commissioner, the Chief Clerk of the General Land Office shall be the Acting Chairman of said Board with the same duties and powers that said Commissioner would have if present.

"The Veterans' Land Board may provide for, issue and sell not to exceed Four Hundred Million Dollars ($400,000,000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Two Hundred Million Dollars ($200,000,000) of which have heretofore been issued and sold. Such bonds or obligations shall be sold for not less than par value and accrued interest; shall be issued in such forms, denominations, and upon such terms as are now or may hereafter be provided by law; shall be issued and sold at such times, at such places, and in such installments as may be determined by said Board; and shall bear a rate or rates of interest as may be fixed by said Board but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed four and one-half per cent (4 1/2%). All bonds or obligations issued and sold hereunder shall, after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all bonds heretofore issued and

sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

"In the sale of any such bonds or obligations, a preferential right of purchase shall be given to the administrators of the various Teacher Retirement Funds, the Permanent University Funds, and the Permanent School Funds.

"Said Veterans' Land Fund shall consist of any lands heretofore or hereafter purchased by said Board, until the sale price therefor, together with any interest and penalties due, have been received by said Board (although nothing herein shall be construed to prevent said Board from accepting full payment for a portion of any tract), and of the moneys attributable to any bonds heretofore or hereafter issued and sold by said Board which moneys so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; the moneys received from the sale or resale of any lands, or rights therein, purchased with such proceeds; the moneys received from the sale or resale of any lands, or rights therein, purchased with other moneys attributable to such bonds; the interest and penalties received from the sale or resale of such lands, or rights therein; the bonuses, income, rents, royalties, and any other pecuniary benefit received by said Board from any such lands; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds or for the failure of any bidder for the purchase or any lands comprising a part of said Fund to comply with his bid and accept and pay for any such lands; and interest received from investments of any such moneys. The principal and interest on the bonds heretofore and hereafter issued by said Board shall be paid out of the moneys of said Fund in conformance with the constitutional provisions authorizing such bonds; but the moneys of said Fund which are not immediately committed to the payment of

principal and interest on such bonds, the purchase of lands as herein provided, or the payment of expenses as herein provided may be invested in bonds or obligations of the United States until such funds are needed for such purposes.

"All moneys comprising a part of said Fund and not expended for the purposes herein provided shall be a part of said Fund until there are sufficient moneys therein to retire fully all of the bonds heretofore or hereafter issued and sold by said Board, at which time all such moneys remaining in said Fund, except such portion thereof as may be necessary to retire all such bonds which portion shall be set aside and retained in said Fund for the purpose of retiring all such bonds, shall be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. All moneys becoming a part of said Fund thereafter shall likewise be deposited to the credit of the General Revenue Fund.

"When a Division of said Fund (each Division consisting of the moneys attributable to the bonds issued and sold pursuant to a single constitutional authorization and the lands purchased therewith) contains sufficient moneys to retire all of the bonds secured by such Division, the moneys thereof, except such portion as may be needed to retire all of the bonds secured by such Division which portion shall be set aside and remain a part of such Division for the purpose of retiring all such bonds, may be used for the purpose of paying the principal and the interest thereon, together with the expenses herein authorized, of any other bonds heretofore or hereafter issued and sold by said Board. Such use shall be a matter for the discretion and direction of said Board; but there may be no such use of any such moneys contrary to the rights of any holder of any of the bonds issued and sold by said Board or violative of any contract to which said Board is a party.

"The Veterans' Land Fund shall be used by said Board for the purpose of purchasing lands situated in the State of Texas

owned by the United States or any governmental agency thereof, owned by the Texas Prison System or any other governmental agency of the State of Texas, or owned by any person, firm, or corporation. All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of said Fund. Such lands heretofore or hereafter purchased and comprising a part of said Fund are hereby declared to be held for a governmental purpose, although the individual purchasers thereof shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent Free Public School Fund.

"The lands of the Veterans' Land Fund shall be sold by said Board in such quantities, on such terms, at such prices, at such rates of interest and under such rules and regulations as are now or may hereafter be provided by law to Texas veterans who served not less than ninety (90) continuous days, unless sooner discharged by reason of a service-connected disability, on active duty in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States between September 16, 1940, and March 31, 1955, and who upon the date of filing his or her application to purchase any such land is a citizen of the United States, is a bona fide resident of the State of Texas, and has not been dishonorably discharged from any branch of the Armed Forces above-named and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State of Texas. The foregoing notwithstanding, any lands in the Veterans' Land Fund which have been first offered for sale to veterans and which have not been sold may be sold or resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now or may hereafter be provided by law.

"Said Veterans' Land Fund, to the extent of the moneys attributable to any bonds hereafter issued and sold by said Board may be used by said Board, as is now or may hereafter be provided by law, for the purpose of paying the expenses of surveying,

monumenting, road construction, legal fees, recordation fees, advertising and other like costs necessary or incidental to the purchase and sale, or resale of any lands purchased with any of the moneys attributable to such additional bonds, such expenses to be added to the price of such lands when sold, or resold, by said Board; for the purpose of paying the expenses of issuing, selling, and delivering any such additional bonds; and for the purpose of meeting the expenses of paying the interest or principal due or to become due on any such additional bonds.

"All moneys attributable to the bonds issued and sold pursuant to the Constitutional Amendment adopted on November 6, 1956, shall be credited to said Veterans' Land Fund and may be used for the purpose of purchasing additional lands, to be sold as provided herein, until December 1, 1965; provided, however, that so much of such moneys as may be necessary to pay interest on such bonds shall be set aside for that purpose. After December 1, 1965, all moneys attributable to such bonds shall be set aside for the retirement of such bonds and to pay interest thereon; and when there are sufficient moneys to retire all of such bonds, all of such moneys then remaining or thereafter becoming a part of said Veterans' Land Fund shall be governed as elsewhere provided herein.

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a 'series of bonds' being all of the bonds issued and sold in a single transaction as a single installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein provided, for a period ending eight (8) years after the date of sale of such series of bonds; provided, however, that so much of such moneys as may be necessary to pay interest on bonds hereafter issued and sold shall be set aside for that purpose in accordance with the resolution adopted by said Board authorizing the issuance and sale of such series of bonds. After such eight (8) year period, all of such moneys shall be set aside for the retirement of any bonds hereafter issued and sold and to pay interest thereon, together with

any expenses as provided herein, in accordance with the resolution or resolutions authorizing the issuance and sale of such additional bonds, until there are sufficient moneys to retire all of the bonds hereafter issued and sold, at which time all such moneys then remaining a part of said Veterans' Land Fund and thereafter becoming a part of said Fund shall be governed as elsewhere provided herein.

"This Amendment being intended only to establish a basic framework and not to be a comprehensive treatment of the Veterans' Land Program, there is hereby reposed in the Legislature full power to implement and effectuate the design and objects of this Amendment, including the power to delegate such duties, responsibilities, functions, and authority to the Veterans' Land Board as it believes necessary.

"Should the Legislature enact any enabling laws in anticipation of this Amendment, no such law shall be void by reason of its anticipatory nature.

"This Amendment shall become effective upon its adoption."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

> "FOR the Amendment to Section 49-b of Article III of the Constitution of Texas to increase the Veterans' Land Fund by $200,000,000; said Fund to be used for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and March 31, 1955; such funds to be expended in accordance with instructions and requirements that may be provided by law"; and

"AGAINST the Amendment to Section 49-b of Article III of the Constitution of Texas to increase the Veterans' Land Fund by $200,000,000; said Fund to be used for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and March 31, 1955; such funds to be expended in accordance with instructions and requirements that may be provided by law."

If it appears from the returns of said election that a majority of the votes cast were in favor of same Amendment, the same shall become a part of the State Constitution and be effective from the date set forth in said Amendment, and the Governor shall issue a proclamation in keeping therewith.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and Laws of this state.

Amendment No. 3--H. J. R. No. 81

(Providing that the Legislature shall enact appropriate legislation to enable the State of Texas to continue cooperating with the federal government in providing assistance to and/or medical care on behalf of certain aged, needy and handicapped persons; expanding age categories of those eligible for blind assistance and of needy children; and extending eligibility for the program for the aged to citizens of the United States or non-citizens who have resided in the United States for 25 years.)

Amendment No. 3, as proposed by H. J. R. No. 81, amends Section 51-a and Subsections 51a-1 and 51a-2 of Article III of the Constitution of the State of Texas and incorporates them into one Section 51-a of Article III.

The proposed amendment makes two changes in present constitutional provisions which enable Texas citizens to participate in the cooperative Federal-State program of assistance to and/or medical care on behalf of certain aged, needy and handicapped persons.

1. Age limits are expanded in the category of those eligible for assistance to the blind and in the category of needy children--(a) blind assistance eligibility is expanded from over age 21 to over age 18; and (b) eligibility of needy children is expanded from under age 16 to under age 21. Age brackets for the permanently and totally disabled and for needy over 65 remain unchanged from present provisions.

2. The present constitutional provision making old age assistance benefits available only to "bona fide citizens of Texas," is changed to include "citizens of the United States or non-citizens who have resided in the United States for 25 years."

Within these guidelines, the Legislature is given authority to enact appropriate legislation which will enable the State of Texas to

continue operating its cooperative programs with the Federal Government in providing assistance to and/or medical care on behalf of needy persons, as well as provide rehabilitation and any other services included in the federal legislation where matching funds are used to help such families and individuals attain or retain capability for independence or self care. The Legislature is restricted in making appropriations for the program to the actual amount of matching federal funds, and is under the further restriction to appropriate no more than $60 million annually for assistance payments only. However, in anticipation of a possible conflict with provisions of appropriate federal statutes which might deprive the state of federal matching money, the Legislature, under the proposed amendment, is given the authority and power to prescribe such limitations and restrictions and enact such laws as may be necessary to make federal matching funds available.

Background — Texas has taken progressive steps since inauguration of the federal assistance program to keep abreast of the ever-broadening welfare coverage provided by the Congress. The most recent amendment was in 1964.

Amendment No. 3, now proposed, was passed by the 59th Legislature in anticipation of changes in federal requirements which would be in conflict with present Texas constitutional provisions.

Under the proposed federal legislation, as passed by the House of Representatives of the Congress and favorably reported to the Senate in June, 1965, the prerequisite for participation by any state in the use of federal matching funds is conformity to federal requirements in all categories. Therefore, if the age brackets for needy children are not changed in keeping with the federal measure, all federal funds now matching state funds to provide medical care for old age assistance recipients will be withdrawn from Texas on July 1, 1967.

ARGUMENTS

For:

1. Adoption of Amendment No. 3 is essential if Texas is to continue its participation in a medical care program for old age assistance recipients which uses federal funds. If the amendment including provisions stipulated in the proposed federal legislation fails in adoption, all federal money now available to the state for the old age assistance medical care program will be withdrawn on July 1, 1967.

2. The State of Texas cannot finance its entire assistance and medical care programs alone. The withdrawal of federal funds for OAA medical care would result in great hardship to participants and final death to the Texas medical care program for OAA recipients, which now provides hospital care and physician services in the hospital for 230,000 needy aged. Some 15,000 of these old people are being cared for under the OAA medical care program in nursing homes.

3. The federal tax burden upon Texas citizens will be continued whether or not the proposed amendment is adopted. It would be improvident to place the State of Texas in a position where it cannot get back some of the taxes paid in by Texas citizens for the benefit of the state's own needy and disabled persons. If the proposed amendment should fail in adoption, Texas' share of this tax money would be siphoned off to other states.

Against:

1. The cut-off date for matching federal funds is July 1, 1967. Therefore, if the proposed Amendment No. 3 fails in adoption in November, 1965, there would still be time for the 60th Legislature, by prompt action early in the session, to pass the proposal and submit it to the electorate. It is possible

that the Congress would look upon delays of this type by a number of states as disapproval of the expanded program.

2. Broader coverage included by expanding the age brackets for blind assistance and for needy children would increase program costs to the state.

3. Medical programs for indigents are rightly the responsibility of local subdivisions of government.

By: Heatly, Wilson H. J. R. No. 81

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas, amending Section 51-a and Subsections 51a-1 and 51a-2 of Article III so that the same shall consist of one section to be known as Section 51-a; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy aged persons over the age of sixty-five (65) who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least 25 years, needy persons under the age of sixty-five (65) who are totally and permanently disabled and who are citizens of the United States, needy blind persons over the age of eighteen (18) who are citizens of the United States, and needy children under the age of twenty-one (21) years who are citizens of the United States and to the caretakers of such children; providing rehabilitation and any other

services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe residence requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of State funds; providing that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; providing that the total amount of such payments for assistance and/or medical care out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing further that the amounts expended out of State funds for assistance payments only shall not exceed Sixty Million Dollars ($60,000,000); providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. That Section 51-a and Subsections 51a-1 and 51a-2 of Article III of the Constitution of the State of Texas be amended, and the same are hereby amended, so that they shall hereafter consist of one section to be known as Section 51-a of Article III, which shall read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance to and/or medical care for, and for rehabilitation and other services for:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years and are over the age of sixty-five (65) years;

"(2) Needy individuals who are citizens of the United States who shall have passed their eighteenth (18th) birthday but have not passed their sixty-fifth (65th) birthday and who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons who are citizens of the United States and who are over the age of eighteen (18) years;

"(4) Needy children who are citizens of the United States and who are under the age of twenty-one (21) years, and to the caretakers of such children.

"The Legislature may define the residence requirements, if any, for participation in these programs.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of State funds for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federalmatching money will be available for assistance and/or medical care for or on behalf of needy persons; and provided further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars ($60,000,000).

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means,

without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this State."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment providing for assistance to and/or medical care for the: (1) needy aged; (2) needy individuals who are permanently and totally disabled; (3) needy blind; and (4) needy children and the caretakers of such children; authorizing the Legislature to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of such needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes, and to make appropriations out of State funds for the purpose of providing assistance to and/or medical care and rehabilitation and any other services included in the Federal legislation providing matching funds on behalf of such needy persons; providing that the amounts expended out of State funds to and/or on behalf of individuals shall not exceed the amounts that are matchable out of Federal funds; providing that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of

Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and providing further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars ($60,000,000). Providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution.

"AGAINST the Constitutional Amendment providing for assistance to and/or medical care for the: (1) needy aged; (2) needy individuals who are permanently and totally disabled; (3) needy blind; and (4) needy children and the caretakers of such children; authorizing the Legislature to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of such needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and to accept and expend funds from the Government of the United States for such purposes, and to make appropriations out of State funds for the purpose of providing assistance to and/or medical care and rehabilitation and any other services included in the Federal legislation providing matching funds on behalf of such needy persons; providing that the amounts expended out of State funds to and/or on behalf of individuals shall not exceed the amounts

that are matchable out of Federal funds; providing that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and providing further that the total amount of money to be expended per fiscal year out of State funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars ($60,000,000). Providing that nothing in the Amendment shall be construed to amend, modify, or repeal Section 31 of Article XVI of the Constitution."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and the Laws of the State of Texas.

Amendment No. 4--S. J. R. No. 14

(Authorizing four-year terms of office for the Governor, the Secretary of State, and other state officials elected in state-wide elections)

This proposed amendment to Sections 4, 22, and 23 of Article IV of the Constitution of the State of Texas provides a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State. Also included in the proposed Amendment No. 4 is any statutory state official who is chosen by the Texas electorate at large, unless the term of the official is specifically provided in the Constitution. This provision is now applicable to the Commissioner of Agriculture only.

All of these officers affected serve two-year terms at present. The Constitution provides that the Secretary of State, appointed by the Governor, and the Lieutenant Governor, who is elected in a state-wide race, shall remain in office for the same length of term that the Governor serves. Thus these two offices were included under the proposed amendment simply by changing the term of office of the Governor. It was not necessary to alter sections relating directly to the Lieutenant Governor and the Secretary of State.

A provision of Amendment No. 4 specifically states that nothing in the Resolution ". . . shall be construed as to extend the term of office of any officeholder previously elected to a two-year term." If the amendment is adopted, all elected officials are required to run at the next general election in 1966 before they can obtain a four-year term.

Background

Terms of office for officials affected by the proposed Amendment No. 4 have varied little since Texas became a state. The Constitutions of 1845 and 1861 gave most elected officials two-year terms. Immediately following the Civil War, terms were generally lengthened to four years. After Reconstruction, however, when the desire to make state governments weak and ineffective was at a peak in Texas and other states of the South, shorter, two-year terms were generally reinstated. Until the present proposal, no further changes have been initiated since the 1876 Constitution was adopted.

The Constitution of 1845 and 1866 established two-year terms for the Governor and limited the times he could succeed himself to two by the stipulation that he could not hold office for more than four years during any period of six years. In the Constitution of 1866, the Governor was given a four-year term, but the provision restricting the number of consecutive terms he could serve was retained. The four-year term was continued by the Constitution of 1869, and by amendment in 1873 the limitation on consecutive terms was removed. The present Constitution, adopted in 1876 in the aftermath of Reconstruction, reduced the Governor's term from four to two years, but no restriction was placed upon the number of terms he could serve.

The Attorney General, another of the officials affected by the proposed amendment, was an appointive officer of the Governor under the Constitution of 1845. The office was made elective by constitutional amendment adopted in 1850 for the same two-year term. The Constitution of 1866 extended his term to four years. In the new Constitution of 1869, the office of Attorney General reverted to its original status as an appointive position, but the four-year term was retained. The present status of the Attorney General as an elected official with a two-year term was a provision of the Constitution of 1876.

Offices of the State Treasurer and the Comptroller of Public Accounts were created by the Constitution of 1845, which included also a unique provision for filling these offices--election by joint ballot of the House of Representatives and the Senate. In 1850, an amendment was adopted to provide for election of these officers by the people. Four-year terms were given to the Comptroller and the State Treasurer in 1866, and this provision was continued until the present Constitution reduced the terms to two years.

The Commissioner of the General Land Office first appeared in the Constitution of 1869, and the four-year term established for him at that time was reduced to two years in 1876.

Terms of office of the Lieutenant Governor and the Secretary of State have been concurrent with the term of the Governor since 1845. Thus provision in the proposed Amendment No. 4 to extend the terms of these officers to four years is in keeping with tradition.

The provision of the proposed amendment which extends terms of statutory state officers elected by the voters at large to four years, unless otherwise specifically provided in the Constitution, is an innovation which is applicable at this time to the Commissioner of Agriculture only.

ARGUMENTS

For:

1. Adoption of Amendment No. 4 would give the people of Texas more efficient utilization of their state officers. Newly-elected officials would have sufficient time to master the functions of office before embarking upon campaigns for re-election, and incumbents would have time to develop more effective and productive operations to the benefit of the state. The complexities of present state government,

far beyond anything envisioned when the Constitution was framed in 1876, require full-time service of state officials. The demands of biennial campaigns, in many instances, force a capable executive to spend so much time and energy in campaigning that the talents he brings to his office--and for which he has been elected--are lost to the state. Frequently, it takes a full two-year term for an official to develop an understanding of his department, and when this has been accomplished he must again neglect the duties of his office in his state-wide campaign for re-election.

2. The Texas one-party system offers little incentive for voter turn-out after party primaries in non-presidential election years. Following adoption of the proposed amendment, the election of these four-year term officials would be held in the non-presidential election years. Thus adoption of the proposed Amendment No. 4 could result in stimulated voter interest and, possibly, the development of the two-party system in Texas.

3. The costs of campaigning for office in a state-wide race are generally so high that the candidate must resort to one of two alternatives: (1) he can spend his entire salary and savings, and possibly accumulate a heavy debt; or (2) he can accept the support of individuals and special interests, in return for which he may be called upon to grant favors or special privileges during his term in office. When the term is a short one of two years, financial needs could make the candidate even more susceptible to the second alternative. Adoption of the proposed amendment, then, would encourage integrity in office.

4. Thirty-five of the Nation's 50 states, including Texas' sister states of Oklahoma, Louisiana, and Colorado, have provided four-year terms for their governors, thereby recognizing the fact that a short, two-year term does not give the chief executive of the state sufficient time to plan and inaugurate his program of office.

Against:

1. Long terms of office tend to alienate the public official from the citizens who elected him. He loses touch with his constituents and becomes less responsive to the rise and fall of public opinion, the desires and needs of the people. With a two-year term, a public official can scarcely become over-confident. On his biennial campaign trail, the candidate can feel the pulse of the people, and his understanding of their problems and those of the state as a whole is awakened and stimulated.

2. Power of state officials would be increased by the change to four-year terms as provided in the proposed Amendment No. 4. For example, a governor serving two terms under the four-year system would have the privilege of appointing a majority of members on many state boards and commissions, particularly those for which part of the membership is named every two years for staggered six-year terms. Appointees owing their positions to a single official are naturally subject to his influence and control. This is also true of employees within a state department and becomes more pronounced when the elected administrative head is assured of a four-year term of office.

3. History has shown that long tenure in office and political corruption often go hand in hand. Framers of early Constitutions in Texas recognized this danger, and when providing four-year terms, they included the safeguard that ". . . no more than two consecutive terms could be served in any six-year period." The proposed Amendment No. 4 does not provide such a deterrent to long tenure.

4. Although 35 of the 50 states have established four-year terms for their governors, over half have placed restrictions upon his re-election. In 15 states, the chief executive cannot succeed himself, and in four more states, he

is limited to two consecutive terms. A great weakness of the proposed Amendment No. 4 is its failure to include any limitation upon the number of terms a Texas governor is allowed to serve.

By: Creighton S. J. R. No. 14

A JOINT RESOLUTION

PROPOSING Amendments to Sections 4, 22 and 23 of Article IV of the Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State; and certain statutory state officers; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 4, Article IV of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of four years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this state at least five years immediately preceding his election."

Sec. 2. That Section 22, Article IV of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 22. The Attorney General shall hold office for four years and until his successor is duly qualified. He shall represent the state in all suits and pleas in the Supreme Court of the state in which the state may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the state take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary in an amount to be fixed by the Legislature."

Sec. 3. That Section 23, Article IV of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 23. The Comptroller of Public Accounts, the Treasurer, the Commissioner of the General Land Office, and any statutory state officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution, shall each hold office for the term of four years and until his successor is qualified; receive an annual salary in an amount to be fixed by the Legislature; reside at the Capital of the state during his continuance in office, and perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this Section or in his office, shall be paid, when received, into the State Treasury."

Sec. 4. The foregoing Constitutional Amendments shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendments providing a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and any statutory state officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution."

"AGAINST the Constitutional Amendments providing a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and any statutory state officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution."

Sec. 5. Nothing contained in this Resolution shall be construed so as to extend the term of office of any officeholder previously elected to a two-year term.

Sec. 6. The Governor shall issue the necessary Proclamation for the said election and have the same published as required by the Constitution and laws of this state.

Amendment No. 5--S. J. R. No. 27

(Clarifying investment authority for the Board of Trustees of the Teacher Retirement System)

The proposed Amendment No. 5 adds a new Section 48b to Article III of the Constitution of the State of Texas and repeals conflicting authority which now exists in Section 48a of Article III.

This new section gives constitutional stature to both the Teacher Retirement System and the Board of Trustees of the Teacher Retirement System of Texas. The composition of the Board of Trustees remains statutory. Authority for administration of the System is vested in this Board.

The amendment further provides that assets of the System shall be administered by the Board, sets out certain regulations pertaining to type and amount of investments as well as a standard of care for such investments, and empowers the Legislature to further restrict investments.

Background

In 1936, Texas voters adopted Section 48a, Article III, of the Constitution. This amendment gave the Legislature power to levy a tax to establish a retirement fund for persons employed in the "public schools, colleges and universities, supported wholly or partly by the State . . . " The next year, 1937, the first teacher retirement law in Texas was enacted.

Section 48a, Article III, was amended in 1956 to allow investment of funds in securities deemed to be proper investments for the Permanent University Fund by the Board of Regents of The University of Texas. This included corporate bonds which meet the standards adopted by the Board of Regents and corporate stocks owned by the Permanent University Fund.

Adoption of Section 48a, Article III, made effective the complete revision of the Teacher Retirement System as outlined in anticipatory legislation enacted by the 54th Legislature in 1955. The Teacher Retirement Act set up the machinery for administration and operation of the Teacher Retirement System.

Amendment No. 5, proposed by S. J. R. No. 27, would have the net effect of:

1. Giving constitutional stature to the Teacher Retirement System and the State Board of Trustees of the Teacher Retirement System of Texas, subject to present or future statutes determining the composition of such Board;

2. Providing authority for the Board of Trustees of the System to invest assets in certain types of securities instead of those eligible or owned by the Permanent University Fund;

3. Setting standards of care to be observed in investing funds of the System; and

4. Providing that investments may be further restricted by an Act of the Legislature.

ARGUMENTS

For:

1. The purposes and objectives of the Teacher Retirement Fund, a retirement fund, are completely different from those of the Permanent University Fund, an endowment fund, and investment authority should not be tied to securities eligible or owned by the Permanent University Fund. The timely and advantageous investment of funds is also handicapped by this limitation as new money to be invested in the Retirement Fund is several times that of the University Fund. This amendment removes the problem by

listing securities eligible for purchase by the Board of Trustees of the Teacher Retirement System completely separate and apart from authority for the Permanent University Fund. The inclusion of Government Agency and government-guaranteed securities, as well as high-quality corporate debt obligations other than bonds should result in substantially higher income for the Fund.

2. By giving constitutional stature to the Teacher Retirement System and the Board of Trustees of the Teacher Retirement System of Texas, the proposed amendment gives greater assurance to teachers and school employees of continuity in the program. Guaranteed retirement benefits are a great incentive in the choice of a profession, and the adoption of the proposed amendment would serve to attract better qualified personnel as well as keep within the ranks of the profession many experienced teachers who would otherwise seek more lucrative employment.

3. The procedure for amending the Constitution is more complicated than the enactment of legislation, and the process requires more exposure to the public than does passage of a bill. Inclusion of investment authority in the Constitution safeguards the funds by requiring action at the polls in order to broaden authority. The amendment provides other safeguards by authorizing the Legislature to determine the composition of the Board of Trustees and to further restrict investments by an Act of the Legislature. The amendment is sufficiently broad for effective operation of the System for a considerable number of years.

Against:

1. An amendment to the Constitution is an involved and costly process, resulting in a one-to-two-year lag between the initiation of an amendment and its actual adoption and effectiveness. An amendment to permit future expansion of

investment authority by the Legislature would permit changes to conform with the times more quickly and efficiently. The adoption of this amendment could handicap the Teacher Retirement System in obtaining additional investment authority.

2. The proposed amendment is not necessary as the present authority provided authorizing investment in securities eligible for or owned by the Permanent University Fund is adequate for operation of the System.

By: Hall S.J.R. No. 27

A JOINT RESOLUTION

Proposing an Amendment to the Constitution of the State of Texas, amending Article III of the Constitution of the State of Texas by adding a new Section thereto to be designated Section 48b, so as to create as an agency of the State of Texas the Teacher Retirement System of Texas, vesting the general administration and responsibility of the proper operation of said system in a state board of trustees to be known as the State Board of Trustees of the Teacher Retirement System of Texas, authorizing said Board to invest assets of said system in various obligations and subjects of investment, subject to certain restrictions stated therein and such other restrictions as may hereafter be provided by law; providing that such Amendment shall be self-enacting and shall not alter, amend or repeal Section 48a of Article III of the Constitution of Texas or any legislation passed pursuant thereto except insofar as such legislation may limit or restrict the provisions of this Amendment; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding Section 48b thereto which shall read as follows:

"Section 48b. There is hereby created as an agency of the State of Texas the Teacher Retirement System of Texas, the rights of membership in which, the retirement privileges and benefits thereunder, and the management and operations of which shall be governed by the provisions herein contained and by present or hereafter enacted Acts of the Legislature not inconsistent herewith. The general administration and responsibility for the proper operation of said system are hereby vested in a State Board of Trustees, to be known as the State Board of Trustees of the Teacher Retirement System of Texas, which Board shall be constituted and shall serve as may now or hereafter be provided by the Legislature. Said Board shall exercise such powers as are herein provided together with such other powers and duties not inconsistent herewith as may be prescribed by the Legislature. All moneys from whatever source coming into the Fund to provide retirement, disability, and death benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state and all other securities, moneys, and assets of the Teacher Retirement System of Texas shall be administered by said Board and said Board shall be the trustees thereof. The Treasurer of the State of Texas shall be custodian of said moneys and securities. Said Board is hereby authorized and empowered to acquire, hold, manage, purchase, sell, assign, trade, transfer, and dispose of any securities, evidences of debt, and other investments in which said securities, moneys, and assets have been or may hereafter be invested by said Board. Said Board is hereby authorized and empowered to invest and reinvest any of said moneys, securities, and assets, as well as the proceeds of any of such investments, in bonds, notes, or other evidences of indebtedness issued or

assumed or guaranteed in whole or in part, by the United States or any agency of the United States, or by the State of Texas, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Texas, both general and special obligations; or in home office empowered to invest and reinvest any of said moneys, securities, and assets, as well as the proceeds of any of such investments, in bonds, notes, or other evidences of indebtedness issued, or assumed or guaranteed in whole or in part, by the United States or any agency of the United States, or by the State of Texas, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Texas, both general and special obligations; or in home office facilities to be used in administering the Teacher Retirement System including land, equipment, and office building; or in such corporation bonds, notes, other evidences of indebtedness, and corporation stocks, including common and preferred stocks, of any corporation created or existing under the laws of the United States or of any of the states of the United States, as said Board may deem to be proper investments; provided that in making each and all of such investments said Board shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as probable safety of their capital; and further provided, that a sufficient sum shall be kept on hand to meet payments as they become due each year under such retirement plan, as may now or hereafter be provided by law. Unless investments authorized herein are hereafter further restricted by an Act of the Legislature, no more than one per cent (1%) of the book value of the total assets of the Teacher Retirement System shall be invested in the stock of any one (1) corporation, nor shall more than five per cent (5%) of the voting stock of any one (1) corporation be owned; and provided further, that stocks eligible for purchase shall be restricted to stocks of companies incorporated within

the United States which have paid cash dividends for ten (10) consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors; and provided further, that so long as less than $500,000,000 of said Fund is invested in the government and municipal securities enumerated above, not more than thirty-three and one-third per cent (33 1/3%) of the Fund shall be invested at any given time in common stocks. This Amendment shall be self-enacting and shall become effective immediately upon its adoption without any enabling legislation. This Section shall not alter, amend or repeal the first paragraph of Section 48a of Article III of the Constitution of Texas as amended November 6, 1956, or any legislation passed pursuant thereto. This Section shall not alter, amend or repeal the second paragraph of Section 48a of Article III of the Constitution of Texas as amended November 6, 1956, or any legislation passed pursuant thereto, except insofar as the provisions of the second paragraph of Section 48a and any legislation passed pursuant thereto, may limit or restrict the provisions hereof and only to the extent of such limitation or restriction."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 2, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment amending Article III of the Constitution of the State of Texas by adding Section 48b relating to the Teacher Retirement Fund and the Teacher Retirement System of Texas, revising provisions for investment of moneys and other assets of the Fund, and changing other existing provisions and making other new provisions with respect to the administration of the Teacher Retirement System.

"AGAINST the Constitutional Amendment amending Article III of the Constitution of the State of Texas by adding Section 48b

relating to the Teacher Retirement Fund and the Teacher Retirement System of Texas, revising provisions for investment of moneys and other assets of the Fund, and changing other existing provisions and making other new provisions with respect to the administration of the Teacher Retirement System."

Sec. 3. The Governor of Texas shall issue the necessary Proclamation for the election and this Amendment shall be published in the manner and for the length of time required by the Constitution and laws of this state.

Amendment No. 6--H.J.R. No. 11

(Authorizing the Legislature to provide for issuance of bonds to be used in creating the Texas Opportunity Plan Fund, as a loan fund for Texas students attending public and private institutions of higher education within the state)

The proposed Amendment No. 6 adds a new Section 50b to Article III of the Constitution of the State of Texas.

Under the proposal, the Legislature is authorized to provide that the Coordinating Board, Texas College and University System, or its successor or successors, shall have authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed $85 million. The amendment limits the maximum interest rate on the bonds to four per cent.

Funds received from sale of the bonds are to be deposited in the State Treasury as the "Texas Opportunity Plan Fund," which is to be administered by the same Coordinating Board. Use of the fund is restricted to loans for students who have been admitted to attend any institution of higher education, public or private, within the State of Texas. Junior colleges are included in this category. Terms and conditions of student loans, and requirements for payment of principal and interest on the loans are to be established by legislative act. The 59th Legislature, through Senate Bill 310, enacted the prescribed enabling legislation during its Regular Session in 1965. The measure will become effective only if the proposed Amendment No. 6 is adopted by the electorate.

Background

Precedent for creating a loan fund for Texas students enrolled in higher education institutions in the state was established in 1952, when Section 50a was added to Article III of the Constitution. At that time, a State Medical Education Fund was authorized, which was to be used in "making grants, loans or scholarships to students desiring to study medicine and agreeing to practice in the rural

areas of this state, upon such terms and conditions as shall be prescribed by law." Unlike the proposed Amendment No. 6, money for the Medical Education Fund was to be supplied through legislative appropriation rather than the issuance of bonds.

At West Texas State University, an opportunity plan fund has been created from private sources, and experience at that institution shows a repayment rate on student loans from the fund of 98 1/2 per cent--or all but 1 1/2 per cent. In contrast, repayment on student loans made through the Federal Government is made by only 81 per cent of students qualifying.

Amendment of the Constitution is necessary to the creation of state loan funds for students because several sections prohibit the use of public money by any individual, association or corporation, except in cases of public calamity.

Section 50, Article III, states that the "Legislature shall have no power to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever."

Section 51, Article III, as placed in the Constitution of 1876 and retained in the present Section 51 as amended, was a prohibition placed upon the Legislature that it should not grant or authorize the grant of public money to any individual, association or corporation save in cases of public calamity. These restraints upon the use of public funds originated in an era following the reconstruction period which had been marked by profligacy.

ARGUMENTS

For:

1. The single greatest natural resource in the State of Texas is its young people. Each year, thousands of high school graduates with college potential are deterred from continuing their education due to inadequate finances. Adoption of the proposed Amendment No. 6 would assure many of these students of the college education and training they deserve and would assure the State of Texas that future state development will be in the hands of those best qualified for service.

2. By making the Texas Opportunity Plan Fund available for student loans, the State of Texas will be in a position to make loans matched by Federal agencies, private corporations and foundations, thus doubling benefits to the college students and people of Texas when a loan is granted.

3. Enabling legislation (S. B. 310, enacted by the 59th Legislature, to become effective if Amendment No. 6 is adopted), provides for repayment of the loans, as well as interest on the loans. Thus the student loan fund is actually created at no cost to the taxpayers of Texas, and is self-perpetuating. The West Texas State University Opportunity Plan, a closely-supervised program which is the model for the proposed Texas Opportunity Plan Fund, has a repayment experience of 98.5 per cent, which is an indication of the security of loans made under the proposed Texas Opportunity Plan.

Against:

1. Encroaching socialism will be advanced if the proposed Amendment No. 6 to establish the Texas Opportunity Plan Fund is adopted. Tuition in state colleges and institutions of higher education is already minimal, and in the midst of the greatest period of prosperity that this state has ever known it is not necessary to subsidize students. Those who really desire an education have ample opportunity to obtain one.

2. The provision for loans to students attending public and private institutions alike breaks down another barrier in the separation of church and state, a foundation stone which our forefathers placed in the Constitution of the United States.

3. Loans to students from state funds represent encroachment upon private business. Banks and savings and loan institutions, as well as private charitable sources, have long advanced loans for education to sincere and dedicated students at low interest rates, and such loans are generally viewed by those receiving them as serious obligations in contrast to the attitude toward federal government "hand-outs," where the average repayment rate is only 81 per cent. A state-wide loan program, even though modeled upon the West Texas State University Opportunity Plan, could hardly receive the close supervision which was no doubt responsible for the success of this pilot program.

By: Hinson, Allen, et al H.J.R.No. 11

A JOINT RESOLUTION

PROPOSING an Amendment to Article III of the Constitution of the State of Texas authorizing loans to students at institutions of higher education; creating the Texas Opportunity Plan Fund and making provisions relating thereto.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding a new Section to read as follows:

"Section 50b. STUDENT LOANS. (a) The Legislature may provide that the Coordinating Board, Texas College and University System, or its successor or successors, shall have the authority to provide for, issue and sell general obligation

bonds of the State of Texas in an amount not to exceed Eighty-five Million Dollars ($85,000,000). The bonds authorized herein shall be called 'Texas College Student Loan Bonds,' shall be executed in such form, denominations and upon such terms as may be prescribed by law, provided, however, that the bonds shall not bear more than four per cent (4%) interest per annum; they may be issued in such installments as the Board finds feasible and practical in accomplishing the purposes of this Section.

"(b) All moneys received from the sale of such bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Opportunity Plan Fund to be administered by the Coordinating Board, Texas College and University System, or its successor or successors to make loans to students who have been admitted to attend any institution of higher education within the State of Texas, public or private, including Junior Colleges, which are recognized or accredited under terms and conditions prescribed by the Legislature, and to pay interest and principal on such bonds and provide a sinking fund therefor under such conditions as the Legislature may prescribe.

"(c) While any of the bonds, or interest on said bonds authorized by this Section is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year.

"(d) The Legislature may provide for the investment of moneys available in the Texas Opportunity Plan Fund, and the interest and sinking funds established for the payment of bonds issued by the Coordinating Board, Texas College and University System, or its successor or successors. Income from such investment shall be used for the purposes prescribed by the Legislature.

"(e) All bonds issued hereunder shall, after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under this Constitution.

"(f) Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such acts shall not be void because of their anticipatory nature."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed on them the following:

> "FOR the Constitutional Amendment authorizing the Legislature to provide for loans to students at institutions of higher education to be known as the Texas Opportunity Plan.
>
> "AGAINST the Constitutional Amendment authorizing the Legislature to provide for loans to students at institutions of higher education to be known as the Texas Opportunity Plan."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

Amendment No. 7--S. J. R. No. 7

(Exempts certain hospitals from the payment of ad valorem taxes levied by any taxing entity except the state itself.)

This proposed Amendment No. 7 adds a new Section 2-A to Article VIII of the Texas Constitution and is designed to provide tax exemptions to certain hospitals giving free hospital and medical care to indigent citizens of Texas. Property belonging to hospitals meeting the qualifications set forth in the proposed amendment is exempt from all ad valorem taxes levied by any taxing entity except the state itself.

Several restrictions on the eligibility of hospitals which greatly limit the application of the exemption are imposed by the proposed amendment. In brief, these restrictions include:

1. The hospital must be operated by a charitable trust or organization.

2. The hospital must spend a minimum of $1.5 million for charitable purposes during the first year to become eligible for initial tax-exempt status, and is required to spend $1.8 million annually thereafter to continue in this tax-exempt category.

3. The charitable trust or organization must maintain its domicile and operate the hospital or hospitals in a county with a population of more than 1,200,000, according to the last preceding Federal Census.

4. The charitable trust or organization must be exempt from United States income taxes.

At present, only one hospital, and that in Harris County, is eligible for the tax exemption provided in this proposed amendment.

Background

In recent years, there has been a tremendous growth in the number of authorities and districts which have the power to assess, levy, and collect ad valorem taxes. These now include water districts, drainage districts, school districts, hospital districts and others, in addition to the governments of city, county and state. These districts often overlap so that one given tract of land may be subjected to ad valorem taxes by several different taxing agencies. A high rate of taxation results from the combined levies of these various taxing units.

Historically, the State of Texas has shown favor to institutions, including hospitals, which perform charitable functions. The Texas Supreme Court has stated that these hospitals ". . . serve the government by relieving it to some extent of what would otherwise be a public duty or governmental function to care for the indigent sick and afflicted, and it is the assumption by such institutions of this burden which compensates the government for the exemption granted."

The granting of tax relief to charitable hospitals has prevailed in Texas for many years. Section 2, Article VIII, of the Constitution provides that the Legislature " . . . may, by general laws, exempt from taxation . . . all buildings used exclusively and owned by . . . institutions of purely public charity." The Legislature included the present statutory exemption for hospitals at an early date, and it was included in the Revised Civil Statutes of Texas, 1925, as Subsection 7 of Article 7150. The subsection was last amended in 1961.

While the constitutional language is broad, it is apparent that by its interpretation along with statutory provisions, there are some restrictions placed upon obtaining tax exempt status, and some hospitals, even though they may provide charitable services, are not exempt from taxation.

ARGUMENTS

For:

1. The provisions of this amendment describe one hospital in Texas which now pays over $300,000 each year in ad valorem taxes to various taxing authorities. The proposed amendment requires that the hospital, in order to retain the exemption provided, must increase expenditures for charitable purposes above the present total in the second and subsequent years, thereby insuring that the money saved through the tax exemption will be used to provide free hospital and medical care for the indigent.

2. The 1960 census showed Harris County with the greatest county population in the State of Texas--1,243,158. Thus the need for free hospital and medical care provided by private organizations is much greater in Harris County than anywhere else in the state, and the ad valorem tax relief provided by the proposed Amendment No. 7 should logically start with this county.

3. As other counties increase in population and hospital expenditures in them reach the minimum provided by the amendment for free hospital and medical care, more hospitals will become eligible for the exemptions granted. Therefore, the proposed amendment is not of strictly local application--Harris County --but anticipates future needs of growing metropolitan areas of the state.

Against:

1. The proposed amendment at this time is applicable to only one charitable hospital in the state. The Constitution is not the place to make provision for purely local interests; instead constitutional provisions should be state-wide in scope, with provisions applicable for all organizations performing the same or similar functions and services.

2. It is basically unfair for one hospital, among the many providing free hospital and medical care throughout the state, to be granted a special tax exemption while the remainder continue operations under the burdensome tax load now imposed by multiple taxing units of government.

3. An organization which provides a major portion of its services without receiving compensation in return should receive tax relief at its inception, rather than exemptions provided after it has become a large and successful organization as proposed by Amendment No. 7. Benefits of the proposed amendment apply only to a hospital which expends a minimum of $1.5 million each year on free hospitalization and medical care.

By: Cole S.J.R.No.7

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas providing for the exemption from local ad valorem taxes of the property of certain charitable organizations, provided such organizations meet certain conditions and requirements and expend at least One and One-half Million Dollars ($1,500,000) annually on free medical and hospital care for the indigent within the State of Texas; providing for the necessary election, form of ballot, proclamation and publications.

PREAMBLE

WHEREAS, The Legislature finds and declares that there is a need for the operation of hospitals by private charitable enterprises which will furnish free medical and/or hospital care for the indigent in Texas; and

WHEREAS, The operation of such hospitals and the furnishing of such free medical care and hospitalization for the indigent

in Texas will add to the welfare and well-being of the State of Texas and its residents and citizens; and

WHEREAS, The need for the operation of such hospitals and the furnishing of such free medical care and hospitalization for the indigent is especially great in counties having a population in excess of one million two hundred forty thousand (1,240,000); and

WHEREAS, It is found and declared to be the Public Policy of the State to foster and encourage such operation of hospitals as aforesaid; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. The Constitution of the State of Texas is amended hereby, by the addition of a new Section to Article VIII thereof, to be numbered Section 2-A, and reading as follows:

"2-A. The properties of any charitable trust or organization if such trust or organization is dedicated to, and operates a hospital furnishing free hospital and/or medical care for the indigent within the State of Texas, shall be exempt from all ad valorem taxes levied by any taxing entity, except by the State of Texas itself, provided:

"(1) such trust or organization has expended for free hospital and/or medical care within the State of Texas, during the calendar year next preceding, a sum of not less than One and One-half Million Dollars ($1,500,000); and, further provided,

"(2) after such exemption has been in force and effect for one full calendar year, the amount expended for free hospital and/or medical care, within the State of Texas, amounts to not less than One Million Eight Hundred Thousand Dollars ($1,800,000) for the calendar year next preceding; and, further provided,

"(3) such trust or organization is exempt from United States income taxes;

"(4) such charitable trust or organization maintains its domicile and operates a hospital or hospitals in a county having a population of more than one million two hundred forty thousand (1,240,000) according to the last preceding Federal Census, and such exemption shall apply only to the properties of such charitable trust or organization located within the county of its domicile.

Proof of compliance with all applicable conditions stated above, shall constitute a complete defense to any suit for ad valorem taxes levied or attempted to be levied by any taxing entity other than the State of Texas itself.

"This Amendment shall be self-enacting."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

> "FOR the Amendment exempting the property of certain charitable organizations from local ad valorem taxes provided any such organization meets certain conditions, and expends at least One and One-half Million Dollars ($1,500,000) annually for free hospital and medical care for the indigent within the State of Texas.
>
> "AGAINST the Amendment exempting the property of certain charitable organizations from local ad valorem taxes provided any such organization meets certain conditions, and expends at least One and One-half Million Dollars ($1,500,000) annually for free hospital and medical care for the indigent within the State of Texas."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and Laws of this State.

Amendment No. 8--H. J. R. No. 57

(Providing for the automatic retirement of District and Appellate Judges for old age and creating a State Judicial Qualifications Commission; providing for removal of District and Appellate Judges for misconduct; and for retirement of Judges in cases of disability)

The proposed amendment to Article V, Section 1-a, requires the automatic retirement of District and Appellate Judges at age 75, or such earlier age, not under 70, as may be provided by law. It creates a State Judicial Qualifications Commission of nine members to serve without compensation. Membership on the Commission includes two justices of Courts of Civil Appeals, two district judges, two members of the State Bar with over ten consecutive years of practice, and three citizens of at least 30 years of age who are not licensed to practice law and are not salaried public officials or employees.

The proposed Amendment No. 8 also makes provision for removal of any justice or judge of District or Appellate Courts for " . . . wilful or persistent conduct, which is clearly inconsistent with the proper performance of said duties or casts public discredit upon the judiciary or administration of justice." Further, it provides for involuntary retirement of a justice or judge for disability seriously interfering with the performance of his duties if the disability is, or is likely to become, permanent in nature.

Procedures for effecting the retirement or removal of judges are set forth in detail in the proposed amendment, which is largely self-executing.

The proposed Amendment No. 8 does not repeal any of the provisions of Article XV, but, by its terms, is alternative to and cumulative of those provisions.

Background

There is presently no constitutional or statutory provision for involuntary retirement of Texas judges, automatic or otherwise, because of age or incapacity. Provisions of Article XV now deal only with removal (of judges and other officers) for cause, as distinguished from involuntary retirement, and its procedures for impeachment and address by the Legislature are unwieldy and almost never used.

Even the authority granted to the Supreme Court by Article XV, Section 6, for removal of judges of the District Courts has been exercised only once. Action by the Supreme Court under this section must be initiated by petition of ten lawyers, who might be reluctant to institute proceedings against a judge who would later hear their cases.

ARGUMENTS

For:

1. The provisions of this amendment for automatic retirement of judges at advanced age and creating machinery for involuntary retirement for disability fill a great need of the Texas judicial system, and were sponsored by the State Bar (including the Judicial Section) and the "statutory Texas Civil Judicial Council," as well as the League of Women Voters. A substantial number of Texas judges have remained in office long after their capacity has been impaired by age or disability. Their timely retirement will insure the State of a capable and alert judiciary. Services of a judge automatically retired for old age, however, will not be lost to the State if he is still competent to serve, as he may still be assigned to special work where needed and at full pay. Twenty-one or more states now have provisions for automatic retirement at ages from 70 to 75, most of them at 70. Private business generally requires retirement at a still earlier age.

2. The present Texas Judicial Retirement Law (Article 6228b, Vernon's Texas Civil Statutes) affords retirement compensations for judges who are disabled, but does not require them

to retire unless they choose to do so. A disabled (or aged) judge is often the last to realize that he should retire.

3. The proposed Amendment No. 8 establishes procedures for removal of judges for misconduct, which are much more modern and efficient than present provisions. It does not repeal any of the provisions of Article XV and thus does not take away any of the powers previously granted to the Legislature and the Supreme Court with respect to the judicial system.

4. The proposal is substantially the same as that provided in the California system, which was adopted in 1960 at the suggestion of the California judiciary itself and has worked efficiently in that state.

Against:

1. Many great jurists have made history-making decisions after passing the age of 75--the upper age for automatic retirement of district and appellate judges provided by the proposed amendment. Age is a relative matter, and it is not right to deprive the people of Texas of an outstanding judge nor to deprive the judge of the position to which those same people have elected him solely because of his age.

2. Article XV of the Constitution already makes provision for the removal of judges for cause. This procedure should not be so simplified as to invite frequent use without real justification. The very complexity of present provisions for removal of judges is a safeguard for the preservation of a strong judicial system.

3. The proposed Amendment No. 8 includes provisions which should more correctly have become a part of enabling legislation. The Texas Constitution already contains more than 55,000 words, in comparison to between 11,000 and 12,000 in the national instrument. It is not wise to add needless clutter to a document which is already "Texas-size."

By: McDonald of Hidalgo H.J.R.No.57

A JOINT RESOLUTION

PROPOSING an Amendment to Section 1-a of Article V of the Constitution of the State of Texas, by adding to said Section as presently written, the following provisions: requiring automatic retirement of certain District and Appellate Judges at age seventy-five (75) or such earlier age, not under seventy (70), as may be provided by law; creating a State Judicial Qualifications Commission and providing for its composition and the qualifications, methods of selection and terms of office of its members; defining the functions and procedures of said Commission, including the duty to investigate, and hold hearings in respect of, disability and misconduct of District and Appellate Judges and to make recommendations to the Supreme Court of Texas for involuntary retirement or removal of such Judges; empowering the Supreme Court of Texas, in its discretion, to retire such Judges for disability and to remove them for misconduct, upon recommendation of the aforesaid Commission and consideration of the record made before it; defining misconduct for which said Judges may be so removed; providing that the proceedings of said Commission shall be confidential until filed in the Supreme Court with recommendation for retirement or removal; and providing that the removal provisions hereby established shall be alternative to and cumulative of those provided elsewhere in the Constitution.

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. That Section 1-a of Article V of the Constitution of the State of Texas be amended so that said Section shall hereafter read as follows:

"Section 1-a. (1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Amendment, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

"(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the Governor with advice and consent of the Senate.

"(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six

(6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

"(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

"(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of five (5) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement or removal of Justices or Judges shall be by affirmative vote of at least five (5) members.

"(6) Any Justice or Judge within the scope of this Section 1-a may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any such Justice or Judge may be involuntarily retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

"(7) The Commission shall keep itself informed as fully as may be of circumstances relating to misconduct or disability of particular Justices or Judges, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court.

"(8) The Commission may, after such investigation as it deems necessary, order a hearing to be held before it concerning the removal or retirement of a Justice or Judge, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Civil Appeals as a Master to hear and take evidence in any such matter, and to report thereon to the Commission. If, after hearing, or after considering the record and report of a Master, the Commission finds good cause therefore, it shall recommend to the Supreme Court the removal or retirement, as the case may be, of the Justice or Judge in question and shall thereupon file with the Clerk of the Supreme Court the entire record before the Commission.

"(9) The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence and shall order removal or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

"(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged; provided that upon being filed in the Supreme Court the record loses its confidential character.

"(11) The Supreme Court shall by rule provide for the procedure before the Commission, Masters and the Supreme Court. Such rule shall afford to any judge against whom a proceeding is instituted to cause his retirement due process of law for the procedure before the Commission, Masters and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the judge in

remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

"(12) No Justice or Judge shall sit as a member of the Commission or Supreme Court in any proceeding involving his own retirement or removal.

"(13) This Section 1-a is alternative to, and cumulative of, the methods of removal of Justices and Judges provided elsewhere in this Constitution."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of the State at an election to be held on the first Tuesday after the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

> "FOR the Constitutional Amendment providing for the automatic retirement of District and Appellate Judges for old age, creating the State Judicial Qualifications Commission, defining its functions; and empowering the Supreme Court, upon recommendation of said Commission, to remove District and Appellate Judges for misconduct and to retire such Judges in cases of disability.
>
> "AGAINST the Constitutional Amendment providing for the automatic retirement of District and Appellate Judges for old age, creating the State Judicial Qualifications Commission, defining its functions; and empowering the Supreme Court, upon recommendation of said Commission, to remove District and Appellate Judges for misconduct and to retire such Judges in cases of disability."

Sec. 3. The Governor shall issue the necessary proclamation for the election, and this Amendment shall be published as required by the Constitution and laws of this State.

Amendment No. 9--H. J. R. No. 8

(Authorizing the Legislature to set the salaries of the Lieutenant Governor and the Speaker of the House, and increasing per diem pay of members of the Legislature from $12 for 120 days to $20 for 140 days during a regular session)

The proposed Amendment No. 9 would effect changes in two articles of the Constitution of the State of Texas--(1) Article III, Section 24, which relates to annual salaries and per diem for members of the Legislature; and (2) Article IV, Section 17, which provides, in part, that the Lieutenant Governor shall receive the same salary as members of the Senate while he is acting as president of the Senate.

Section 24 of Article III, under the proposed amendment, would raise the per diem pay of members of the Legislature from the $12 now allowed for 120 days of a Regular Session to $20 a day for the full 140-day Regular Session. The same $20 per-day allowance would be applicable during the 30 days of any Special Session. Another change proposed in Section 24, Article III, by Amendment No. 9 includes the provision that the " . . . Lieutenant Governor and the Speaker of the House of Representatives shall receive from the Public Treasury an annual salary in an amount to be fixed by the Legislature."

Section 17, Article IV, now provides, in part, that the Lieutenant Governor shall receive the same compensation as members of the Senate while he is acting as president of the Senate. The proposed amendment to this section would allow the Legislature to fix an annual salary for the Lieutenant Governor.

Background

Compensation and Salaries of Members of the Legislature

Before the Constitution of 1876 was adopted, earlier Texas Constitutions permitted the Legislature, by law, to increase or diminish compensation of its members, except that no increase could become effective during the

session at which the increase was made. But the original Constitution of 1876 limited the per diem allowance to $5, and, to further discourage long sessions, it provided that this allowance should be reduced to $2 after the first 60 days.

This latter provision resulted in added costs rather than economy because adjournment of the Legislature shortly after the first 60 days of the session became almost routine, and frequent special sessions were necessary to take care of unfinished business. To end this problem, and also to encourage better-qualified candidates for the Legislature as well as secure greater efficiency in legislative operations, an amendment was approved in 1930 which set the per diem at not exceeding $10 for the first 120 days of a session. If the Legislature continued to meet beyond that period, per diem compensation was cut in half, to $5.

In 1954, Section 24, Article III, was again amended to increase per diem compensation to $25 for the first 120 days of each session of the Legislature. In 1960, for the first time under the 1876 Constitution, members of the Legislature were given an annual salary not exceeding $4,800, plus per diem of $12 for 120 days of the regular session and 30 days of each special session.

The proposed Amendment No. 9 would increase this $12 allowance to $20, and extend the number of days for its collection from 120 to the entire 140 days of the regular session. The same per diem of $20 would be allowed during 30 days of each special session.

Compensation of Lieutenant Governor and Speaker of the House of Representatives

Section 17, Article IV, now provides, in part, that the Lieutenant Governor shall receive the same compensation as members of the Senate while he is acting as president of the Senate. The change proposed by Amendment No. 9 adds the following language:

> " . . . The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services an annual salary in an amount to be fixed by the Legislature."

This proposed amendment of Section 17, Article IV, is necessary to keep it from being in conflict with the changes proposed in Article III, Section 24, providing that the " . . . Lieutenant Governor and the Speaker of the House of Representatives shall receive from the Public Treasury an annual salary in an amount to be fixed by the Legislature."

ARGUMENTS

For:

1. The $12 per diem now allowed members of the Legislature during 120 days of a regular session is unrealistic in relation to present-day costs of living. The 120-day cut-off period for payment of per diem during a regular session of 140 days is an additional hardship upon members of the Legislature, whose expenses are continued throughout the session. The small increase to $20 provided under the proposed Amendment No. 9 would alleviate to some extent the financial sacrifice which service in the Texas Legislature now entails.

2. Duties of the Lieutenant Governor and Speaker of the House Representatives are as important to the poeple of Texas, as time-consuming, and as complex as those of almost any state official who is responsible to the people of Texas at large. Compensation of these two executives, however, remains at the level instituted when they were considered only part-time officials and when the functions they exercised were little greater than those performed by the average member of the Legislature. The Lieutenant Governor, next in line of succession to the Governor, must wage the same state-wide campaign as other state executives, yet the compensation he receives is almost negligible. Although the Speaker of the House of Representatives conducts his campaign only among the 150 members of that body, he, too, must cover the length and breadth of Texas in securing the majority of pledges necessary for his election. It is unfair to penalize these Texas officials who are so important to the functioning of Texas government by continuing the inadequate salaries and compensation they now receive.

Against:

1. Just five years ago, by amendment of Article III, Section 24, the electorate gave to members of the Legislature their requested annual salary plus compensation in the amount of $12 per day. The argument was presented that the annual salary would do away with the big $25 per day allowance, and members could provide better year-round service to their constituents when assured of a regular income. Now the proposal is made in Amendment No. 9 to raise this per diem allowance to $20, almost back to the $25 per diem allowed between 1954 and 1960, and the annual salary provision of the Constitution is retained as well.

2. The Lieutenant Governor and the Speaker of the House of Representatives in actual practice are no more than members of the Senate and the House, respectively. If large, executive-type salaries are provided for these two officials, other members of the Legislature will soon be clamoring for like treatment.

By: Traeger H.J.R.No.8

A JOINT RESOLUTION

PROPOSING an Amendment to Section 24, Article III and Section 17 of Article IV of the Constitution of the State of Texas, to allow an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives, and increasing the per diem allowance of Members of the Legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 24 of Article III of the Constitution of the State of Texas be amended to read as follows:

"Section 24. Representatives shall receive from the Public Treasury an annual salary of not exceeding Four Thousand, Eight Hundred Dollars ($4,800) per year. Senators shall receive from the Public Treasury an annual salary of not exceeding Four Thousand, Eight Hundred Dollars ($4,800) per year. The Lieutenant Governor and the Speaker of the House of Representatives shall receive from the Public Treasury an annual salary in an amount to be fixed by the Legislature. All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives, also shall receive from the Public Treasury a per diem of not exceeding Twenty Dollars ($20) per day for the one hundred and forty (140) days of each Regular Session and for thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days. This Amendment shall be self-enacting and appropriations heretofore made in the General Appropriations Bill for the biennium ending August 31, 1967, for the salaries of the Lieutenant Governor and Speaker of the House of Representatives shall not be invalid because of the anticipatory nature of the legislation.

"In addition to the per diem the Members of each House shall be entitled to mileage in going to and returning from the seat of Government, which mileage shall not exceed Two Dollars and Fifty Cents ($2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra Session that may be called within one (1) day after the adjournment of the Regular or Called Session."

Sec. 2. That Section 17 of Article IV of the Constitution of the State of Texas be amended to read as follows:

"Section 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for

the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services an annual salary in an amount to be fixed by the Legislature and the same mileage which shall be allowed to the Members of the Senate, and no more; and during the time he administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office."

Sec. 3. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday following the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment allowing an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives and allowing a per diem for Members of the Legislature not to exceed Twenty Dollars ($20) per day for the 140 days of each Regular Session and 30 days of each Special Session.

"AGAINST the Constitutional Amendment allowing an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives and allowing a per diem for Members of the Legislature not to exceed Twenty Dollars ($20) per day for the 140 days of each Regular Session and 30 days of each Special Session."

Sec. 4. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

Amendment No. 10--S. J. R. No. 47

(Providing four-year terms for members of the Texas House of Representatives)

This proposed amendment, No. 10 on the ballot on November 2, 1965, would increase terms of members of the Texas House of Representatives from two to four years. It amends Section 4 of Article III of the Constitution. By its terms, members would be divided into two classes, so that one-half of the membership would stand for election every two years. This is the same procedure now in effect for election of members of the Texas Senate.

A provision is included in the proposed amendment which prohibits a House member with more than one year of his term remaining from becoming a candidate for any other legislative office. In essence, this prevents a member of the House of Representatives from running for the Senate while he still has two years remaining in his term of office. Had this provision been omitted, a member of the House could become a candidate for the Senate in off-election years without jeopardizing his membership in the House.

Background

Traditionally, terms for members of the lower house in Texas have been two years. The only exception to be found goes back to the days of the Republic. The Constitution of 1836 provided for terms of one year only. Since 1845, six Constitutions have included terms of two years for members of the House of Representatives.

The movement for four-year terms advanced by members of the 59th Legislature through passage of the resolution proposing Amendment No. 10 doubtless began because (1) there was a proposal to provide four-year terms for the Governor and certain other state officials (see analysis of Amendment No. 4); and (2) members of the Senate now have four-year terms.

ARGUMENTS

For:

1. The proposed increase in terms of members of the House of Representatives from two to four years would relieve members from spending so much time in campaigning and thus make more time available for the conduct of legislative business and the interests of constituents.

2. Campaign expenses of candidates for the House of Representatives have continued to rise through the years along with other costs in our present inflationary economy. The $4,800 annual salary now provided for members of the Legislature is certainly a minimal wage and does not take into consideration the fact that this entire amount and more must be expended biennially in meeting the demands of an effective campaign for re-election. The proposed increase to four-year terms would cut this campaign expense in half and thus make the candidate less subject to the influence of special interests through their campaign contributions.

3. Continuity in office, within certain limits, provides strength in government. A junior member of the Legislature seldom receives committee appointments of stature. In his second term, or the beginning of his third year of service, his stand on issues is more predictable and he is generally given appointments commensurate with his ability. A member of the Legislature who has the assurance of a four-year term is also less subject to influence by the executive branch. Armed with the advance knowledge of service in two regular sessions, the four-year term representative is more likely to exercise his own initiative. Each member of the House of Representatives would thus have an opportunity to prove himself and his constituents would be given the advantage of the full service of which he is capable.

4. Problems and issues before the Legislature today are more complex than ever before in history. Often it is impossible for a member of the Legislature to gain a thorough knowledge of a complicated subject, with its pros and cons, during one legislative session. By increasing terms of members of the House of Representatives from two to four years, the electorate would have the assurance that its chosen Representatives would have ample time to inform themselves on all issues before casting their votes solely at the instigation of proponents or opponents of a measure.

5. The provision of a four-year term for members of the Texas House of Representatives follows the precedent established by four other southern states--Alabama, Louisiana, Maryland and Mississippi.

Against:

1. The lower house of the Legislature is supposed to be closer to the people than the Senate. Election of members of the House of Representatives for four years, rather than the two years now provided, might tend to make them less responsive to the needs and wishes of the electorate.

2. As the Texas Legislature convenes in Regular Session biennially, Texas citizens now have the privilege of expressing approval or displeasure with the service of their chosen representatives at the polls in the next election year following session adjournment. Opportunity for such expression would come only at four-year intervals, and after the House member had served through two Regular Sessions, if the proposed Amendment No. 10 is adopted. There would be ample time for errors and adverse actions of a member during his first Regular Session to be compounded in the last two years of his regular four-year term.

3. The temptation to promote selfish interests of members--increases in salary, proposals for even longer tenure, increased

per diem, travel expense and the like--would be greater in a House of Representatives given the added strength and security provided by four-year terms.

4. Familiarity with the name of the officeholder, rather than endorsement of his policies and abilities, is considered a factor relating to the acknowledged difficulty of unseating an incumbent of many years in the same office. Adoption of the proposed amendment would give a member of the House of Representatives elected for two terms--eight full years--reasonable assurance of almost lifetime tenure.

5. The fact that only four states in the United States--Alabama, Louisiana, Maryland and Mississippi--have adopted four-year terms for members of the lower houses of their legislatures is indicative of the wisdom of retaining two-year terms for members of the Texas House of Representatives. The two-year term gives more assurance of popular representation because of the frequent opportunity which it gives voters to express approval or disapproval of their representative's policies at the polls.

By: Strong, et al S. J. R. No. 47

A JOINT RESOLUTION

Proposing an Amendment to Section 4, Article III, Constitution of the State of Texas, to provide four-year terms of office for State Representatives.

BE IT RESOLVED BY THE LEGISLATURE
OF THE STATE OF TEXAS:

Section 1. That Section 4, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 4. The members of the House of Representatives shall be chosen by the qualified electors for the term of four years; but a new House of Representatives shall be chosen after every apportionment, and the members elected after each apportionment shall be divided by lot into two classes. The seats of the members of Class A shall be vacated at the expiration of the first two years, and those of Class B at the expiration of four years, so that one-half of the members of the House of Representatives shall be chosen biennially thereafter. Representatives shall take office following their election, on the day set by law for the convening of the Regular Session of the Legislature, and shall serve thereafter for the full term of years to which elected and until their successors shall have been elected and qualified. Except in case of an election to fill a vacancy, and except in the first election following such re-apportionment, a person who has been elected to the House of Representatives shall not be eligible to be a candidate again for membership in the Legislature until the term for which he was elected has less than one year remaining."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of the state at an election to be held on the first Tuesday after the first Monday in

November, 1965, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment to provide for a four-year term of office for State Representatives.

"AGAINST the Constitutional Amendment to provide for a four-year term of office for State Representatives."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time required by the constitution and laws of this state.

Sec. 4. In the event the Constitutional Amendment proposed in this Resolution is adopted by the people of Texas in the election in November, 1965, the Governor of Texas is directed not to issue a proclamation for the election and not to publish notice thereof for the Constitutional Amendment proposed by House Joint Resolution No. 1 of the 59th Texas Legislature, since the provisions of said House Joint Resolution No. 1 are included in this Resolution. But, should this proposed Amendment be rejected by the people of Texas in the election in November, 1965, then the terms and provisions of House Joint Resolution No. 1 shall be and remain in full force and effect and shall be proclaimed published and submitted to the electorate in November, 1966, as provided in said House Joint Resolution No. 1.

CONSTITUTIONAL AMENDMENTS TO BE VOTED ON NOVEMBER 8, 1966

For reference purposes, the following is a listing of 16 constitutional amendments proposed by the 59th Legislature, which will be voted on next year--on November 8, 1966.

S. J. R. No. 1 — Authorizing the Legislature to create airport authorities composed of one or more counties, and the levy of a tax not to exceed 75¢ on the $100 valuation of all taxable property within such authority. Amends Article IX of the Constitution by adding a new Section 12.

S. J. R. No. 4 — Authorizing the Legislature to establish a Statewide Cooperative System of Retirement, Disability and Death Benefits for officials and employees of various counties and other political subdivisions of the state or county. Amends Article XVI by adding a new Subsection (c) to Section 62.

S. J. R. No. 19 — Authorizing issuance of an additional $200 million in Texas Water Development Bonds and providing for further investment of the Texas Water Development Fund in reservoirs and associated facilities. Amends Section 49-d, Article III.

S. J. R. No. 26 — Providing for a Court of Criminal Appeals of five members, and prescribing the term of the court. Amends Sections 4 and 5 of Article V.

S. J. R. No. 33 — Authorizing assistance to the blind, crippled or otherwise physically or mentally handicapped, in the form of grants of public funds, obtained from private or federal sources only, to local

level or other private, nonsectarian associations, groups, and nonprofit organizations for establishing and equipping facilities to assist the handicapped in becoming gainfully employed, for their rehabilitation or restoration, or for providing other services essential for the better care and treatment of the handicapped. Amends Section 6, Article XVI.

S. J. R. No. 39 — Withdrawing Arlington State College from participation in the Permanent University Fund. (This is a companion amendment to Amendment No. 1, to be voted on November 2, 1965.) Amends Section 18, Article VII.

H. J. R. No. 1 — Establishing the date on which newly elected Members of the Legislature shall qualify and take office as the date of convening of the Regular Session following their election. Amends Sections 3 and 4 of Article III.

H. J. R. No. 13 — Repealing the poll tax as a requirement for voting. Amends Sections 2 and 4 of Article VI.

H. J. R. No. 21 — Changes maximum term of office of directors of conservation and reclamation districts from two to six years. Amends Article XVI by adding a new Section 30c.

H. J. R. No. 24 — Permitting persons qualified to vote in this state except for residence requirements in a county or district to vote for Presidential and Vice Presidential electors and for all state-wide offices, questions or propositions, and permitting citizens of the United States recently arrived or departed from the state to vote for Presidential and Vice Presidential electors. Amends Article VI by adding a new Section 2a.

H. J. R. No. 37 — Providing for payment of assistance by the state to surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or full-aid firemen who suffer violent death in performance of duty. Amends Article III by adding a new Section 51-d.

H. J. R. No. 38 — Allowing members of the Armed Forces who are residents of Texas to vote. Amends Section 2 of Article VI.

H. J. R. No. 48 — Providing the method and manner for dissolution of hospital districts. Amends Section 9 of Article IX.

H. J. R. No. 65 — Providing that taxes or bonds previously voted in any independent school district or in any junior college district shall not be abrogated, cancelled or invalidated by any change in boundaries and authorizing the continuance of the levy of taxes after such change without further election. Amends Section 3-b of Article VII.

H. J. R. No. 69 — Authorizing the Legislature to provide by statute for any county having 1.2 million or more inhabitants to consolidate the functions of government and for such counties or any political subdivision(s) located therein to contract for the performance of functions of government. Amends Article III by adding a new Section 63.

H. J. R. No. 79 — Providing that all land owned by natural persons designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to agricultural use. Amends Article VIII by adding Section 1-d.