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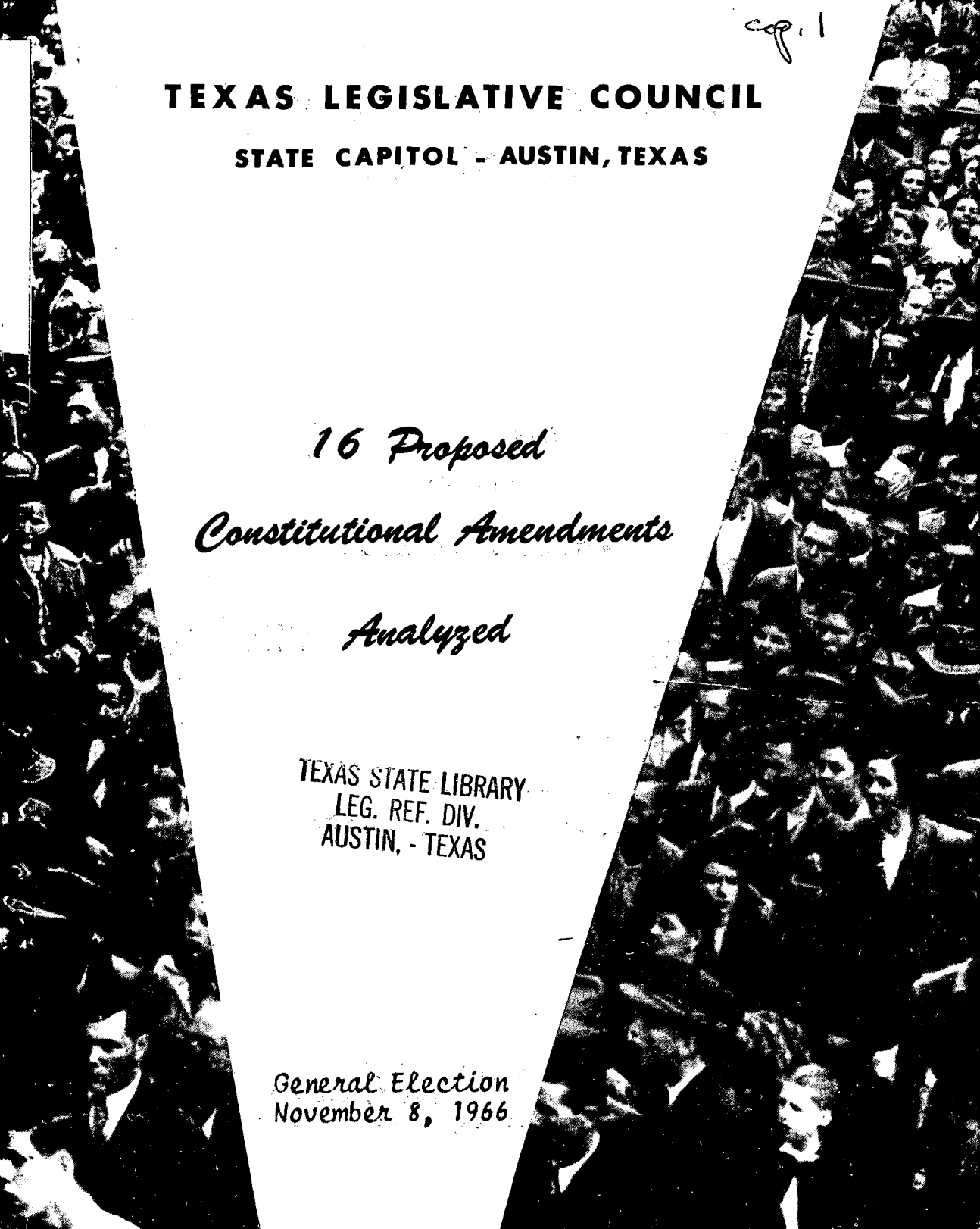

16 Proposed Constitutional Amendments Analyzed

General Election
November 8, 1966

Texas Legislative Council

of the

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An Analysis of

PROPOSED CONSTITUTIONAL AMENDMENTS

To be voted on November 8, 1966

Prepared by the Staff
of the
Texas Legislative Council

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INTRODUCTION

At the general election on November 8, 1966, the electorate will consider 16 proposed amendments to the Texas Constitution, which has already been amended 163 times in its 90-year history. The 16 amendments constitute the remainder of 27 proposed by the 59th Legislature during its regular session in 1965. Eleven were considered at two special elections in 1965, and five of them were adopted.

The new amendments adopted on November 2, 1965, include:

1. S. J. R. No. 24, which amended Section 17, Article VII to increase the state ad valorem tax by five cents on the $100 valuation. Revenues from the tax are earmarked for building construction by state institutions of higher learning.

2. H. J. R. No. 81, which amended Section 51-a, and Subsections 51a-1 and 51a-2 of Article III, incorporating them into one Section 51a, Article III. This amendment enabled the state to continue cooperating with the federal government in providing assistance to and medical care on behalf of certain aged, needy, and handicapped persons. In short, it made possible Texas participation in the new federal medicare program.

3. S. J. R. No. 27, which added a new Section 48b to Article III and repealed conflicting authority existing in Section 48a of Article III. The amendment clarified investment authority for the Board of Trustees of the Teacher Retirement System.

4. H. J. R. No. 11, which added a new Section 50b to Article III. This amendment authorized the legislature to provide for issuance of bonds to be used in creating the Texas Opportunity Plan Fund, a loan fund for Texas students attending public and private institutions of higher education within the state.

5. H. J. R. No. 57, which amended Section 1-a of Article V. The amendment provided for automatic retirement of district and appellate judges for old age and created a State Judicial Qualifications Commission. It also included provisions for removal of district and appellate judges for misconduct and for retirement of judges in cases of disability.

The 16 proposed constitutional amendments to be considered by the electorate on November 8, 1966, are:

Amendment No. 1 — Providing for assessment of agricultural land for tax purposes upon factors relative to agricultural use. Amends Section 1-d of Article VIII.

Amendment No. 2 — Authorizing creation of airport authorities composed of one or more counties. Adds a new Section 12 to Article IX.

Amendment No. 3 — Withdrawing Arlington State College from participation in Permanent University Fund. Amends Section 18 of Article VII.

Amendment No. 4 — Increasing permissible term of office for directors of conservation and reclamation districts from two to six years and validating present statutory terms of office for such officials. Adds a new Section 30c to Article XVI.

Amendment No. 5 — Authorizing the legislature to provide a system of retirement, disability, and death benefits for county officials and employees and others. Adds a new Section 62-c to Article XVI.

Amendment No. 6 Providing for payment of assistance to survivors of law enforcement officers, custodial personnel of the Texas Department of Corrections, and full-paid firemen. Adds a new Section 51-d to Article III.

Amendment No. 7 Repealing the constitutional provision requiring a poll tax as a prerequisite to voting and requiring the legislature to provide for annual registration of all voters. Amends Sections 2 and 4 of Article VI.

Amendment No. 8 Authorizing the legislature to enact laws permitting persons to vote for state officers and for president and vice president of the United States without having fulfilled residence requirements to vote for other officers, as well as laws permitting former residents of the state, for a certain period, to vote absentee for president and vice president. Adds a new Section 2a to Article VI.

Amendment No. 9 Increasing to five the number of judges on the Texas Court of Criminal Appeals and lengthening the term of that court. Amends Sections 4 and 5 of Article V.

Amendment No. 10 Providing that taxes or bonds previously voted in any independent school district or in any junior college district shall not be abrogated, canceled, or invalidated by any changes in boundaries and authorizing the continuance of the levy after such changes without further election. Amends Section 3-b of Article VII.

Amendment No. 11 Authorizing the issuance of an additional $200 million in bonds by the Texas Water Development Board upon two-thirds vote of the legislature, and expanding the uses to which money in the Texas Water Development Fund may be put. Amends Section 49-d of Article III.

Amendment No. 12 — Providing the method and manner for dissolution of hospital districts. Amends Section 9 of Article IX.

Amendment No. 13 — Authorizing the legislature to provide for consolidating the functions of government within a county having 1.2 million or more inhabitants and to provide for intergovernmental contracts between political subdivisions of the county. Adds a new Section 63 to Article III.

Amendment No. 14 — Allowing members of the armed forces to vote in Texas upon satisfying the requirements applicable to Texans in general. Amends Section 2 of Article VI.

Amendment No. 15 — Authorizing the channeling of funds from private and federal sources through the state for use by privately owned or local agencies in establishing and equipping facilities to assist the handicapped in becoming gainfully employed. Amends Section 6 of Article XVI.

Amendment No. 16 — Establishing the date on which newly elected members of the legislature qualify and take office. Amends Sections 3 and 4 of Article III.

Amendment No. 1--H. J. R. No. 79

[Providing that all land owned by natural persons and designated for agricultural use shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use]

This proposed amendment adds a new Section 1-d to Article VIII of the Texas Constitution. The new section provides a method by which a natural person (but not a corporation) who uses or develops land for agricultural purposes may have the land assessed for ad valorem taxes on the basis of the land's value for those purposes alone. This would mean that a person who farms or raises livestock on a tract of land on the fringe of an expanding urban area would not be taxed on the basis of the inflated value of the land for residential, industrial, or commercial use.

Section 1, Article VIII, of the Texas Constitution, states in part:

> Taxes shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law.

Article 7174, Revised Civil Statutes of Texas, 1925, which was enacted pursuant to the constitutional provision, states in part:

> Each separate parcel of real property shall be valued at its true and full value in money, excluding the value of crops growing or ungathered therefrom. (emphasis added)

The courts construe "true and full value in money" to mean "reasonable cash market value."

Without a constitutional amendment, then, agricultural land could not be given a "special" valuation, since this would violate the requirements that taxes be "equal and uniform" and that property be taxed "in proportion to its value." The proposed amendment makes provision for such a special valuation.

The proposed amendment defines "agricultural use" in a standard fashion, with the qualification that farming or ranching must be a person's "primary occupation and source of income," if he is to obtain the special valuation.

The proposed amendment prescribes the procedure to qualify land for the special valuation. Each year, the owner would have to file with the local tax assessor a sworn written statement describing the use to which the land is to be devoted. The tax assessor could inspect the land and require satisfactory evidence that the qualifications have been met.

No land would qualify for the special valuation unless it had been devoted exclusively to agricultural use, or had been developed continuously for such use, during the three years next preceding the assessment date.

The tax assessor would be required to note in his records each year the full valuation of the land. Land sold or diverted to nonagricultural use would be subject to an additional tax equal to the difference between the amount of taxes paid for the last three years and the amount which would have been paid had the land been assessed at its full valuation. A lien would be imposed on the land to secure the payment of this tax.

Finally, the proposed amendment contains a statement that the valuation of mineral rights is not affected by the special assessment provisions. (For the full text of the resolution proposing this amendment, see Appendix, page 63.)

Background In 1876, when the present constitution was adopted, the state was largely rural and through the years one of the main forces behind constitutional change has been that of increasing urbanization.

As the cities have grown, surrounding land areas have increased rapidly in value. Ordinarily, the owners of land on the fringes of urban areas have welcomed the great capital gains arising from the sale of their land. The profits have more than compensated for the higher tax levies. However, a farmer or rancher who continues to look upon his land as a home and a means of livelihood suffers from the high taxes imposed when the city expands toward his property line. This amendment is designed to give him some relief from the increasing tax burden which might eventually drive him off his land.

ARGUMENTS

For:

1. Family farming is a wholesome occupation but is often a risky or marginal business. Any extra burden placed on the family farmers threatens to drive thousands off the land and onto the unemployment and welfare rolls. When the city approaches the farm, the tax burden to the farmer often becomes prohibitive. An equitable tax adjustment, such as the one proposed by this amendment will help to preserve the family farm.

2. Whatever tax revenue is lost by virtue of this amendment will be more than offset by the advantages to society in retaining the family farm.

3. Under the present system, persons who desire to continue farming or ranching for a livelihood are, in effect, penalized for the expansion of the cities--something over which they have no control. This inequity would be removed under the present amendment.

Against:

1. Rural and agricultural interests have long dominated the state at the expense of the cities. Farmers already receive several kinds of subsidies and special dispensations. This proposed amendment is just another attempt by them to obtain special favors.

2. This amendment would cost state and local governments a substantial amount of revenue at a time when all levels of government are painfully searching for more revenue in order to deal with the serious problems of our modern society.

3. It is fundamentally unfair to tax one man's land at a higher--or lower--rate than another's.

Amendment No. 2--S. J. R. No. 1

[Authorizing creation of airport authorities composed of one or more counties]

This proposed amendment adds a new Section 12 to Article IX of the Texas Constitution to authorize the legislature to provide for the creation, maintenance, and operation of airport authorities. It makes possible the creation of a regional state governmental entity which would be eligible for federal money under the Federal Airport Act.

The proposed amendment spells out actual creation of an airport authority in three steps: (1) authorization by the legislature; (2) petition for an election by no less than 5 percent of the qualified taxpaying voters in each county concerned; and (3) approval at the election by a majority of the qualified taxpaying voters in each county to be included in the authority.

General guidelines for administering the affairs of an authority are set forth also in the proposed amendment. A board of directors, with its membership based proportionately upon the population of participating counties, would be the governing body of the authority. Every county would have at least one member on the board. The commissioners court of each county within an authority would have the authority to appoint or provide for the election of its members on the board.

Authorities created under this amendment would have the power to levy an annual tax not to exceed 75¢ on the $100 valuation. The authority would be required to employ a tax assessor and collector. The property of state-regulated common carriers, which are required by law to pay a tax upon intangible assets, would be exempted from taxation by an authority.

Under the terms of the amendment, the legislature would be required to authorize the authority to buy, lease, or condemn publicly owned and financed airport facilities served by certificated airlines. The authority would be required to assume and pay the bonded indebtedness of any facility acquired. (For the full text of the resolution proposing this amendment, see Appendix, page 65.)

Background In some parts of the state, it is difficult for a single county or city to finance and operate an airport. Texas has 21 metropolitan areas, a larger number than any other state, and all of them are growing rapidly, crossing county boundaries, and merging with surrounding cities and towns.

At present, Texas has no constitutional provision relating to airport construction, but the civil statutes authorize either a county or a city to construct and maintain an airport with the revenues from a tax levied upon residents.

Money is available from the federal government to the state and its governmental subdivisions under the Federal Airport Act. The same Act directs the Federal Aviation Agency to prepare a national plan providing for the most efficient use of federal money available for expenditure under the program. With this plan as a framework, the FAA administrator weighs state and local requests and determines the allocation of available money.

As a result of this process, two areas in Texas already have been directed to choose a site for a regional airport or risk the loss of federal money to all airports in their areas. These are the Dallas-Fort Worth complex and the Lower Rio Grande Valley. The proposed amendment would authorize the legislature to create a regional government to operate these and similar regional airports.

ARGUMENTS

For:

1. As regional airports are recommended in the national airport plan provided for by the Federal Airport Act, the state needs corresponding regional authorities to operate them and to qualify for available federal support. This proposed amendment authorizes the legislature, with the consent of local taxpayers, to create such an authority.

2. Regional airports would serve a wide area, and federal money invested in them would benefit all of the people of the area, not just those in one city or county. The costs involved in maintaining the airports would be spread over the area benefited and would be less burdensome to any one group. For example, although the Dallas airport of Love Field is now financed by Dallas city taxes, those residing outside the city have full benefits of the facility at no tax expense.

3. Under the proposed amendment, the administration of an airport authority is vested in a board so constituted that it represents proportionately the populations of participating counties. Thus, those paying for the airport and receiving its benefits would be given fair representation in its management.

Against:

1. City and county governments in Texas are facing more and more financial crises because the property tax is not sufficient to pay the increasing costs of services they must provide. If the legislature and voters of a county or multi-county area should decide to create an airport authority as authorized by the proposed amendment, another 75¢ per $100 valuation could be added to the tax burden of citizens.

2. Texas already has a bewildering array of local governments--cities, counties, water districts, school districts, river authorities, interstate compact authorities, soil conservation districts, hospital districts, and the like. There is so little coordination among them that the governor has called for studies to determine what kind of consolidation and order can be created out of the present confusion. It would be unwise to adopt the proposed amendment and add yet another governmental entity to those now existing. The creation of airport authorities could solve specific problems, but at the cost of increased general confusion. It would provide only a piecemeal approach to a problem which needs comprehensive treatment.

3. Frequently it takes more time to get to the airport than from the airport to a distant destination by air. Regional airports created in multicounty areas, authorized by the proposed amendment, would make distances to the airport even greater, and travel time would be increased correspondingly. Air traffic would suffer from this additional inconvenience to the user of the airport.

Amendment No. 3--S. J. R. No. 39

[Withdrawing Arlington State College from participation in the Permanent University Fund]

This proposed amendment to Section 18, Article VII, of the Texas Constitution excludes Arlington State College from participation in the Permanent University Fund. The amendment proposed is more or less a clean-up measure, in keeping with the legislative intent expressed by statute that the College " . . . finance future building needs from some source or sources other than The University of Texas' share of the principal and/or interest of and from the University Permanent Fund."

A companion amendment to Section 17, Article VII was also proposed by the 59th Legislature and was adopted by the electorate in November, 1965. Under its provisions, Arlington State College was one of the five schools added to those already benefiting from funds obtained through that portion of the ad valorem tax designated for acquiring and constructing buildings at state institutions of higher learning. Thus, should Amendment No. 3 fail in adoption, Arlington State College would be eligible for benefits under more than one constitutional fund.

(For the full text of the resolution proposing this amendment, see Appendix, page 68.)

Background — In 1949, the legislature changed the name of the North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to Arlington State College. The college's individual governing board was abolished and jurisdiction was placed under the Board of Directors of the A&M College of Texas.

Arlington State College continued as a part of the Texas A&M University System until 1965, when the statutes were amended by the 59th Legislature to transfer it to The University of Texas System.

ARGUMENTS

For:

1. Growing enrollment among institutions within The University of Texas System has resulted in increasing demands upon the Permanent University Fund. Should the amendment fail to pass, Arlington State College would participate in both the Permanent University Fund and a state ad valorem tax fund. That the 59th Legislature did not intend for Arlington State College to participate in more than one constitutional fund is demonstrated by its enactment of the statute placing it within The University of Texas System and stipulating that future building needs of the College should be financed from some source or sources other than The University of Texas' share of the Permanent Fund.

Against:

1. Since Arlington State College has been made part of The University of Texas System by the legislature, it should continue to share in the University Permanent Fund, as it did when part of the A&M University System.

Amendment No. 4--H. J. R. No. 21

[Increasing the permissible term of office for directors of conservation and reclamation districts from two to six years and validating present statutory terms of office for such officials]

This proposed amendment to Article XVI of the Texas Constitution adds a new Section 30c, clarifying the constitutional limitations on terms of office of directors of conservation and reclamation districts.

Section 30, Article XVI, now provides that "the duration of all offices not fixed by this Constitution shall never exceed two years. . . ." Without more, district directors would be limited to two-year terms of office.

Section 30a, Article XVI, however, provides that the legislature "may provide by law that the members of the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be, established by law, may hold their respective offices for the term of six (6) years. . . ."

Section 30a would seem to provide for six-year terms of office for district officials, but the Supreme Court, in Lower Colorado River Authority v. McCraw [83 S. W. 2d 629 (Tex. 1935)], stated that it is settled that Section 30a applies only to boards of state agencies. And, according to Attorney General Opinion No. C-303, 1964, not all conservation and reclamation districts are state agencies; most, in fact, are not. Consequently, some, but not all, directors of conservation and reclamation districts may have six-year terms of office; the remainder are limited to two-year terms.

It is estimated that about 50 districts which are local in nature have statutes that provide for six-year terms of office. The proposed constitutional amendment would validate those statutes if adopted.

The proposed amendment would apply to any district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution. The generic name of these districts is "conservation and reclamation district," although they are known by many names, such as "navigation district," "water control and improvement district," "soil and water conservation district," "river authority," and "levee improvement district." (For the full text of the resolution proposing this amendment, see Appendix, page 71.)

Background

Terms of office for state officials have varied little since Texas became a state. The Constitutions of 1845 and 1861 gave most elected officials two-year terms, although immediately after the Civil War terms of office were lengthened to four years. After reconstruction, however, shorter, two-year terms were generally reinstated.

During succeeding years, as new boards and directors have been created, the trend has been toward increasing the length of terms to six years, while safeguarding the advantages of the two-year term by providing for appointments at staggered two-year intervals.

ARGUMENTS

For:

1. Districts must hold frequent elections when two-year terms are provided. In those instances where staggered terms are desired, the cost of yearly elections is a severe financial burden to many shall districts in the state. Six-year terms would permit staggered elections every two or three years, thus, reducing the cost of elections.

2. As witnessed by the number of statutes presently providing for six-year terms of office, the brief tenure provided by a two-year term is considered inefficient and confusing to the voters.

3. The proposed amendment authorizes, but does not require, six-year terms of office. It is appropriate that the amendment leaves to the legislature the responsibility for determining which districts should have the two-year terms and which six-year terms.

4. The constitution provides that directors of a district may have six-year terms if the district is a state agency but only two-year terms if it is not. The unexpected difficulties and unintended consequences of determining precisely what factors make a district a state agency would be avoided by the proposed amendment.

Against:

1. Should directors with terms of six years prove incompetent, there would be no way to relieve them of office. During the six years, errors of judgment could be compounded to the disadvantage of district residents.

2. It is desirable that a provision for recall by a specified number of voters be included when lengthy terms of office are provided. The proposed amendment includes no such amelioratory provision.

3. A six-year term poses the threat of making elective officials less responsive to the needs and desires of the people. A public official cannot afford to isolate himself from the people if he must run for office every two years.

4. Section 30a, Article XVI, requires that staggered terms of office accompany six-year terms of the offices enumerated. In this manner, periodic elections within the six years assure that elected officials as a group will not isolate themselves from the people. The proposed amendment permits staggered terms of office for directors of conservation and reclamation districts but does not require them.

Amendment No. 5--S. J. R. No. 4

[Authorizing the legislature to provide for a system of retirement, disability, and death benefits for county officials and employees and others]

The proposed Amendment No. 5 adds a new Section 62-c to Article XVI of the Texas Constitution. This new section authorizes the legislature to enact laws providing for a system of retirement, disability, and death benefits for the officers and employees of a county, a political subdivision of a county, or other political subdivision of the state. After the legislature has passed enabling legislation, the governing body of the county or other political subdivision must determine whether it will participate in the system.

(For the full text of the resolution proposing this amendment, see Appendix, page 72.)

Background The first public employee retirement programs in Texas were established by cities operating under authority of their charters. The first state public employee retirement program was authorized in 1936. In that year Article III, Section 48-a of the constitution was adopted, authorizing the establishment of a teacher retirement program. In 1944, Article III, Section 51-e, and Article III, Section 51-f of the constitution were adopted, specifically authorizing municipalities to establish retirement programs and also authorizing the establishment of a statewide retirement system for municipalities. In 1946, Article XVI, Section 62 of the constitution was adopted. Subsection (a) of this section authorized the creation of a retirement program for state employees, and subsection (b) authorized the creation of a retirement program for county employees. In 1962, the voters defeated an amendment (H. J. R. No. 36) containing provisions similar to those found in the proposed Amendment No. 5.

ARGUMENTS

For:

1. The establishment of retirement programs at the county and local level is highly desirable because:

   (a) Retirement programs help to attract and hold competent employees in public service;

   (b) Retirement programs provide a means by which employees whose effectiveness is diminished by old age or disability can be relieved of active duty; and

   (c) Retirement programs relieve employee insecurity and improve morale and, in consequence, increase employee work output.

2. Participation by a county or other political subdivision is discretionary with the governing bodies of those units. If a local unit of government wishes to have a retirement program and is willing to finance it with local funds, it should be given the opportunity to do so.

3. The amendment makes provision for officials and employees to share part of the cost of a retirement system. Each official and employee will match the amount of money contributed into the system by the county or other political subdivision.

4. There is presently no retirement system for elected officials of counties and officials and employees of certain other political subdivisions. The amendment would correct this discriminatory situation.

5. Retirement systems are now in effect in a few counties for appointive officers and employees of the county. The retirement system provided in this amendment would not disrupt these retirement systems. Existing retirement systems may be merged voluntarily into the system provided for by this amendment without the loss of previous contributions or service credits.

Against:

1. There are several thousand units of local government in Texas. Should Amendment No. 5 (S. J. R. No. 4) pass, each of these units would be entitled to establish a retirement program. This would lead to a multitude of separate retirement programs. Experience with other types of governmental programs has shown this to be an undesirable situation.

2. Sound retirement programs are operated under actuarial systems similar to insurance programs. Retirement systems require relatively large membership bodies to work effectively. It is doubtful if many of the retirement programs which might be established under authority of this amendment could meet these criteria.

3. The financing of retirement programs is extremely complicated. Unless wisdom and prudence are exercised, a governmental unit operating a retirement program can easily become involved in acute financial problems.

4. Some governing bodies of counties or other political subdivisions might choose not to establish a retirement program. This would leave the officers and employees of these governmental units without a retirement program.

5. The need for expanding retirement programs for units of local government may be questioned in view of the fact that the employees of these units are eligible for social security coverage. This coverage provides ample benefits at low cost. An additional retirement program would result in increased taxes or charges, or divert funds from other essential governmental programs.

Amendment No. 6--H. J. R. No. 37

[Providing for payment of assistance to survivors of law enforcement officers, custodial personnel of the Texas Department of Corrections, and full-paid firemen]

This proposed amendment adds a Section 51-d to Article III of the Texas Constitution. The new section authorizes the legislature to provide, by general law, for the payment of assistance by the state to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections, or of full-paid firemen who suffer violent death in the course of the performance of their duties. (For the full text of the resolution proposing this amendment, see Appendix, page 74.)

Background — Article III, Section 51, Section 51a, et seq., authorizes the granting of public money to individuals, thereby providing exceptions to the general prohibition against grants of this type, which is expressed in the first clause of Section 51. The proposed amendment would provide an exception in favor of the survivors of law enforcement officers, custodial personnel of the Texas Department of Corrections, and full-paid firemen.

ARGUMENTS

For:

1. Provision should be made for the state to pay assistance to the survivors of public employees who engage in extra-hazardous duty, such as law enforcement officers, custodial personnel of the Texas Department of Corrections, and full-paid firemen, rather than to rely on charitable contributions to provide for the needs of survivors.

2. By leaving the amount of assistance to the discretion of the legislature, the proposed amendment would insure provision of a reasonable amount to survivors.

3. Effective law enforcement and adequate fire protection are matters of vital concern to all citizens of the state. It is only fair and proper, therefore, that the state bear some of the costs incidental to furnishing these services.

Against:

1. It is unfair to single out a certain class of public employees for special treatment. This would be the effect should the proposed amendment be adopted.

2. The proposed amendment should specify or place limitations upon the amount of assistance to be provided to survivors, but fails to do so. Costs to the state could be more burdensome than intended by the electorate.

3. Many of the public employees who would come within the scope of this proposed amendment are city and county employees whose salaries, retirement, and other benefits are paid by local government units. The cost of assistance payments contemplated by the proposed amendment should be borne by the cities and counties as well and not by the state.

Amendment No. 7 -- H. J. R. No. 13

[Repealing the constitutional provision requiring a poll tax as a prerequisite to voting and requiring the legislature to provide for annual registration of all voters]

This is a proposed amendment to Sections 2 and 4, Article VI of the Texas Constitution. It deletes from Section 2 the provision requiring payment of a poll tax as a prerequisite for voting and substitutes the requirement of annual registration. In Section 4, the authority of the legislature to provide by law for registration of voters is made mandatory statewide, rather than merely permissive "in all cities containing a population of 10,000 inhabitants or more."

A provision of Section 2, Article VI, which is not affected by the proposed Amendment No. 7, is being considered in Amendment No. 14 (H. J. R. No. 38). Amendment No. 14 relates to allowing members of the armed forces to vote in Texas upon satisfying the residence requirements applicable to Texans in general. (See page 52.)

(For full text of the resolution proposing this amendment, see Appendix, page 76.)

Background

Texas, which made the poll tax a prerequisite for voting in 1902, was one of only four states in the nation--the others were Alabama, Mississippi, and Virginia--which still levied the tax for this purpose in 1965. Arkansas repealed its constitutional provision requiring a poll tax for voter qualification in 1964.

There have been spasmodic attempts in Texas to abolish the poll tax as a prerequisite for voting almost since its inception. During the 1938 gubernatorial race, W. Lee O'Daniel introduced the subject in his campaign. Intermittently, poll tax

repeal has received the attention of the Texas Legislature, and a proposed repeal amendment submitted to voters in 1949 received support from the State Democratic Executive Committee, labor, veterans organizations, and church and civic groups. When the proposed amendment was submitted to the electorate that year, however, it was opposed by 56.3 percent of the voters. In 1962, a referendum proposition for abolishing payment of the poll tax for voting eligibility was submitted by both the Democratic and Republican parties in their primaries and carried in each instance. Following this apparent mandate, the 58th Legislature (1963) again proposed an amendment to provide for repeal of the poll tax as a requirement for voter eligibility. At a special election in November, 1963, this proposed amendment was defeated, despite the fact that an amendment to the United States Constitution to abrogate payment of the poll tax as a condition of voting for federal officers was in the process of ratification.

To assure the Texas electorate that there could be no disfranchisement in voting for federal officials because of a conflict between the United States and Texas constitutions on the point of payment of the poll tax, a voter registration measure was enacted by the same legislature with two purposes: (1) to remove the requirement for payment of the poll tax as a prerequisite to voting "for United States Senator, for United States Representative (including Congressman-at-large), or for President and Vice-President or electors for President and Vice-President of the United States, in any general, special or primary election . . . ."; and (2) to establish procedure for voter registration for electors not paying the poll tax in the event the proposed amendment to abolish the poll tax as a requirement for voting should be defeated.

Recognizing the trend of federal intervention in state requirements for voter qualification, the 59th Legislature (1965) has again proposed repeal of the provision in the Texas Constitution which requires payment of a poll tax as a prerequisite for

voting. The proposed amendment also requires the legislature to establish a system of annual registration for all voters.

Two measures were introduced during the Regular Session of the 59th Legislature for the purpose of setting up machinery for voter registration should proposed Amendment No. 7 be adopted. However, neither was enacted. On February 9, 1966, a three-judge Federal District Court at Austin declared that the poll tax in Texas was unconstitutional as a prerequisite for voting. Two days later Governor Connally issued the call for a special session to provide a registration system because of the federal court's action. An annual voter registration measure (S. B. No. 1) was enacted.

On May 2, 1966, the United States Supreme Court affirmed the Federal District Court's decision that the poll tax as a prerequisite for voting in Texas was unconstitutional, just as it had ruled on two similar cases from the State of Virginia.

ARGUMENTS

For:

1. The Federal District Court at Austin decreed that the poll tax as a prerequisite for voting in Texas is unconstitutional. On May 2, 1966, the United States Supreme Court affirmed this decision. Adoption of the amendment is desirable in order to rid the constitution of void and ineffective language.

2. Should the amendment fail, leaving the type of voter registration--annual or permanent--to the discretion of the legislature, the registration policy could become unstable, changing from session to session according to the controlling faction in the legislature.

3. The proposed amendment strikes from the constitution the provision which states that the legislature "may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more," the only provision for voter registration made in this section of the constitution at present. It substitutes the phrase," . . . shall provide by law for the registration of all voters." If the amendment fails, there is a possibility that the courts would hold the legislature has no authority to require voter registration except in cities with populations of 10,000 or more.

Against:

1. By requiring annual voter registration, the amendment inhibits the greater voter participation, which has been the experience in states registering voters on a permanent basis. Also, according to research studies by the League of Women Voters and other research groups, an annual registration system is much more costly and more burdensome to tax collectors than a permanent registration system.

2. The constitution is properly a document containing the fundamental law and principles by which the people are governed. Certainly, the type of voter registration system to be used in this state--annual, biennial, or permanent--is not a matter of fundamental law. It is the kind of question which traditionally is left in the hands of the legislature and not imbedded in the constitution.

3. It is not necessary for the people of Texas to adopt this proposed amendment, since the Federal District Court and the United States Supreme Court have already held the poll tax invalid as a prerequisite to voting. For all intents and purposes, the poll tax in Texas as a prerequisite for voting is already null and void.

Amendment No. 8--H. J. R. No. 24

[Authorizing the legislature to enact laws permitting persons to vote for state officers and for president and vice president of the United States without having fulfilled residence requirements to vote for other officers, as well as laws permitting former residents of the state, for a certain period, to vote absentee for president and vice president]

This proposed amendment adds a new Section 2a to Article VI of the Texas Constitution. The new section authorizes the legislature to enact laws permitting persons to vote for state officers and for president and vice president of the United States without having fulfilled residence requirements to vote for other officers, as well as laws permitting former residents of the state, for a certain period, to vote absentee for president and vice president.

According to Section 2, Article VI of the Texas Constitution, a person satisfies residence requirements for voting if he has lived in the state for one year and "within the district or county" in which he offers to vote for the last six months. The Attorney General of Texas has interpreted the six-month residency requirement as follows: If the county of a person's new residence is in the same "district" (representative, senatorial, judicial, etc.) as the county of his former residence, then he is eligible to vote in the election for president, vice president, United States senator, statewide officers, and officers of any district which includes both counties. If his new residence does not happen to be in a district which includes his old residence, the voter completely loses his franchise for six months. This proposed amendment would authorize the legislature to enact a law permitting such a person to vote in the election, but only for president, vice president, United States senator, statewide officers, and constitutional amendments.

At present, a person who has resided in Texas for less than one year immediately preceding an election is not allowed to vote in the election. Under this amendment, the legislature could enact a law permitting such a person to vote for president and vice president.

Also, at present, a person who has recently moved from Texas to another state and who has not satisfied the residence requirements of that state is in effect disfranchised. Under this amendment, the legislature could enact a law permitting such a person to vote absentee in Texas for president and vice president, if he has not resided outside of Texas for 24 months or longer.

(For the full text of the resolution proposing this amendment, see Appendix, page 79.)

Background — Every state in the Union requires some period of residence as a qualification for voting, and, as a consequence, the mobile American voter is subjected to periods of disfranchisement. This has been true throughout the country's history. Recently, however, there has been a trend toward expanding the voting privileges of the moving citizen. By the end of 1963, according to the Council of State Governments, at least 15 states had lessened residence requirements for voting in presidential elections for persons who have not lived in the state, or in some cases localities, long enough to meet the regular requirements. A number of states have also adopted provisions permitting former residents who have not qualified to vote in other states because of residence requirements to cast an absentee ballot in presidential elections.

ARGUMENTS

For:

1. The mobility of our population is a distinctive feature of our society. It is desirable for several reasons: it is good for the economy; it tends to eliminate narrow sectionalism; it contributes toward a greater national unity. All unnecessary adversities which are suffered by mobile Americans should be eliminated. This amendment would eliminate some of the disfranchisement to which they are subjected.

2. It is grossly unfair to deny an American citizen the privilege of voting in presidential elections simply because he has not fulfilled the residence requirements of the state of his new residence. Likewise, it is unfair to deny any Texan the privilege of voting for his federal and state officers simply because he has moved to another county. The fact that his new residence is not in some "district" which includes his old residence is an arbitrary and unreasonable basis for completely disfranchising him. With constitutional authority, the legislature can make adequate provisions for these persons without destroying the purity of elections.

Against:

1. Making special provisions for new residents--either of the state or of the county--would greatly complicate registration and election procedures, which are complicated enough already.

2. It is not too much to ask of a new resident of the state or of a county that he fulfill the brief residence requirements before being allowed to participate in the state's electoral processes.

Amendment No. 9 -- S. J. R. No. 26

[Increasing to five the number of judges on the Texas Court of Criminal Appeals and lengthening the term of that court]

This proposed amendment would amend Sections 4 and 5, Article V of the Texas Constitution. These sections presently prescribe the membership of the Texas Court of Criminal Appeals, and the court's jurisdiction and term, respectively.

Under the proposed amendment, the court of criminal appeals will have five elective judges rather than the present three elective judges and two commissioners appointed by the judges. The present judges will serve out their six-year elective terms under the amendment, but the two commissioners will serve as judges for four and two years, respectively, after the amendment takes effect. A majority of the five judges will constitute a quorum, and three must concur in a decision. Vacancies on the court will be filled by the governor with advice and consent of the senate until the following general election. Section 4 presently requires gubernatorial appointment without senate confirmation for the entire unexpired term. The amendment also authorizes the governor to designate (without senate confirmation) one of the five judges as the first presiding judge; thereafter, however, the presiding judge will be elected.

The proposed amendment also lengthens the court's term prescribed in Section 5, Article V. The present term, during which the court may legally act, begins on the first Monday in October and continues to the last Saturday in June of each year. Under the amendment, the term is extended to the last Saturday in September, making it, for all practical purposes, a continuous term.

Finally, legislative authority to permit the court to sit in other cities is deleted by the amendment.

The proposed amendment does not affect the judges' salaries, which remain identical to those prescribed for associate justices of the supreme court. Their terms also remain at six years.

(For the full text of the resolution proposing this amendment, see Appendix, page 81.)

Background — Under the Constitution of 1835, appellate jurisdiction was vested in a single supreme court consisting of a chief justice and the district judges, all of whom were selected by the legislature. This collegiate system was abandoned by the 1845 Constitution in favor of a supreme court of three appointed judges. The 1866 and 1869 Constitutions made the supreme court judges elective officials.

The present appellate court structure was established by the 1876 Constitution now in effect. That much-amended document originally provided for two appellate courts of three elective judges each. There was a supreme court, which had appellate jurisdiction over civil cases from the district courts; and a court of appeals, which had appellate jurisdiction over all criminal cases and civil jurisdiction over cases from the county courts. No provision was made for settling conflicts between decisions of the two courts.

In 1891, the constitution was amended to strip civil jurisdiction from the court of appeals. It was left with final criminal jurisdiction and given its present name: the Court of Criminal Appeals. The present Texas Courts of Civil Appeals were created also by the 1891 amendment.

A 1925 statute created the Commission in Aid of the Court of Criminal Appeals; the two commissioners operate under this statute today. The commissioners sit with the court, hear oral argument, and write opinions, but they may not vote on decisions. Therefore, an opinion written by a commissioner must be approved by a majority of the judges before it becomes an opinion of the court. The commission arrangement apparently was intended only to provide temporary relief for the judges, because in August, 1927, S. J. R. No. 24 proposed an amendment to the constitution authorizing the legislature to increase the number of judges on the court to five. The amendment was not adopted.

ARGUMENTS

For:

1. As adopted in 1876, the constitution provided for three judges to hear all appeals in criminal cases. At the same time, there were only three judges on the supreme court with appellate civil jurisdiction over the district courts. In 1891, the supreme court's burden was substantially ameliorated by creation of the courts of civil appeals. Yet, today, three judges, the same number as in 1876, must decide an enormously greater number of criminal cases. In 1918, the court of criminal appeals disposed of 512 cases. In 1923, just prior to creation of the commission, the number of cases decided jumped to 990. During the calendar year 1965, the court disposed of 1,479 cases, and on December 31, 1965, there were 2,002 cases pending disposition. A system permitting long delay in the final adjudication of civil matters is undesirable; a system permitting such delay in adjudication of human rights is intolerable. The proposed amendment, by enlarging the membership of the court of criminal appeals, would facilitate a more speedy disposition of appeals from criminal convictions.

2. The Texas Court of Criminal Appeals presently sits between October and June. During the three-month vacation period, the court is without authority to exercise its jurisdiction. Under the proposed amendment, the court would have power to function almost continuously--from the first Monday in October until the last Saturday in September. This would increase markedly the time during which the court could hear, decide, and dispose of appeals.

3. At the present time, the court is functioning under a commission arrangement intended as temporary when enacted some 40 years ago. The two commissioners must have the same qualifications as judges, and they perform the duties of judges; they should have the title and dignity of that office as well. Moreover, under the present arrangement, as few as two of the judges on the panel of five jurists have power to decide a case. This is because the commissioners may not vote on a decision. This arrangement is undemocratic and should be altered as proposed by the amendment.

Against:

1. The Texas system of separate criminal and civil appellate courts, each with final jurisdiction in its sphere, is an anomaly shared with but one other state. Because of the independence of both courts and the impossibility of defining their jurisdictions without some overlapping, there have been decisional conflicts between them. For example, one court has upheld the constitutionality of a statute while the other has struck it down. This system leaves the law unsettled and prevents a uniform administration of justice. Integration of our two independent appellate courts is needed, not a patchwork preservation of the present inefficient system.

2. At present, the governor must by appointment fill a vacancy on the court of criminal appeals for the entire period of the

unexpired term. The term of the judges is six years, with one judge elected every two years. Staggered terms insure thorough consideration of a single judge at each election. Under the proposed amendment, the vacancy would be filled only until the next general election. This presents the possibility that all five judges might be up for election at one time. This possibility should be avoided by defeating the amendment.

3. Elective judges must spend part of their time campaigning for re-election, soliciting contributions, etc. These necessities of political life represent substantial time and energy diverted from their judicial duties. On the other hand, several states recently have begun appointing their appellate judges who periodically thereafter run unopposed on their records. Texas should move in this direction rather than adopt the proposed amendment which, by increasing the number of elective judges, aggravates the political characteristics of the court.

Amendment No. 10--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 after such change without further election]

This is a proposed amendment to Section 3-b, Article VII of the Texas Constitution. The amendment provides that no taxes voted in any independent school district or junior college district, whether for maintenance or payment of principal and interest on all bonded indebtedness outstanding against a district or annexed territory, nor any bonds, voted but unissued, shall be abrogated or invalidated by any change in boundaries. A qualifying provision concerns changes in boundaries of an independent school district as a result of annexing, or consolidating with, one or more whole school districts. It provides that taxes levied in the new district shall not exceed, without election, the maximum rate voted in the district having the greatest scholastic population. In addition, only the unissued bonds of the larger district may be subsequently issued without election. Any voted but unissued bonds in the other districts shall not be issued.

The amendment would ease the process of expansion in independent school districts and junior college districts by allowing taxation of property in newly annexed or consolidated territories without the necessity of a tax rate election. The amendment would remove any doubt concerning the legality of issuing, without an additional election, bonds previously voted but unissued in the receiving district.

Background — Ad valorem taxes levied by independent school districts and junior college districts consist of maintenance taxes to support the operation of schools and bond taxes to cover payment of interest on outstanding bonds

and allow establishment of a sinking fund for their retirement. Qualified property taxpaying voters of a district must approve a maximum rate of combined maintenance and bond taxation proposed by the governing board before taxes may be levied. Under judicial interpretation of Article VII, Section 3 of the Texas Constitution, and according to statutes on the subject, property in a newly annexed portion of a district cannot be subjected to taxation without a new election in the district as changed. See Young v. Edna Independent School District, 34 S. W. 2d 857 (Tex. Comm. App. 1931). This restriction is a substantial barrier to the expansion of independent school districts and junior college districts. Elections are expensive, and they become confusing when a majority of voters are voting on a tax rate which they have previously approved. Serious problems arise if the maximum tax rate, to which operations have been planned, should be rejected. .

Since 1962, independent school districts within Dallas County have been authorized by Article VII, Section 3-b of the Texas Constitution to expand their boundaries without the abrogation, cancellation, or invalidation of taxes or bonds previously voted. The Dallas County experience points out that independent school districts within metropolitan areas need to expand in order to accommodate adjacent territories seeking to be brought into their districts. The problem is most acute where a district attempts to annex a portion of a contiguous district.

There are three methods by which independent school districts change their boundaries. First, the majority of voters in each district may, by consolidation election, approve a plan for consolidation. Second, a county board of trustees may vote to combine two or more whole districts under certain circumstances in the interest of efficiency. Third, the board of trustees of the receiving district may elect by majority vote to annex a portion of another district. If the portion to be annexed exceeds 10 percent of the area of the district from which it is to be detached, a majority of its trustees and qualified voters must sign the petition.

Territory adjoining any junior college district may be annexed by either a petition presented to the governing board of the district by all owners of all property situated in the territory to be annexed or election by a majority of the legally qualified voters in the territory to be annexed.

The amendment would eliminate the necessity of holding a tax rate election after annexation or consolidation in the district as changed. In short, it would allow effective annexation or consolidation without the necessity of calling an election in the new district to approve the tax rate. Voted but unissued bonds could be issued subsequently without a bond election.

ARGUMENTS

For:

1. The presently required tax rate elections impose a needless barrier to the natural expansion of independent school districts and junior college districts. Metropolitan areas, with their growing and spreading populations, apparently have experienced difficulty in accomplishing the desired expansion of their school and junior college districts. The proposed amendment would eliminate the need for elections after every boundary change.

2. The provisions of this amendment as they relate to school districts are already applicable in Dallas County by virtue of a special constitutional amendment. They should be made applicable to the state as a whole in order to obviate the necessity of numerous future constitutional amendments of purely local application and interest.

3. With minor exceptions, voters approve annexation or consolidation by either petition or election. The decision to join a school district should properly include the decision

to assume the outstanding bonded indebtedness and to approve the tax rate of the receiving district. Therefore, a new tax rate election or an election on authorized but unissued bonds serves no useful purpose.

Against:

1. The amendment would allow a form of "taxation without representation," since property in newly annexed areas would be subjected to taxation at rates limited only by a maximum which the property owners have not specifically voted upon.

2. The amendment may deal with a problem more imaginary than real. With the exception of certain areas exempted by statute, elections will still be required on the question of annexation or consolidation. Therefore, one of the main goals of the amendment--eliminating the need for an election in all situations--would not be satisfied.

3. The amendment provides that in a consolidation or annexation involving two or more whole school districts the tax rate of the newly combined district may not exceed that previously voted in the district having at the time of change the greatest scholastic population. In addition, only the unissued bonds previously voted in the district having the greatest scholastic population may be sold. It is open to question why the bonds and tax rate of any district should be invalidated if the amendment is designed to encourage expansion of school districts.

Amendment No. 11--S. J. R. No. 19

[Authorizing the issuance of an additional $200 million in bonds by the Texas Water Development Board upon two-thirds vote of the legislature and expanding the uses to which money in the Texas Water Development Fund may be put]

This proposed amendment to Section 49-d, Article III of the Texas Constitution permits the Texas Water Development Board to issue an additional $200 million in general revenue bonds when authorized by a two-thirds vote of the elected members of each house of the legislature. In addition, the proposed amendment expands the uses to which money in the water development fund may be put.

At present, money in the fund may be used only to acquire and develop water storage facilities. The amendment, on the other hand, permits use of the money in acquiring, developing, and constructing water storage facilities and water filtration, treatment, and transportation systems. The amendment would limit the acquisition and development of transportation facilities by prohibiting the fund's use to finance a project which would remove from the basin of origin (except on a temporary basis) any surface water necessary to supply the foreseeable water requirements of the basin of origin for the next 50 years.

The amendment also authorizes the board to sell, transfer, or lease, in whole or part, any reservoir or associated system or works which the board has financed in whole or part. (For the full text of the resolution proposing this amendment, see Appendix, page 86.)

Background — The long drought which ended in 1957 spurred legislation to provide adequate water for the needs of the rapidly growing population and industry of the state. The 55th Legislature submitted an amendment, approved by the voters in 1957, that became Section 49-c

of Article III. Section 49-c provided for a Texas Water Development Board and created the Texas Water Development Fund financed by the issuance of not more than $200 million in bonds. The fund is a revolving fund.

Section 49-d was added to Article III of the constitution by an amendment adopted in 1962. This section allowed the board, on approval of the Board of Water Engineers, to acquire and develop, with money from the fund, storage facilities in reservoirs. At the 1962 legislative session, the Texas Water Commission was created to succeed the Board of Water Engineers.

The 59th Legislature, responding to the pressure of a growing shortage of fresh water, reorganized water administration, principally by giving the water development board the duty of preparing a comprehensive state water development plan, and by creating the Texas Water Rights Commission to succeed the Texas Water Commission in issuing water-use permits and adjudicating water-rights disputes. The additional bond authorization proposed by S. J. R. No. 19 is part of this reorganization.

ARGUMENTS

For:

1. Since the Texas Water Development Board has been specifically charged with the duty of formulating a comprehensive state water plan, the legislature should have power to authorize an additional bond issue if more money is needed to implement the plan. There is little chance that the indebtedness created by the bond issue would ever create any sizable demand on the general revenue fund. Such a contingency has never occurred in the past, and there have been five water bond issues. In fact, the board consistently has been repaying more of its own bonds than have borrowers from the fund.

2. In light of the board's additional responsibilities, it should have the broader discretion conferred by the amendment in the use of the fund. The amendment would allow additional uses of the fund to finance acquisition and development of any water system or works necessary for the filtration, treatment, and transportation of water from storage to points of treatment, filtration, and distribution. Since many areas of the state are in dire need of water and other areas have more than enough, it is vital that the permissible uses of the fund be broadened.

   There is no reason to fear that the fund would be used to make unreasonable interbasin transfers. The amendment specifically would prohibit using money in the fund to finance any project which contemplates the removal from the basin of origin (except on a temporary basis) of any surface water necessary to supply the reasonably foreseeable future water requirements of the basin of origin for the next 50 years. With this safeguard, the fund would insure an equitable distribution of the state's water resources solely on the basis of need.

3. The individual political subdivisions of the state do not have the money, authority, or facilities to plan and develop an efficient statewide plan for the development of water resources. However, the amendment would authorize the board, under terms and conditions provided by the legislature, to sell, transfer, or lease to local governments any reservoir and associated system or works which it has financed. Thus, full control of a project may be returned to local authorities after needed financing has been provided by the state. In this manner, the amendment provides both necessary central planning and desirable flexibility and, at the same time, furthers the concept of the fund as a revolving fund which can be used many times over at minimal cost to the state.

Against:

1. The amendment would allow the legislature to authorize the Texas Water Development Board to issue additional general obligation bonds in the amount of $200 million. Although the water development fund is intended to be a revolving, self-supporting fund, this additional bonded indebtedness represents increased potential demand on the general revenue fund. The state can ill-afford any additional demands on the general revenue fund.

2. Under the amendment, the board may, if the legislature permits, use the fund for acquiring and developing systems for filtration, treatment, and transportation of water from storage to points of treatment, filtration, and distribution. Surface water may be transferred from the basin of origin to another area as long as the water transferred will not be necessary to supply the foreseeable future water requirements of the basin of origin for the next 50 years. But 50 years is not a very long time when the nature and difficulty of water conservation are taken into consideration. The amendment does not go far enough in restricting interbasin transfers of water.

3. The development of water resources should not be handled by the state but rather by the local bodies politic. Some localities already have plenty of water or have planned, at great expense, for the development of additional water resources. There is no reason why other areas of the state cannot do the same. It is unjust for the whole state to bear the cost burden for those areas that have neglected to initiate the development of their own water resources.

Amendment No. 12--H. J. R. No. 48

[Providing the method and manner for dissolution of hospital districts]

This proposed amendment to Section 9, Article IX of the Texas Constitution, authorizes the legislature to provide for the dissolution of hospital districts if a process is provided by statute for satisfying the prerequisites to dissolution. First, there must be a statutory process for determining the desire of the majority of the voters to dissolve. Second, the statute must provide a means for disposing of or transferring the assets of the district. Third, there must be statutory authority for satisfying the debts and bond obligations of the district in order to protect the collective rights of the citizens in district assets and property. In order to regulate the frequency of dissolution elections, no elections may be held more than once each year. In addition, the amendment states that the legislature shall by statute, prior to disposal or transfer of the assets, provide for due compensation unless the assets are transferred to another governmental agency.

(For the full text of the resolution proposing this amendment, see Appendix, page 89.)

Background — Amending the Texas Constitution with regard to hospital districts is of recent date but extensive proportions. A proposed amendment to provide hospital districts in all counties of the state was defeated in 1949, but, in 1954, Article IX was amended by the addition of Section 4. Under this provision, the legislature was authorized to create hospital districts in counties with a population of over 190,000 and in Galveston County. In 1958, 1960, and 1962, hospital districts were authorized by amendment in specific counties.

This continuous expansion of authority to create hospital districts indicated widespread interest in all sections of the state in the growing necessity for public hospital and medical facilities. In 1962, the voters approved a statewide hospital district amendment. As a result of this amendment, specific constitutional authorization need no longer be secured for the creation of a hospital district. Thus, the history since 1949 has been one of change from the traditional county hospital system, in which finances are limited due to other demands placed upon counties, to the hospital district with its authorization to tax at the rate of 75¢ on the $100 valuation. During this period, however, little consideration was given to the question of how to dissolve a hospital district.

In 1963, the legislature enacted a statute under which, and according to Section 9, Article IX of the Texas Constitution, the Jasper Hospital District was created. In 1965, the Commissioners Court of Jasper County was petitioned to call an election to abolish the hospital district. The question of the Commissioners Court's authority to call a dissolution election was referred to the Attorney General of Texas. In an opinion dated January 25, 1965, the Attorney General stated that there was no general statutory or constitutional provision authorizing an election for dissolution. Therefore, no election to abolish the district could be called.

It is to remedy this type of situation that the amendment to Section 9, Article IX has been proposed. It would provide constitutional authorization to dissolve a hospital district.

ARGUMENTS

For:

1. After passage of enabling legislation, Texas voters are constitutionally authorized to hold an election on the question of creating a hospital district. At present, there is no constitutional authority for holding an election on the question of dissolving a hospital district. If the voters may vote to create, they should be able to vote to dissolve.

2. Quite often, a patchwork quilt of hospital districts is created. It is not in the interest of economy to have a proliferation of districts when one hospital district would better serve the needs of an area. There is presently no constitutional means to dissolve individual hospital districts or to consolidate several districts into one larger, more efficient district.

3. Hospital districts are financed by a property tax levy. At the present time, property owners must pay state, county, and school district property taxes. In addition, property owners in cities must pay municipal property taxes. Many property owners must also pay additional property taxes imposed by special districts. The amendment would provide relief through dissolution to those areas where this particular source of revenue is unduly burdensome.

Against:

1. The amendment provides opponents of hospital districts the opportunity to harass a district for any reason whatever. In addition to confusing the voters with numerous elections on a subject they have previously approved or

disapproved, citizens within the district are faced with the possibility of experiencing a continuous cycle of dissolution and creation.

2. The problem of recruiting and retaining qualified personnel will be compounded by allowing hospital districts to dissolve. Even assuming the county should elect to assume the assets of the district upon dissolution, it is doubtful that county funds could sustain the same services and number of staff. Talented personnel are not attracted by job insecurity caused by the constant threat of district dissolution.

3. The amendment provides that bond obligations of the district are, upon dissolution, to be satisfied in order to "protect the interests of the citizens within the district." There is no specific reference to protection of the bondholders. When purchasing bonds, a bondholder risks the threat of future insolvency, not dissolution while solvent. The legislature is required to provide a "process" for satisfying bond obligations; however, a "process" does not necessarily eliminate red tape and possible litigation. There is considerable discussion as to what to do with the bonds at dissolution and the resulting confusion may adversely affect their market. The problem of protecting bondholders upon dissolution demands careful study and detailed analysis prior to the passage of an amendment.

Amendment No. 13--H. J. R. No. 69

[Authorizing the legislature to provide for consolidating the functions of government within a county having 1. 2 million or more inhabitants and to provide for intergovernmental contracts between political subdivisions of the county]

This proposed amendment to Article III of the Texas Constitution adds a new Section 63, which provides two authorizations. First, it authorizes the legislature to provide for consolidating some of the governmental functions within a county having a population of 1. 2 million or more performed by "any one or more political subdivisions comprising or located within" the county. Before consolidation can be effected, however, approval by a majority of the qualified voters is required.

Second, the proposed amendment authorizes the county and the local governments wholly within the county to contract with one another for the performance of governmental functions. "Governmental function" in this authorization includes functions of "statewide importance" performed by the counties. No election would be necessary to approve a contract.

At present, Harris County is the only county which would be affected by the proposed amendment; but as other counties exceed the 1. 2 million mark, the amendment would apply to them. (For the full text of the resolution proposing this amendment, see Appendix, page 91.)

Background — Population growth and industrial development in Texas following World War I brought ever-increasing demands upon local governments for services. It soon became evident that counties and municipalities would no longer be able to supply these needs. However, constitutional limitations, particularly with respect to taxation, often barred existing political subdivisions from giving

assistance, and thus the special district was created. As the name implies, a "special district" is established and operated to provide a special service, such as soil conservation, water conservation and supply, hospital care, and education.

In view of the increasing use of special districts, some with overlapping jurisdictions and assessments, the legislature sought to provide densely populated areas with means of consolidating many of the services and functions. In 1933, the Home Rule Amendment, which allowed counties to provide additional services on a countywide basis, was adopted by the electorate. This amendment (Section 3, Article XIX, Texas Constitution) provides that any county with a population of at least 62, 000 may adopt a Home Rule Charter by a two-thirds vote of the electorate in both incorporated and unincorporated areas. Votes in incorporated and unincorporated areas must be tallied separately; therefore, the county is, in effect, divided into two electorates, both of which must approve a proposed charter before it is effective.

The County Home Rule Enabling Act is extremely long and detailed, and at present no county has adopted a home rule charter. The proposed amendment seeks to facilitate consolidation of governmental functions in providing services to densely populated areas. There is a basic difference between the proposed amendment and the Home Rule Amendment: the Home Rule Amendment calls for a charter and possible consolidation of all governmental functions and political subdivisions; the proposed amendment would not abolish any local government and could be implemented by a majority of the voters of each political subdivision or, for the second authorization, without a vote at all.

ARGUMENTS

For:

1. Consolidation of certain services--such as police protection and water supply--could result in tremendous savings in public funds. For example, by requiring individual governmental units to maintain separate jails, or separate water treatment plants, an excessive tax burden is placed upon the citizens. Many small towns are unable to provide some services--such as fire protection--and must rely on neighboring larger towns or cities in emergencies. Under the proposed amendment, the county could provide services of this type fo all citizens of the county.

2. Under the proposed amendment, one governmental unit could make assessments for all political subdivisions under an equal and fair assessment ratio, and thereby provide more equitable apportionment of ad valorem taxes.

3. By consolidating functions on an areal basis, which is possible under the proposed amendment, planning could be coordinated to meet the needs of growing metropolitan areas.

Against:

1. Small incorporated areas and rural sections of a county will have little voice in the election necessary for adoption of the proposed amendment. Large cities, which would benefit most from consolidation, have the votes necessary to override the wishes of the rural population.

2. The county could assume expensive responsibilities in providing various services primarily or exclusively to the cities, thus increasing unfairly the countywide tax burden.

3. The county and the cities could contract to provide vital functions to political subdivisions located in the prosperous areas of the county, thus discriminating against the poor, less attractive areas.

Amendment No. 14--H. J. R. No. 38

[Allowing members of the armed forces to vote in Texas upon satisfying the residence requirements applicable to Texans in general]

This proposed amendment would delete the last sentence of Section 2, Article VI of the Texas Constitution. The sentence now reads: "Any member of the Armed Forces of the United States or component branches thereof, or in the military service of the United States, may vote only in the county in which he or she resided at the time of entering such service so long as he or she is a member of the Armed Forces."

The apparent purpose of this amendment is to extend the franchise to servicemen who satisfy the residence requirements prescribed by law for voters in general.

Amendment No. 7 (see page 25), relating to repeal of the poll tax requirement for voting, also involves an amendment to Section 2, Article VI. That amendment leaves untouched the last sentence of Section 2--the sentence to be deleted by this amendment. If both amendments are adopted, the text of Section 2 will be as shown in Amendment No. 7, but with the last sentence deleted. (For the full text of the resolution proposing this amendment, see Appendix, page 93.)

Background

With respect to suffrage, Texas law has discriminated against the serviceman since the earliest days of the Republic. Abner V. McCall, former dean of Baylor University School of Law and an authority on Texas election law, has written:

> [The first election law] contained a novel action providing "that regular enlisted soldiers, and volunteers for during the way, shall not be eligible to vote for civil officers." This provision was no doubt inspired

> by the mutinous conduct of the nonresident volunteers who had been recruited in the United States after the Battle of San Jacinto. They had defied the provisional government and on one occasion in July, 1836, had sent an officer to arrest President David B. Burnett and his cabinet to bring them to trial before the army. They had continued their rebellious conduct after Sam Houston became the first president under the Constitution of 1836. It was not until May, 1837, that Houston was able to dissolve the army and eliminate this threat to civil authority. This provision disfranchising soldiers in the regular army was placed in the 1845 Constitution of the State of Texas and has remained in each succeeding constitution. It was modified in 1932 to exempt the National Guard and reserve and retired officers and men. (McCall, History of Texas Election Laws, Vernon's Texas Election Code, p. XVII.)

The provision completely disfranchising members of the armed forces was originally contained in Section 1, Article VI of the present state constitution; it was deleted in 1954 by the same amendment which added the last sentence to Section 2, Article VI, allowing servicemen to vote, but only in the county in which they resided at the time they entered the service. The latter provision, which would be deleted by the proposed amendment, was construed by the Supreme Court of Texas as preventing a serviceman who entered the military from another state from ever becoming a voter in Texas as long as he is in the service. Carrington v. Rash, 378 S. W. 2d 304 (Tex. 1964). The court overruled the contention that federal constitutional rights were violated by this result. However, the Supreme Court of the United States, in Carrington v. Rash, 380 U. S. 89 (1965), reversed the decision of the Texas court, holding that state action preventing a serviceman from acquiring residence in the state for voting purposes "imposes an invidious discrimination in violation of the Fourteenth Amendment." (Neither opinion considered the effect of the restriction on native Texas servicemen--limiting their voting to the county from which

they entered the service--but, presumably, the principle applied in the opinion would forbid this practice also.)

In effect, then, the proposed amendment would merely delete a provision which the federal courts have, since 1965, prohibited the state from enforcing.

ARGUMENTS

For:

1. The proposed amendment would "clean up" the state constitution to remove its present conflict with the supreme law of the land as announced by the Supreme Court of the United States. Arguments against the amendment, valid or not, are moot in light of the supreme court decision.

2. It cannot be denied that members of the armed forced perform a great service to the state and to the nation. Laws discriminating against them discourage people from entering the service, and all such laws should be removed from the books. Besides, it is fundamentally unfair to deny the protectors of the nation one of the most precious rights of citizenship.

Against:

1. The overwhelming majority of military personnel do not reside at a single location in the state on anything more than a temporary basis. Consequently, they do not share a community of interest with the local civilian population; and allowing them to vote poses a threat to the proper conduct of the affairs of the local and state governments.

2. Because most servicemen are necessarily transients, a great burden would be placed upon local registrars and election officials in conducting elections if servicemen were permitted to register and vote. Questional cases of bona fide residence would increase by hundreds of thousands.

Amendment No. 15--S. J. R. No. 33

[Authorizing the channeling of funds from private and federal sources through the state for use by privately owned or local agencies in establishing and equipping facilities to assist the handicapped in becoming gainfully employed]

This proposed amendment of Section 6, Article XVI, of the Texas Constitution permits the channeling of funds from private and federal sources through the state for use by privately owned or local agencies in establishing and equipping facilities to assist the blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed. Need for the amendment results from an apparent conflict between the state constitution and regulations promulgated under the federal Vocational Rehabilitation Act, as last amended in 1964.

Under the federal act, the Department of Health, Education and Welfare is authorized to match with federal funds contributions made by private organizations or individuals, but both federal and private contributions must be deposited to the account of the state or local rehabilitation agency in accordance with state law before they can be used in a local or private rehabilitation program. After private money and federal grants have been deposited with the state, they become state money, and Section 6, Article XVI of the Texas Constitution prohibits an appropriation for private or individual purposes. Thus, there exists a substantial question as to whether money once deposited with the state (as required by the federal act) can be constitutionally appropriated to finance privately operated rehabilitation programs.

The proposed amendment of Section 6, Article XVI, would accomplish the following:

1. It would reconcile the apparent conflict between the Texas Constitution and the Vocational Rehabilitation Act. It would permit the channeling of funds from federal and private sources through state rehabilitation agencies for use in establishing rehabilitation programs.

2. By requiring the deposit of private donations and matching grants with state rehabilitation agencies, thereby converting them to state money, it would make the present constitutional auditing safeguards applicable to this money. These safeguards include a regular statement, under oath, and an account of the receipts and expenditures of public funds, to be published annually as prescribed by law.

3. It would cost the state nothing, as only private donations and matching federal grants are covered by the amendment.

4. It would permit the legislature to control the funds and programs.

5. It would centralize in state rehabilitation agencies control over local and private programs for the care and rehabilitation of the handicapped.

(For the full text of the resolution proposing this amendment, see Appendix, page 95.)

Background — Recent statistics show that Texas ranks 50th among all the states in expenditures for vocational rehabilitation on a per capita basis. Because of this, work of private, nonsectarian groups and associations in this field is extremely important. With amendment of the federal Vocational Rehabilitation Act in 1964, federal funds are now available to match private contributions in the rehabilitation area. However, guidelines promulgated by the Department of Health, Education and Welfare make it impossible for

any private group or organization to receive matching federal funds without the cooperation of the state vocational agency concerned. And because all funds deposited with a state agency become state money, the present Section 6, Article XVI, presents an apparent constitutional bar to use of this money in privately operated facilities and programs.

ARGUMENTS

For:

1. The proposed amendment removes an apparent constitutional bar to the use of funds available from the Department of Health, Education and Welfare for local rehabilitation programs for the handicapped, thus giving Texas a share of federal money previously denied.

2. The proposed amendment gives the legislature authority to permit full participation in these programs of rehabilitation at no cost to the state. Only private donations and matching federal grants are covered by the amendment.

3. Under the proposed amendment, all contributions and grants become state money and, as such, would be subject to the usual state auditing safeguards, with the legislature reserving control over all expenditures of the program.

4. As the state has become more and more urbanized and industrialized, the need for employment opportunities for the handicapped in the sheltered workshop has become greater and greater because it is more difficult for a handicapped person to adjust to conditions of urban and industrial life than to a rural environment. Under the proposed amendment, more facilities for training the handicapped become available.

Against:

1. Adoption of the proposed amendment could open the way to further inroads upon present constitutional prohibitions on appropriations for private or individual purposes.

2. If the amendment seeks money for public purposes--and rehabilitation of the handicapped is clearly a public purpose--then, like other state money, the contributions from private organizations and federal grants should be deposited in the State Treasury subject to withdrawal only by legislative appropriation. This would be permissive but not required by the proposed amendment. Therefore, a degree of legislative control generally considered necessary in expenditure of public funds would be sacrificed by the amendment.

3. Texas now relies heavily upon local government and private organizations to provide services in assisting the handicapped to become gainfully employed. Adoption of the proposed amendment could result in less and less local participation and more and more federal control over Texas programs for the handicapped, even though it is generally recognized that better results can be obtained where there is sustained local interest and participation.

4. It is possible that the proposed amendment could result in increased administrative costs and would eventually require more tax money, thereby increasing both federal and state tax burdens on the Texas citizen.

Amendment No. 16--H. J. R. No. 1

[Establishing the date on which newly elected members of the legislature qualify and take office]

This proposed amendment to Sections 3 and 4, Article III of the Texas Constitution establishes the date on which newly elected members of the legislature qualify and take office.

These sections presently prescribe the terms of office of senators and representatives, respectively. Section 3 prescribes a staggered, four-year term for senators and Section 4 a two-year term for representatives. Proposed Amendment No. 16 does not affect the length of either a senator's or a representative's term. It does prescribe the time each takes office, which will be, if the amendment is adopted, the day set by law for convening the regular session of the legislature following the general election. Thus, legislators elected in November, 1966, would take office under the amendment on January 10, 1967. (For the full text of the resolution proposing this amendment, see Appendix, page 97.)

Background Prior Texas Constitutions, like the present one, have specified that a representative's term of office begins on the day of election (or, as provided in the 1845 Constitution, on the day of the general election). On the other hand, no Texas Constitution, including the present, has provided with certainty the time at which a senator's term of office begins. Proposed Amendment No. 16 apparently is designed to cure this anomaly by specifying when both senators and representatives take office and, in the interest of uniformity, by providing that both take office at the same time--on the day set by law for convening the regular session of the legislature following the general election.

Courts and other agencies interpreting the Texas Constitution through the years have found differences between the term and tenure of office, between being elected and holding office, and between being elected to and qualifying for office. These differences have produced some unexpected results. For example, one agency has ruled that although a representative is eligible to run for the senate, a senator could not run for the house because the terms of representatives and senators were thought to overlap. A similar conclusion was reached in the case of a senator who wished to resign from the senate and run for another

day and serve for two or four years, respectively. They may not qualify nor enter upon the duties of their office before January 10, 1967, and their pay begins on that date. Thus, the recurring and worrisome questions of when may a newly elected legislator qualify, when does his pay begin, when may his predecessor no longer serve on an interim committee, etc., are resolved by the amendment.

2. The question of when legislative terms begin is of most immediate concern to the legislators themselves. Incumbents and challengers alike are vitally interested in knowing with certainty when they may take office if elected. And those most interested in proposed Amendment No. 16 passed it through the house by a vote of 108 to 30 and through the senate by a vote of 30 to 0. Since the legislators themselves, who will be most directly affected by the amendment, have overwhelmingly approved it, the amendment should be adopted by the people.

3. By fixing the same date for both representatives and senators to take office, the proposed amendment avoids the situation in which a representative is eligible for another office but a senator is not. Moreover, the amendment will enforce more effectively the prohibition of Section 18, Article III of the constitution which declares legislators ineligible, during the term for which they are elected, for offices created or the salaries for which were increased by the legislature of which they are members. Since under the amendment representatives and senators will take office after the first of January, their legislative terms will overlap the terms of other offices (which begin January 1) and, by virtue of Section 18, they will be barred from another office created, or the salary of which was increased, by the legislature of which they are members.

Against:

1. Proposed Amendment No. 16 is ambiguous. It introduces an unknown phrase, "take office," into language already troublesome because of its lack of clarity. The present constitution, as well as its five predecessors, has consistently spoken of "holding office" or a "term of office." Moreover, of the 32 other state constitutions which specify when a legislator's term of office begins, not one uses the lhrase "take office." Instead of resolving the issue of when a legislator's term begins, therefore, proposed Amendment No. 16 will confound the courts with language unknown to constitutional draftsmen and will resurrect the same worrisome questions of when is a legislator elected, when does his pay begin, and when may he qualify for office.

2. After proposed Amendment No. 16 passed the legislature and was signed by the governor, the Texas Supreme Court decided that a senator's term under the present constitution begins on the day he is elected.

   Section 4, Article III of the constitution specifies the same begining date for a representative's term. Thus, the uniformity allegedly sought by the proposed amendment has already been accomplished by judicial action. Proposed Amendment No. 16 is unnecessary.

3. If proposed Amendment No. 16 is adopted, and a special legislative session is called after the November election but before the next regular session convenes in Jaunary, the "lame duck" ills which plagued the national congress could haunt Texas as well. A similar situation would exist if the date the legislature convenes in regular session, now fixed by statute, is moved back so that a legislator elected in November could not take office until February or March. The possibility of a "lame duck" legislature, permitted by the proposed amendment, should be avoided at all cost.

Amendment No. 1

H. J. R. No. 79 By Dungan

HOUSE JOINT RESOLUTION

PROPOSING an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-d to provide 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 such agricultural use.

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

Section 1. That Article VIII, Constitution of the State of Texas, be amended by adding Section 1-d to read as follows:

"Section 1-d. (a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this Section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. 'Agricultural use' means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner.

"(b) For each assessment year the owner wishes to qualify his land under provisions of this Section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

"(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

"(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

"(e) No land may qualify for the designation provided for in this Act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time.

"(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this Section. If

designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this Section.

"(g) The valuation and assessment of any minerals or subsurface rights to minerals shall not come within the provisions of this Section."

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, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment to provide 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 such agricultural use.

"AGAINST the Constitutional Amendment to provide 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 such agricultural use."

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. 2

S.J.R. No. 1 By Kennard

A JOINT RESOLUTION

PROPOSING an Amendment to Article IX ot the Constitution of Texas by adding thereto a new Section to be known as Section 12; authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties; authorizing the creation of a board of directors by appointment or election; providing that the membership of the board shall be based upon the proportionate part of the population of each county, with no county having less than one member; providing for the necessary election; authorizing the levy of an annual tax not to exceed Seventy-Five Cents (75¢) per One Hundred Dollars ($100) valuation; provided, however, that the property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the Authority; authorizing the Authority to employ or appoint an assessor and collector of taxes whose duty it shall be to assess and collect the taxes on the tax rolls approved by the Board of Directors of said Authority, said taxes to be assessed equally and uniformly throughout the county or counties, comprising the Authority, as required by the Constitution; granting to such Authority the power to acquire by purchase, or through eminent domain proceedings existing publicly financed airport properties or other sites necessary to have and to improve the same, power to issue and sell general obligation bonds and revenue bonds, or either of them; authorizing the assumption of outstanding indebtedness secured by general obligation bonds and assuming the obligations of the city or cities under ordinances and bond indentures under which revenue bonds have been issued and sold; to enact zoning regulations and other measures to protect the airport facilities from hazards and obstructions; providing for the adding of an additional county or counties to the Authority.

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

Section 1. That Article IX of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 12, reading as follows:

"Section 12. The Legislature may by law provide for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, with power to issue general obligation bonds, revenue bonds, either or both of them, for the purchase, acquisition by the exercise of the power of eminent domain or otherwise, construction, reconstruction, repair or renovation of any airport or airports, landing fields and runways, airport buildings, hangers,

facilities, equipment, fixtures, and any and all property, real or personal, necessary to operate, equip and maintain an airport; shall provide for the option by the governing body of the city or cities whose airport facilities are served by certificated airlines and whose facility or some interest therein, is proposed to be or has been acquired by the Authority, to either appoint or elect a Board of Directors of said Authority; if the Directors are appointed such appointment shall be made by the County Commissioners Court after consultation with and consent of the governing body or bodies of such city or cities, and if the Board of Directors is elected they shall be elected by the qualified taxpaying voters of the county which chooses to elect the Directors to represent that county, such Directors shall serve without compensation for a term fixed by the Legislature not to exceed six (6) years, and shall be selected on the basis of the proportionate population of each county based upon the last preceding Federal Census, and shall be a resident or residents of such county; provide that no county shall have less than one (1) member on the Board of Directors; provide for the holding of an election in each county proposing the creation of an Authority to be called by the Commissioners Court or Commissioners Courts, as the case may be, upon petition of five percent (5%) of the qualified taxpaying voters within the county or counties, said elections to be held on the same day if more than one county is included, provided that no more than one (1) such election may be called in a county until after the expiration of one (1) year; in the event such an election has failed, and thereafter only upon a petition of ten per cent (10%) of the qualified taxpaying voters being presented to the Commissioners Court or Commissioners Courts of the county or counties in which such an election has failed, and in the event that two or more counties vote on the proposition of the creation of an Authority therein, the proposition shall not be deemed to carry unless the majority of the qualified taxpaying voters in each county voting thereon vote in favor thereof; provided, however, that an Airport Authority may be created and be composed of the county or counties that vote in favor of its creation if separate propositions are submitted to the voters of each county so that they may vote for a two or more county Authority or a single county Authority; provide for the appointment by the Board of Directors of an Assessor and Collector of Taxes in the Authority, whether constituted of one or more counties, whose duty it shall be to assess all taxable property, both real and personal, and collect the taxes thereon, based upon the tax rolls approved by the Board of Directors, the tax to be levied not to exceed Seventy-Five Cents (75¢) per One Hundred Dollars ($100) assessed valuation of the property, provided, however, that the property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the Authority, said taxable property shall be assessed on a valuation not to exceed the market value and shall be equal and uniform throughout the Authority as is otherwise provided by the Constitution; the Legislature shall authorize the purchase or acquisition by the Authority of any existing airport facility publicly owned and financed and served by certificated airlines, in fee or of any interest therein, or to enter into any lease agreement therefore, upon such terms and conditions as may be mutually agreeable to the Authority and the owner of such facilities, or authorize the acquisition of same through the exercise of the power of eminent domain, and in the event of such acquisition, if there are any general obligation bonds that the owner of the publicly owned airport facility has outstanding, the same shall be fully assumed by the Authority and

sufficient taxes levied by the Authority to discharge said outstanding indebtedness; and likewise any city owner that has outstanding revenue bonds where the revenues of the airport have been pledged or said bonds constitute a lien against the airport facilities, the Authority shall assume and discharge all the obligations of the city under the ordinances and bond indentures under which said revenue bonds have been issued and sold. Any city which owns airport facilities not serving certificated airlines which are not purchased or acquired or taken over as herein provided by such Authority, shall have the power to operate the same under the existing laws or as the same may hereafter be amended. Any such Authority when created may be granted the power and authority to promulgate, adopt and enforce appropriate zoning regulations to protect the airport from hazards and obstructions which would interfere with the use of the airport and its facilities for landing and take-off; and additional county or counties may be added to an existing Authority if a petition of five per cent (5%) of the qualified taxpaying voters is filed with an election is called by the Commissioners Court of the county or counties seeking admission to an Authority and the vote is favorable, then admission may be granted to such county or counties by the Board of Directors of the then existing Authority upon such terms and conditions as they may agree upon and evidenced by a resolution approved by two-thirds (2/3rds) of the then existing Board of Directors, provided, however, the county or counties that may be so added to the then existing Authority shall be given representation on the Board of Directors by adding additional directors in proportion to their population according to the last preceding Federal Census."

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, 1966, at which election all ballots shall have printed thereon the following:

"FOR the addition of Section 12 of Article IX of the Constitution, authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, and authorizing the levy of a tax not to exceed Seventy-Five Cents (75¢) on the One Hundred Dollars ($100) valuation of all taxable property within such Airport Authority except the property of state regulated common carriers required by law to pay a tax upon intangible assets, after approval of its voters."

"AGAINST the addition of Section 12 of Article IX of the Constitution authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, and authorizing the levy of a tax not to exceed Seventy-Five Cents (75¢) on the One Hundred Dollars ($100) valuation of all taxable property within such Airport Authority except the property of state regulated common carriers required by law to pay a tax upon intangible assets, after approval of its voters."

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. 3

[In the following resolution proposing Amendment No. 3, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

S. J. R. No. 39 By Kennard

A JOINT RESOLUTION

PROPOSING an amendment to Section 18, Article VII, Constitution of the State of Texas, to withdraw Arlington State College from participation in the Permanent University Fund.

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

Section 1. That Section 18, Article VII, Constitution of the State of Texas, be amended to read as follows:

"Section 18. For the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the Texas A&M University [AGRICULTURAL AND MECHANICAL COLLEGE] System, including Texas A&M University [THE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS AT COLLEGE STATION, ARLINGTON STATE COLLEGE AT ARLINGTON], Prairie View Agricultural and Mechanical College of Texas at Prairie View, Tarleton State College at Stephenville, Texas[,] Agricultural Experiment Stations, Texas Agricultural Extension Service, Texas Engineering Experiment Station, at College Station, Texas Engineering Extension Service, at College Station, and the Texas Forest Service, the Board of Directors [OF THE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS] is hereby authorized to issue negotiable bonds or notes not to exceed a total amount of one-third (1/3) of twenty per cent (20% of the value of the Permanent University Fund exclusive of real estate at the time of any issuance thereof; provided, however, no building or other permanent improvement shall be acquired or constructed hereunder for use by any part of the Texas A&M University [THE TEXAS AGRICULTURAL AND MECHANICAL COLLEGE] System, except at and for the use of the general academic institutions of said System, namely, Texas A&M University, [THE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS, ARLINGTON STATE COLLEGE,] Tarleton State College, and Prairie View A&M [A. AND M.] College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval; and for the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for The University of Texas System, including the Main University of Texas at Austin, The University of Texas Medical Branch at Galveston, The University of Texas Southwestern Medical School at

Dallas, The University of Texas Dental Branch at Houston, Texas Western College of The University of Texas at El Paso, The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston, The University of Texas Postgraduate School of Medicine, The University of Texas School of Public Health, McDonald Observatory at Mount Locke, and the Marine Science Institute at Port Aransas, the Board of Regents of The University of Texas is hereby authorized to issue negotiable bonds and notes not to exceed a total amount of two-thirds (2/3) of twenty per cent (20%) of the value of the Permanent University Fund exclusive of real estate at the time of any issuance thereof; provided, however, no building or other permanent improvement shall be acquired or constructed hereunder for use by any institution of The University of Texas System, except at and for the use of the general academic institutions of said System, namely, the Main University and Texas Western College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval. Any bonds or notes issued hereunder shall be payable solely out of the income from the Permanent University Fund. Bonds or notes so issued shall mature serially or otherwise not more than thirty (30) years from their respective dates.

"The Texas A&M University [AGRICULTURAL AND MECHANICAL COLLEGE] System and all of the institutions constituting such System as hereinabove enumerated, and The University of Texas System, and all of the institutions constituting such System as hereinabove enumerated, shall not, after the effective date of this Amendment, receive any General Revenue funds for the acquiring or constructing of buildings or other permanent improvements, 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 General Revenue funds.

"Said Boards are severally authorized to pledge the whole or any part of the respective interests of Texas A&M University [THE AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS] and of The University of Texas in the income from the Permanent University Fund, as such interests are now apportioned by Chapter 42 of the Acts of the Regular Session of the Forty-second Legislature of the State of Texas, for the purpose of securing the payment of the principal and interest of such bonds or notes. The Permanent University Fund may be invested in such bonds or notes.

"All bonds or notes issued pursuant hereto shall be approved by the Attorney General of Texas and when so approved shall be incontestible. This amendment shall be self-enacting [AND SHALL BECOME EFFECTIVE JANUARY 1, 1958]; provided, however, that nothing herein shall be construed as impairing any obligation heretofore created by the issuance of any outstanding notes or bonds under this section by the respective Boards prior to the adoption of this amendment but any such outstanding notes or bonds shall be paid in full, both principal and interest, in accordance with the terms of such contracts."

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, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment withdrawing Arlington State College from participation in the Permanent University Fund."

"AGAINST the Constitutional Amendment withdrawing Arlington State College from participation in the Permanent University Fund."

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. 4

H. J. R. No. 21 By Clayton

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Article XVI, Constitution of the State of Texas, relating to the terms of office of directors of conservation and reclamation districts.

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

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

"Section 30c. (a) The terms of office of persons serving on the governing body of a political subdivision of the State created to further the purposes of Section 52, Article III, or Section 59, Article XVI, of this Constitution, shall never exceed six years.

"(b) Statutory provisions enacted before the first Tuesday after the first Monday in November, 1966, relating to the terms of office of governing bodies of political subdivisions created to further the purposes of Section 52, Article III, or Section 59, Article XVI, are validated, so long as the provisions do not provide for a term of office which exceeds six years."

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, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment changing the maximum term of office of directors of conservation and reclamation districts from two to six years.

"AGAINST the Constitutional Amendment changing the maximum term of office of directors of conservation and reclamation districts from two to six years."

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.

Amendment No. 5

S. J. R. No. 4 By Harrington

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of Texas by adding to Section 62 of Article XVI a new subsection to be denominated subsection (c), of said Section 62; authorizing the Legislature to enact laws establishing, subject to the limitations stated, a State-wide System of Retirement, Disability and Death Compensation benefits for the officers and employees of the counties and other political subdivisions of the state, and of the political subdivisions of any county.

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

Section 1. That Section 62 of Article XVI of the Constitution of the State of Texas be amended by adding thereto a subsection (c) which shall read as follows:

"(c) The Texas Legislature is authorized to enact appropriate laws to provide for a System of Retirement, Disability and Death Benefits for all the officers and employees of a county or other political subdivision of the state, or a political subdivision of a county; providing that when the Texas Legislature has passed the necessary enabling legislation pursuant to the Constitutional authorization, then the governing body of the county, or other political subdivision of the state, or political subdivision of the county shall make the determination as to whether a particular county or other political subdivision of the state, or subdivision of the county participates in this System; providing further that such System shall be operated at the expense of the county or other political subdivision of the state or political subdivision of the county electing to participate therein and the officers and employees covered by the System; and providing that the Legislature of the State of Texas shall never make an appropriation to pay the costs of this Retirement, Disability and Death Compensation System.

"The Legislature may provide for a voluntary merger into the System herein authorized by this Constitutional Amendment of any System of Retirement, Disability and Death Compensation Benefits which may now exist or that may hereafter be established under subsection (b) of Section 62 of Article XVI of the Texas Constitution; providing further that the Texas Legislature in the enabling statute will make the determination as to the amount of money that will be contributed by the county or other political subdivision of the state or political subdivision of the county to the State-wide System of Retirement, Disability and Death Benefits, and the Legislature shall further provide that the amount of money contributed by the county or other political subdivision of the state or subdivision of the county shall equal the amount paid for the same purpose from the income of each officer and employee covered by this State-wide System.

"It is the further intention of the Legislature, in submitting this Contitutional Amendment, that the officers and employees of the county or other political subdivision of the state or political subdivision of a county may be included in these systems regardless of whether the county or other political subdivision of the state or political subdivision of the county participates in the Retirement, Disability and Death Benefit System authorized by this Constitutional Amendment, or whether they participate in a System under the provisions of subsection (b) of Section 62 of Article XVI of the Texas Constitution as the same is herein amended."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at the General Election in November, 1966, at which all ballots shall have printed thereon:

"FOR the Constitutional Amendment authorizing the Texas Legislature to establish a State-wide Cooperative System of Retirement, Disability and Death Benefits for the officials and employees of the various counties or other political subdivisions of the state, or political subdivisions of a county; authorizing the Legislature to provide for a voluntary merger into the system authorized by this Amendment by those officers and employees covered by the provisions of subsection (b) of Section 62 of Article XVI of the Texas Constitution as now existing or may hereafter be established; providing that costs of this System shall be borne by the counties and other political subdivisions of the state and political subdivisions of the county electing to participate therein and the officers and employees covered by the System; and forbidding the Legislature from making any appropriations for the operation of this System."

"AGAINST the Constitutional Amendment authorizing the Texas Legislature to establish a State-wide Cooperative System of Retirement, Disability and Death Benefits for the officials and employees of the various counties or other political subdivisions of the state, or political subdivisions of a county; authorizing the Legislature to provide for a voluntary merger into the system authorized by this Amendment by those officers and employees covered by the provisions of subsection (b) of Section 62 of Article XVI of the Texas Constitution as now existing or may hereafter be established; providing that costs of this System shall be borne by the counties and other political subdivisions of the state and political subdivisions of the county electing to participate therein and the officers and employees covered by the System; and forbidding the Legislature from making any appropriations for the operation of this System."

If it appears from the returns of said election that a majority of the votes have been cast in favor of such amendment, the same shall become a part of the Constitution of the State of Texas.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and have notice of said proposed Amendment and of said election published as required by the Constitution of Texas, and laws of this state.

Amendment No. 6

H. J. R. No. 37 By Floyd

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Article III of the Constitution of the State of Texas by adding thereto a new section, Section 51-d, so as to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or full-paid firemen who suffer violent death in the course of the performance of their duties as law enforcement officers, custodial personnel of the Texas Department of Corrections or as full-paid firemen; 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, Constitution of the State of Texas, be amended by adding Section 51-d to read as follows:

"Section 51-d. The Legislature shall have the power, by general law, to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or of full-paid firemen who suffer violent death in the course of the performance of their duties as law enforcement officers, custodial personnel of the Texas Department of Corrections or as full-paid firemen."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment providing for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or full-paid firemen who suffer violent death in the course of the performance of their duties as law enforcement officers, custodial personnel of the Texas Department of Corrections or as full-paid firemen.

"AGAINST the Constitutional Amendment providing for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or full-paid firemen who suffer violent death in the course of the performance of their duties as law enforcement officers, custodial personnel of the Texas Department of Corrections or as full-paid firemen."

Each voter shall mark out one of said clauses on the ballot, leaving the one expressing his vote on the proposed Amendment. In counties using voting machines, the above provision for voting, for and against this Constitutional Amendment, shall be placed on said machine in such a manner that each voter may vote on such machines for or against the Constitutional Amendment.

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. 7

H. J. R. No. 13 By Peeler, Hale, et al

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Sections 2 and 4 of Article VI of the Constitution of the State of Texas so as to repeal the provision making payment of the poll tax a requirement for voting and so as to authorize the Legislature to provide for the registration of all voters.

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

Section 1. That Section 2 of Article VI of the Constitution of the State of Texas be amended, effective February 1, 1968, by deleting the following language:

"and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner, the wife may pay the poll tax of her husband and receive the receipt therefor."

and by substituting therefor the following language:

"provided, however, that before offering to vote at an election a voter shall have registered annually, but such requirement for registration shall not be considered a qualification of an elector within the meaning of the term 'qualified elector' as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election. Any legislation enacted in anticipation of the adoption of this Amendment shall not be invalid because of its anticipatory nature."

The text of this Section, as so amended, is shown below, with the deleted language marked through by a broken line and with the new language underscored:

"Section 2. Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one (1) year next preceding an election and the last six (6) months within the district or county in which such person offers to vote, shall be deemed a qualified elector; ~~and provided~~

~~further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner, the wife may pay the poll tax of her husband and receive the receipt therefor.~~ provided, however, that before offering to vote at an election a voter shall have registered annually, but such requirement for registration shall not be considered a qualification of an elector within the meaning of the term 'qualified elector' as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election. Any legislation enacted in anticipation of the adoption of this Amendment shall not be invalid because of its anticipatory nature. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation. Any member of the Armed Forces of the United States or component branches thereof, or in the military service of the United States, may vote only in the county in which he or she resided at the time of entering such service so long as he or she is a member of the Armed Forces."

Sec. 2. That Section 4 of Article VI of the Constitution of the State of Texas be amended by changing the word "may" to "shall" in the last clause thereof and by deleting the words "in all cities containing a population of ten thousand inhabitants or more."

The text of this Section, as so amended, is shown below, with the deleted language marked through by a broken line and with the new language underscored:

"Section 4. In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature ~~may~~ shall provide by law for the registration of all voters ~~in all cities containing a population of ten thousand inhabitants or more~~."

Sec. 3. If any other Amendment to Sections 2 or 4 of Article VI of the Constitution of the State of Texas, being for a different purpose, is adopted at an earlier election or at the same election, the adoption of this Amendment shall not be construed as nullifying any change made by such other Amendment.

Sec. 4. 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, 1966, at which election all ballots shall have printed thereon the following:

"FOR repealing the poll tax as a requirement for voting.

"AGAINST repealing the poll tax as a requirement for voting."

Sec. 5. If the foregoing Amendment is adopted, the proclamation of the Governor declaring the adoption of the Amendment shall set forth the full text of the amended Sections, as amended herein and as amended by any other proposed Amendment which is submitted by the 59th Legislature and which has been duly adopted prior to such proclamation.

Sec. 6. 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. 8

H. J. R. No. 24 By Quilliam

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Article VI of the Constitution of the State of Texas by adding a new Section thereto, Section 2a, to provide for voting on electors for President and Vice President, and on all state-wide offices, questions or propositions by persons qualified to vote in this State except for meeting county or district residence requirements, and to provide for voting on electors for President and Vice President by otherwise qualified United States citizens who have moved into or out of the State preceding a presidential election.

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

Section 1. Article VI of the Constitution of the State of Texas is amended by adding a new Section thereto, Section 2a, to read:

"Section 2a. (a) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide a method of registration, including the time of such registration, permitting any person who is qualified to vote in this State except for the residence requirements within a county or district, as set forth in Section 2 of this Article, to vote for (1) electors for President and Vice President of the United States and (2) all offices, questions or propositions to be voted on by all electors throughout this State.

"(b) Nothwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting any person (1) who is qualified to vote in this State except for the residence requirements of Section 2 of this Article, and (2) who shall have resided anywhere within this State at least thirty (30) days next preceding a General Election in a presidential election year, and (3) who shall have been a qualified elector in another state immediately prior to his removal to this State or would have been eligible to vote in such other state had he remained there until such election, to vote for electors for President and Vice President of the United States in that election.

"(c) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting absentee voting for electors for President and Vice President of the United States in this State by former residents of this State (1) who have removed to another state, and (2) who meet all qualifications, except residence requirements, for voting for electors for President and Vice President in this State at the time of the election, but the privileges of suffrage so

granted shall be only for such period of time as would permit a former resident of this State to meet the residence requirements for voting in his new state of residence, and in no case for more than twenty-four (24) months."

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, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment permitting persons qualified to vote in this State except for the 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."

"AGAINST the Constitutional Amendment permitting persons qualified to vote in this State except for the 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."

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. 9

[In the following resolution proposing Amendment No. 9, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

S. J. R. No. 26

By Hightower, et al

A JOINT RESOLUTION

PROPOSING an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointments, tenure of office and compensation; and prescribing the term of court of said court.

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

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

"Section 4. The Court of Criminal Appeals shall consist of five [THREE] Judges, one of whom shall be Presiding Judge, a majority [ANY TWO] of whom shall constitute a quorum, and the concurrence of three [TWO] Judges shall be necessary to a decision of said court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices [JUDGES] of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said [SUCH] vacancy by appointment until the next succeeding general election [FOR THE UNEXPIRED TERM].

"The Judges of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the [THEIR] term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified [AS JUDGES OF THE COURT OF CRIMINAL APPEALS].

"The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for

a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this Amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

"The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected."

Sec. 2. That Section 5 of the Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 5. The Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

"The Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

"The Court of Criminal Appeals may [SHALL] sit for the transaction of business at any time from the first Monday in October to the last Saturday in September [OF JUNE] in each year, at the State Capitol [AND TWO OTHER PLACES (OR THE CAPITAL CITY) IF THE LEGISLATURE SHALL HEREAFTER SO PROVIDE]. The Court of Criminal Appeals shall appoint a clerk of the court who [FOR EACH PLACE AT WHICH IT MAY SIT AND EACH CLERK] shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

"The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment."

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held throughout the state on the first Tuesday after the first Monday in November, A. D. 1966, at which election each voter opposing said proposed Amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

"FOR the Amendment to the State Constitution providing for a Court Criminal Appeals of five members, and prescribing the term of said court."

Each voter favoring said proposed Amendment shall scratch off the ballot in the same manner the following words printed on said ballot:

"AGAINST the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the Constitution of this state.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by the Constitution and laws of this state.

Amendment No. 10

[In the following resolution proposing Amendment No. 10, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

H. J. R. No. 65 By Bonilla, Klager, et al

HOUSE JOINT RESOLUTION

PROPOSING an amendment to Section 3-b of Article VII of the Constitution of Texas providing that school taxes therefore voted in any independent school district or in any junior college district shall not be abrogated, cancelled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; authorizing the levy of taxes after such change without further election in the district as changed; providing an exception in the case of the annexation or consolidation of whole districts; 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 3-b of Article VII of the Constitution of Texas be amended to be and read as follows:

Sec. 3-b. No tax for the maintenance of public free schools voted in any independent school district [,] and no tax for the maintenance of a junior college voted by a junior college district, [THE MAJOR PORTION OF WHICH IS LOCATED IN DALLAS COUNTY] nor any bonds voted in any such district, but unissued, shall be abrogated, cancelled or invalidated by change of any kind in the boundaries thereof. After any change in boundaries, the governing body of any such district, without the necessity of an additional election, shall have the power to assess, levy and collect ad valorem taxes on all taxable property within the boundaries of the district as changed, for the purposes of the maintenance of public free schools or the maintenance of a junior college, as the case may be, and the payment of principal of and interest on all bonded indebtedness outstanding against, or attributal, adjusted or allocated to, such district or any territory therein, in the amount, at the rate, or not to exceed the rate, and in the manner authorized in the district prior to the change in its boundaries, and further in accordance with the laws under which all such bonds, respectively, were voted; and such governing body also shall have the power, without the necessity of an additional election, to sell and deliver any unissued bonds voted in the district prior to any such change in boundaries, and to assess, levy and collect ad valorem taxes on all taxable property in the district as changed, for the payment or principal of and interest

on such bonds in the manner permitted by the laws under which such bonds were voted. In those instances where the boundaries of any such independent school district are changed by the annexation of, or consolidation with, one or more whole school districts, the taxes to be levied for the purposes hereinabove authorized may be in the amount or at not to exceed the rate theretofore voted in the district having at the time of such change the greatest scholastic population according to the latest scholastic census and only the unissued bonds of such district voted prior to such change, may be subsequently sold and delivered and any voted, but unissued, bonds of other school districts involved in such annexation or consolidation shall not thereafter be issued.

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 throughout the State of Texas on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to Section 3-b of Article VII of the Constitution of Texas 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.

"AGAINST the amendment to Section 3-b of Article VII of the Constitution of Texas 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."

If it appears from the returns of said election that a majority of the votes cast were in favor of said Amendment, the same shall become a part of the State Constitution and be effective on and after the date of its adoption.

Sec. 3. The Governor 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. 11

[In the following resolution proposing Amendment No. 11, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

S. J. R. No. 19 By Parkhouse, Krueger, et al

A JOINT RESOLUTION

PROPOSING an Amendment to Section 49-d, Article III of the Constitution of the State of Texas, declaring state policy regarding optimum development of water reservoirs; providing for the use of the Texas Water Development Fund under such conditions as the Legislature may prescribe by General Law in the acquisition and development of storage facilities and any system of works properly appurtenant thereto; providing for the sale, lease or transfer of such facilities under General Laws; providing for long-term contracts for water storage facilities; authorizing the issuance of an additional $200,000,000 in bonds by the Texas Water Development Board upon two-thirds (2/3) vote of the elected members of each house; providing that anticipatory legislation shall not be invalid because of its anticipatory character; providing for the necessary election, form of ballot; and proclamation and publication.

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

Section 1. That Section 49-d of Article III of the Constitution of the State of Texas be amended to read as follows:

"Section 49-d. It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for the conservation of the public waters of the State, which waters are held in trust for the use and benefit of the public. [TO THIS END, AND WITH THE APPROVAL OF THE BOARD OF WATER ENGINEERS OR ITS SUCCESSOR,] The proceeds from the sale of the additional [STATE] bonds authorized hereunder deposited in the Texas Water Development Fund and the proceeds of bonds previously authorized by [AS PROVIDED IN] Article III, Section 49-c of this Constitution, may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by General Law, including the requirement of a permit for storage or beneficial use, for the additional purposes of acquiring and developing storage facilities and any system or works necessary for the filtration, treatment and transportation of water from storage to points of treatment, filtration and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods; provided, however, the Texas Water Development Fund or

any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis.

"Under such provisions as the Legislature may prescribe by General Law the Texas Water Development Fund may be used for the conservation and development of water for useful purposes by construction or reconstruction or enlargement of [IN AND FROM] reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, together with any system or works necessary for the filtration, treatment and/or transportation of water, by any one or more of the following [GOVERNMENTS OR] governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. The Legislature shall provide terms and conditions under which the Texas Water Development Board may sell, transfer or lease, in whole or in part, any reservoir and associated system or works which the Texas Water Development Board has financed in whole or in part.

"Under such provisions as the Legislature may prescribe by General Law, the Texas Water Development Board may also [, WITH THE APPROVAL OF THE BOARD OF WATER ENGINEERS OR ITS SUCCESSOR,] execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as State bonds issued under the authority of the preceding Section 49-c of this Constitution, and the provisions in said Section 49-c with respect to payment of principal and interest on State bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment.

"The aggregate of the bonds authorized hereunder shall not exceed $200,000,000 and shall be in addition to the aggregate of the bonds previously [BY SAID SECTION 49-c, PLUS THE PRINCIPAL OF THE OBLIGATIONS INCURRED UNDER ANY CONTRACT AUTHORIZED HEREUNDER, SHALL NOT EXCEED THE TWO HUNDRED MILLION DOLLARS ($200,000,000) IN BONDS] authorized by said Section 49-c of Article III of this Constitution. The Legislature upon two-thirds (2/3) vote of the elected members of each House, may authorize the Board to issue all or any portion of such $200,000,000 in additional bonds herein authorized.

"The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities together with any

associated system or works necessary for the filtration, treatment or transportation of water at a price not less than the direct cost of the Board in acquiring same; and the Legislature may provide terms and conditions for the Board to sell any unappropriated public waters of the state that might be stored in such facilities. As a prerequisite to the purchase of such storage or water, the applicant therefor shall have secured a valid permit from the Texas Water Commission [BOARD OF WATER ENGINEERS] or its successor authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of storage facilities or associated system or works shall be used to pay principal and interest on state bonds issued or contractual obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such storage facilities or associated system or works may be used for the acquisition of additional storage facilities or associated system or works or for providing financial assistance as authorized by said Section 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred.

"Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such Acts shall not be void by reason of their anticipatory character."

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, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment authorizing the issuance of an additional $200,000,000 in Texas Water Development Bonds and providing for further investment of the Texas Water Development Fund in reservoirs and associated facilities."

"AGAINST the Constitutional Amendment authorizing the issuance of an additional $200,000,000 in Texas Water Development Bonds and providing for further investment of the Texas Water Development Fund in reservoirs and associated facilities."

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. 12

[In the following resolution proposing Amendment No. 12, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

H. J. R. No. 48 By J. E. Miller, et al

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Article IX of the Constitution of the State of Texas, providing the method and manner for dissolution of hospital districts created under Article IX of the Constitution.

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

Section 1. That Section 9, Article IX of the Constitution of the State of Texas be amended to read as follows:

"Sec. 9. The Legislature may by law provide for the creation, establishment, maintenance and operation of hospital districts composed of one or more counties or all or any part of one or more counties with power to issue bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same, for hospital purposes; providing for the transfer to the hospital district of the title to any land, buildings, improvements and equipment located wholly within the district which may be jointly or separately owned by any city, town or county, providing that any district so created shall assume full responsibility for providing medical and hospital care for its needy inhabitants and assume the outstanding indebtedness incurred by cities, towns and counties for hospital purposes prior to the creation of the district, if same are located wholly within its boundaries, and a pro rata portion of such indebtedness based upon the then last approved tax assessment roles of the included cities, towns and counties if less than all the territory thereof is included within the district boundaries; providing that after its creation no other municipality or political subdivision shall have the power to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care within the boundaries of the district; providing for the levy of annual taxes at a rate not to exceed seventy-five cents (75¢) on the one hundred dollar valuation of all taxable property within such district for the purpose of meeting the requirements of the district's bonds, the indebtedness assumed by it and its maintenance and operating expenses, providing that such district shall not be created or such tax authorized unless approved by a majority of the qualified property taxpaying electors thereof voting at an election called for the purpose; and providing further that the support and maintenance of the district's hospital system shall never become a charge against or obligation of the State of Texas nor shall any

direct appropriation be made by the Legislature for the construction, maintenance or improvement of any of the facilities of such district.

"Provided, however, that no district shall be created except by act of the Legislature and then only after thirty (30) days' public notice of the district affected, and in no event may the Legislature provide for a district to be created without the affirmative vote of a majority of the taxpaying voters in the district concerned.

"The Legislature may also provide for the dissolution of hospital districts provided that a process is afforded by statute for:

"(1) determining the desire of a majority of the qualified voters within the district to dissolve it;

"(2) disposing of or transferring the assets, if any, of the district; and

"(3) satisfying the debts and bond obligations, if any, of the district, in such manner as to protect the interests of the citizens within the district, including their collective property rights in the assets and property of the district, provided, however, that any grant from federal funds, however dispensed, shall be considered an obligation to be repaid in satisfaction and provided that no election to dissolve shall be held more often than once each year. In such connection, the statute shall provide against disposal or transfer of the assets of the district except for due compensation unless such assets are transferred to another governmental agency, such as a county, embracing such district and using such transferred assets in such a way as to benefit citizens formerly within the district."

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, 1966, at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment providing the method and manner for dissolution of hospital districts.

"AGAINST the constitutional amendment providing the method and manner for dissolution of hospital districts."

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 the State.

Amendment No. 13

H. J. R. No. 69 By Grover, Whitfield, et al

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas by adding a new Section, Section 63, to Article III; authorizing the Legislature to provide by statute for the accomplishment of governmental functions within any county having one million, two hundred thousand (1,200,000) or more inhabitants by the consolidation of the functions of government or by contract between any political subdivision(s) located within the county and any other political subdivision(s) located within the county or with the county; 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 the Constitution of the State of Texas be amended by adding a new Section in Article III, to be known as Section 63, reading as follows:

"Section 63

"(1) The Legislature may by statute provide for the consolidation of some functions of government of any one or more political subdivisions comprising or located within any county in this State having one million, two hundred thousand (1,200,000) or more inhabitants. Any such statute shall require an election to be held within the political subdivisions affected thereby with approval by a majority of the voters in each of these political subdivisions, under such terms and conditions as the Legislature may require.

"(2) The county government, or any political subdivision(s) comprising or located therein, may contract one with another for the performance of governmental functions required or authorized by this Constitution or the Laws of this State, under such terms and conditions as the Legislature may prescribe. The term 'governmental functions,' as it relates to counties, includes all duties, activities and operations of state-wide importance in which the county acts for the State, as well as of local importance, whether required or authorized by this Constitution or 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 throughout the State on the First Tuesday after the first Monday in November, 1966, at which time the ballot shall have printed thereon the following:

"FOR the Amendment to the Constitution authorizing the Legislature to provide by statute for any county having one million, two hundred thousand (1, 200, 000 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.

" AGAINST the Amendment to the Constitution authorizing the Legislature to provide by statute for any county having one million, two hundred thousand (1, 200, 000) 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."

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 the Laws of this State.

Amendment No. 14

H.J.R.No. 38 By Berry, Bass, Harris, et al

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to Section 2, Article VI, Constitution of the State of Texas, to omit the requirement that members of the armed services vote only in the county in which they resided at the time of entering the service.

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

Section 1. That Section 2, Article VI, Constitution of the State of Texas, be amended by deleting the following language:

"Any member of the Armed Forces of the United States or component branches thereof, or in the military service of the United States, may vote only in the county in which he or she resided at the time of entering such service so long as he or she is a member of the Armed Forces."

The text of this Section is shown below, with a broken line through the sentence which is to be deleted:

"Section 2. Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one (1) year next preceding an election and the last six (6) months within the district or county in which such person offers to vote, shall be deemed a qualified elector; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner, the wife may pay the poll tax of her husband and receive the receipt therefor. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation. ~~Any member of the Armed Forces of the United States or component branches thereof, or in the military service of the United States, may vote only in the county in which he or she resided at the time of entering such service so long as he or she is a member of the Armed Forces.~~"

Sec. 2. The only purpose of the amendment proposed in this Resolution is to make the aforesaid deletion. The adoption of this amendment shall not be deemed to have the effect of readopting the remainder of the Section, and if any other amendment to this Section, being for a different purpose, is adopted at an earlier election or at the same election, the adoption of this amendment shall not be construed as nullifying the change made by such other amendment.

Sec. 3. The foregoing Constituional 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, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment to allow members of the Armed Forces who are residents of Texas to vote."

"AGAINST the Constitutional Amendment to allow members of the Armed Forces who are residents of Texas to vote."

Sec. 4. 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. 5. If the foregoing amendment is adopted, the proclamation of the Governor declaring the adoption of the amendment shall set forth the full text of the amended Section, as amended herein and by any other proposed amendment which is submitted by the 59th Legislature and which has been duly adopted prior to such proclamation.

Amendment No. 15

[In the following resolution proposing Amendment No. 15, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

S. J. R. No. 33

By Richter

A JOINT RESOLUTION

PROPOSING an Amendment to Section 6, Article XVI, Constitution of the State of Texas, to authorize state participation in programs financed with funds from private or federal sources and conducted by local level or other private, nonsectarian associations, groups, and nonprofit organizations for establishing and equipping facilities for assisting the blind, crippled, or otherwise physically or mentally 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.

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

Section 1. That Section 6, Article XVI, Constitution of the State of Texas, be amended to read as follows:

"Section 6. (a) No appropriation for private or individual purposes shall be made, unless authorized by this Constitution. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

"(b) State agencies charged with the responsibility of providing services to those who are blind, crippled, or otherwise physically or mentally handicapped may accept money from private or federal sources, designated by the private or federal source as money to be used in and establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care and treatment of the handicapped. Money accepted under this subsection is state money. State agencies may spend money accepted under this subsection, and no other money for specific programs and projects to be conducted by local level or other private, nonsectarian associations, groups, and nonprofit organizations, in establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care or treatment of the handicapped.

"The state agencies may deposit money accepted under this subsection either in the state treasury or in other secure depositories. The money may not be expended for any purpose other than the purpose for which it was given. Notwithstanding any other provision of this Constitution, the state agencies may expend money accepted under this subsection without the necessity of an appropriation, unless the Legislature, by law, requires that the money be expended only on appropriation. The Legislature may prohibit state agencies from accepting money under this subsection or may regulate the amount of money accepted, the way the acceptance and expenditure of the money is administered, and the purpose for which the state agencies may expend the money. Money accepted under this subsection for a purpose prohibited by the Legislature shall be returned to the entity that gave the money.

"This subsection does not prohibit state agencies authorized to render services to the handicapped from contracting with privately-owned or local facilities for necessary and essential services, subject to such conditions, standards, and procedures as may be prescribed by law."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this state at an election to be held on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment 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."

"AGAINST the Constitutional Amendment 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."

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.16

[In the following resolution proposing Amendment No.16, new language incorporated in the amendment is underscored; old language deleted is shown in brackets and capitalized; old language retained in the proposed amendment is neither bracketed nor underscored.]

H.J.R.No. 1 By Hale

HOUSE JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas to establish the date on which newly elected Members of the Legislature shall qualify and take office.

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

Section 1. That Article III, Section 3, of the Constitution of Texas, be and the same is hereby amended so as hereafter to read as follows:

"Section 3. The Senators shall be chosen by the qualified electors for the term of four years, but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of four years, so that one half of the Senators shall be chosen biennially thereafter. Senators 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."

Sec. 2. That Article III, Section 4, of the Constitution of Texas, be and the same is hereby amended so as hereafter to read as follows:

"Section 4. The Members [MEMBERS] of the House of Representatives shall be chosen by the qualified electors[,] for the [AND THEIR] term of [OFFICE SHALL BE] years [FROM THE DAY OF THEIR ELECTION]. 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."

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 throughout the State on the first Tuesday after the first Monday in November, 1966, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment establishing the date on which newly elected Members of the Legislature shall qualify and take office.

"AGAINST the Constitutional Amendment establishing the date on which newly elected Members of the Legislature shall qualify and take office."

If it appears from the returns of such election that a majority of the votes cast therein are for such Amendment, same shall become a part of the Constitution of Texas.

Sec. 4. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for such election and this Amendment shall be published and the election shall be held as required by the Constitution and laws of this State.