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Analyzed

TEXAS LEGISLATIVE COUNCIL
STATE CAPITOL - AUSTIN, TEXAS

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Constitutional amend-
ments...Nov. 11, 1967

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of the
60th Legislature of Texas

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INTRODUCTION

Although 20 constitutional amendments were proposed by the 60th Legislature, this was still less than the 27 submitted to the electorate by the 59th Legislature. Five of the 11 proposals considered in 1965 were adopted in November of that year, and 15 of the remaining 16 proposals were approved at the general election in November, 1966. Thus, to date, the Texas Constitution has been amended 178 times.

The six constitutional amendments to be considered in the fall of 1967 are:

To Be Voted on November 11, 1967

Amendment No. 1 Authorizing counties to put all tax money in a single general fund rather than depositing it in separate funds corresponding to tax levies for each of the four constitutional purposes. (H.J.R. No. 3)

Amendment No. 2 Permitting municipalities, political subdivisions, and state-supported entities located within hospital districts to participate in the establishment and operation of mental health, mental retardation, and public health services. (H.J.R. No. 37)

Amendment No. 3 Extending the veterans' land program by authorizing the sale of \$200 million of state bonds to purchase lands to be sold to veterans and expanding the program to include also veterans of service during the armed conflict in Viet Nam. (H.J.R. No. 17)

Amendment No. 4 Authorizing counties to pay medical, doctor, and hospital bills of county law enforcement officers for injuries incurred in line of duty and to continue paying salaries of injured officials during period of incapacitation. (S.J.R. No. 6)

Amendment No. 5 Authorizing the Parks and Wildlife Department to issue and sell general obligation bonds in the amount of \$75 million to finance acquisition and development of lands for state parks and recreational areas. (H.J.R. No. 12)

Amendment No. 6 Permitting non-elective state officers and employees to serve in other non-elective positions under the state or United States government where there is no conflict of interest and where the state will benefit.
(H.J.R. No. 27)

Each of these proposals is analyzed in this report. The Legislative Council takes no position, pro or con, with respect to the merit of these proposals. In listing arguments FOR and AGAINST, the Council is merely presenting the arguments most commonly offered by proponents and opponents of each proposal.

The 14 additional amendments to be considered by Texas voters on November 5, 1968, will be analyzed in a separate booklet, to be published later this year. A list of these 14 proposed amendments follows:

To Be Voted on November 5, 1968

S.J.R. No. 4 Allowing contributions to be made to the Teacher Retirement System of Texas on the basis of full salary of members.

S.J.R. No. 14 Granting the Legislature power to authorize cities and counties to issue revenue bonds for industrial development purposes.

S.J.R. No. 24 Giving permissive authority to the Legislature to exempt from ad valorem taxation devices installed to eliminate or abate harmful effects of air emissions or water effluents on air and water quality of the state.

S.J.R. No. 32 Providing for continuously reducing state ad valorem property taxes and abolishing all state ad valorem property taxes after December 31, 1978, with the exception of the tax levied for certain institutions of higher learning.

S.J.R. No. 37 Authorizing Dallas County, by vote of a majority of the resident property taxpayers voting, to issue certain road bonds without the necessity of further legislation and providing that bonds issued or to be issued under Subsections (a) and (b) of Section 52, Article III, not be included in determining the debt limit.

S.J.R. No. 39 Revising the provisions of the Employees Retirement System of Texas relating to the investment and management of the fund and administration of the Employees Retirement System.

S.J.R. No. 41 Raising the limit on the amount that may be expended in any one year from state funds for public assistance payments only to \$75 million.

H.J.R. No. 16 Exempting from ad valorem taxation certain property temporarily stored in a public warehouse.

H.J.R. No. 20 Providing for investment of the Permanent University Fund in certain types of securities within the prudent man rule.

H.J.R. No. 22 Fixing the time during which members of the Legislature shall be ineligible to hold other offices.

H.J.R. No. 49 Deleting certain constitutional provisions relating to the purchase of fuel and the refurbishing of rooms and halls used by the Legislature and the requirement that the Governor, the Secretary of State, and the Comptroller approve certain contracts of purchase.

H.J.R. No. 50 Authorizing the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

H.J.R. No. 60 Authorizing the Legislature to provide for consolidation of governmental offices and functions and giving political subdivisions authority to contract for performance of governmental functions in El Paso and Tarrant counties.

H.J.R. No. 61 Authorizing an annual salary for members of the Legislature in an amount not to exceed \$8,400 per year and extending the per diem allowance to 140 days of the Regular Session.

Amendment No. 1--H.J.R. No. 3

[Authorizing counties to put all tax money in a single general fund rather than depositing it in separate funds corresponding to tax levies for each of the four constitutional purposes]

This proposed amendment to Section 9 of Article VIII authorizes counties to put all county tax revenue into one general fund without regard to its source or purpose.

Presently, the Constitution authorizes the county commissioners to make four separate non-voted tax levies on property in the county, with the total amount of all the levies not to exceed 80¢ on the \$100 valuation. Revenues from these tax levies are placed in four separate funds, as required by Section 9 of Article VIII: general fund, road and bridge fund, public improvement fund, and jury fund. Frequently, one fund or another is insufficient to meet needs for that particular purpose, while another fund may have a surplus. Under the present provision, however, money placed in each fund may be expended only for the purposes of that fund, and the county is thus prevented from using the surplus in any particular fund and applying it to another purpose.

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

Background

Before the Constitution of 1876 was adopted, there were no limits on the tax rates for state, county, and municipal purposes. Reckless use of public credit during the Reconstruction period led in 1876 to adoption of a constitutional limitation on property tax rates at both the state and local levels. (Section 9, Article VIII) Except for payment of preexisting debts and erection of public buildings, counties were limited at that time to a maximum rate of tax not to exceed one-half of the state tax. The state tax maximum rate was set at 50¢ per \$100 valuation. In 1883, Section 9 was amended to authorize counties to levy three separate taxes, with maximum rates set for each. They were:

- (1) county purposes--25¢ on the \$100 valuation;
- (2) road and bridge purposes--15¢ on the \$100 valuation;
and
- (3) permanent improvement purposes--25¢ on the \$100 valuation.

In 1907, a fourth taxing purpose, the jury fund, was added by constitutional amendment. The maximum tax rate for this fund was set at 15¢ on the \$100 valuation.

Texas counties operated under this restrictive property tax scheme until 1944, when the voters approved another amendment to Section 9. It authorized county commissioners to reallocate the tax rates of the four funds for a period up to six years upon approval of the qualified property taxpaying electors of the county.

The provisions of Section 9 were still considered too restrictive and the requirement that an election be held at least every six years too burdensome. In 1956, an amendment to Section 9 was adopted, allowing county commissioners to allocate tax rates for each fund without the necessity of an election. The amendment abolished tax rate limits on each of the four prescribed funds, but retained the overall limitation of 80¢ on the \$100 valuation.

ARGUMENTS

For:

1. Even though commissioners may set new tax rates each year at any level, as long as the total of the four levies never exceeds 80¢ on the \$100 valuation, there is still the problem of anticipating a year in advance the needs of the county for each of the four constitutional purposes and apportioning the four taxes to meet those needs. Many times there is a surplus in one fund while a shortage exists in another. The proposed amendment would correct this defect by abolishing the four county funds and allowing the counties to consolidate all revenues in one fund to be expended as the need arises.
2. Under present constitutional provisions, the separation of revenues has the effect of creating feast and famine at one and the same time. Undue burden is placed on funds where needs are great--such as the general fund--while others with decreasing needs--like the road and bridge fund in large urban counties--are allowed to build up unnecessary surpluses. At times, such surpluses have been used ill-advisedly if not contrary to intended purposes. Under the proposed amendment, the temptation to use surpluses unwisely would be removed.
3. By permitting all county revenues from non-voted taxes to be placed in and used from one general fund, this proposed amendment would give the county commissioners greater control over budgeting procedures and would provide the flexibility necessary to permit the use of revenues collected to meet rapidly changing or unforeseen needs.

Against:

1. The division of tax revenues into separate funds now provided in the Texas Constitution was established as a safeguard in connection with county budgeting procedures. It is designed

to remove from commissioners the temptation to establish the tax rate at the maximum allowable of 80¢ on the \$100 valuation and to require them to give careful consideration to the needs of the county for each of the four constitutional purposes. The proposed amendment would eliminate this safeguard and could result in increased taxes.

2. With all the money available for unrestricted use, the commissioners court might be prone to waste funds rather than maintain the present forced economy.
3. In effect, adoption of this amendment could result in little or no budgeting by the county commissioners court, with available money used as the need arises and no consideration given to priority of needs or advance planning.

Amendment No. 2--H.J.R. No. 37

[Permitting municipalities, political subdivisions, and state-supported entities located within hospital districts to participate in the establishment and operation of mental health, mental retardation, and public health services]

This proposed amendment adds a Section 13 to Article IX of the Texas Constitution. It permits any municipality, political subdivision of the state, or state-supported entity located within a hospital district to fund or participate in the establishment and operation of mental health, mental retardation, or public health services unless expressly prohibited from doing so by the Act creating the district.

Section 9 of Article IX of the Texas Constitution, approved by the voters in November of 1962, expressly prohibits any other political entity from levying taxes or issuing bonds or other obligations for the purpose of providing medical services or hospital facilities within the hospital district. This was obviously an attempt to prevent proliferation of activities in providing medical services and hospital facilities.

The Attorney General of Texas in Opinion No. C-646 held that because the Constitution of Texas does not permit other political subdivisions within the boundary of a hospital district to levy taxes for medical and hospital services, cities, counties, and other political subdivisions within a hospital district may not participate in the establishment of a community center and that the local authority to establish a community center rests with the hospital district. The proposed amendment would change this by providing that the Legislature may authorize the creation of a hospital district and at the same time not restrict other political subdivisions within the hospital district from levying taxes to provide mental health and mental retardation services through community centers. In reference to hospital districts already in existence, it would authorize political subdivisions within a hospital district to levy taxes for these purposes unless the statute authorizing the hospital district expressly prohibits them from so doing. These restrictions contained in the present Constitution (Section 9, Article IX) also apply to local public health activities sponsored by the State Health Department; these activities are also covered by H.J.R. 37.

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

Background

The amending of the Texas Constitution to authorize the creation of hospital districts with the power to tax is of fairly recent date, but of rather extensive proportions. In 1949, a proposed amendment to provide for hospital districts in all counties of the state was defeated, but in 1954, Article IX was amended by the addition of Section 4. Under this

provision, the Legislature was authorized to create countywide hospital districts in all counties with a population in excess of 190,000 and in Galveston County. This was the only statewide proposal for the creation of hospital districts until 1962. In that year the electorate approved a constitutional amendment (adding Section 9 to Article IX) which allowed the Legislature to create hospital districts composed of one or more counties or all or part of one or more counties if the district was approved by a majority of the taxpaying voters in the district. Specific constitutional authority was no longer required for the creation of a particular hospital district. In 1966, the voters also approved an amendment that authorized the Legislature to provide a method and manner for dissolution of hospital districts.

The current trend of making mental health and mental retardation services accessible to people where they live and work was recognized by the 59th Legislature when it enacted the Texas Mental Health and Mental Retardation Act in 1965. The Act encourages local agencies (hospital districts, cities, counties, state-supported institutions of higher education, state-supported medical schools, rehabilitation districts, or combinations of these entities) to assume responsibility for mental health and mental retardation services. It also gives local community centers authority to take advantage of staffing and construction grants available under federal legislation. However, Attorney General's Opinion No. C-646, pointing to the constitutional prohibition against the levying of taxes by any other political subdivision within a hospital district, has made it impossible for the 1965 Act to be implemented. The amendment proposed by H.J.R. 37 would remove this obstacle.

ARGUMENTS

For:

1. Because mental health and mental retardation services have been available traditionally through large state mental hospitals and special schools, hospital districts, although having the authority, have been reluctant to add these services to the other obligations of the district. On the other hand, a constitutional restriction (Section 9, Article IX) makes it impossible for other political entities within a hospital district to assume this responsibility, despite a willingness to do so and the availability of federal assistance funds. Adoption of the proposed amendment would give these local entities permissive authority to provide mental health and mental retardation services at the local level.
2. Approximately half of the Texas population is found in the metropolitan counties of Dallas, El Paso, Harris, and Bexar, all having hospital districts coextensive with their boundaries. The removal of constitutional barriers, as proposed by H.J.R. 37, would open the way for mental health and mental

retardation services to millions of Texas citizens almost on their doorsteps, thereby encouraging them to seek early treatment and counseling when the prognosis for recovery or improvement is at its highest.

3. Some municipalities and political subdivisions have sources of revenue other than the property taxes which support hospital districts, and new taxes to provide mental health and mental retardation services would not be necessary. Such taxes, when required at the local level, would eventually be offset by a reduction in the financial support now necessary for the large state mental hospitals and special schools.

Against:

1. The proposed amendment makes possible a duplication of health programs within the area of a hospital district and could result in higher costs for services provided.
2. Since hospital districts are already financed by a property tax, a similar levy by another political entity would create an inequitable tax burden. As the likeliest new source of revenue, the city sales tax lays its heaviest burden on the city resident and would also be an unfair method of financing a community center with benefits available to many residing outside the taxing area.
3. A large share of the funds to support the community centers comes from state grants-in-aid. The local hospital district could receive this state aid in order to provide services for mental health and mental retardation just as easily as could a community center supported by entities other than a hospital district.

Amendment No. 3--H.J.R. No. 17

[Extending the veterans' land program by authorizing the sale of \$200 million of state bonds to purchase lands to be sold to veterans and expanding the program to include also veterans of service during the armed conflict in Viet Nam]

This proposed amendment to Section 49-b, Article III, of the Constitution of the State of Texas extends the service-connected date for eligibility until the "date of formal withdrawal of United States troops from the present armed conflict in Viet Nam." Whereas the present constitutional provision leaves it to the Legislature to define the qualifications of "Texas Veterans" eligible to participate in the program, the proposed amendment would incorporate these qualifications in the Constitution itself. The amendment would require, in addition to the prescribed military service, that the veteran (1) be a citizen of the United States and a bona fide resident of Texas at the time he files his application to purchase land; (2) not have been dishonorably discharged from the armed services; and (3) either be a bona fide resident of Texas at the time he entered the armed services or else have resided in Texas at least five years prior to the date of filing his application to purchase land. These requirements, in the main, are the same as those prescribed by statute. The amendment, however, would not require, as does the present statute, that a veteran be a resident of Texas at the time he entered the service. If he has been a Texas resident for five years prior to his application to purchase land, he may qualify.

In other changes from the existing Section 49-b, Article III, the proposed amendment authorizes an additional \$200 million in bonds or obligations that may be issued by the Veterans' Land Board, and increases the maximum rate or rates of interest on all bonds issued and sold in any installment from 3-1/2 to 4-1/2 percent.

Enabling legislation, provided by House Bill 306, becomes effective and operative only upon the condition that this proposed constitutional amendment is adopted by the electorate. The maximum amount which may be borrowed by qualified veterans is increased from \$7,500 to \$10,000.

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

Background

The Texas Republic, adopting a custom of the federal government since revolutionary times, reserved a part of its vast public domain for soldiers of the Texas Revolution. Lands of the Republic were granted in 1836 to all volunteers who had served in the armies of Texas, and in 1837 additional land grants were made to veterans of the more outstanding battles in the War of Independence. To compensate Confederate

soldiers, who were ineligible for pensions granted by the federal government, the State of Texas provided lands to servicemen of that War Between the States.

The present veterans' land program was a further expression of gratitude by the State of Texas and her citizens to servicemen in World War II, but since the public domain was exhausted, provision was made for the purchase of lands under a liberal credit program.

The first constitutional amendment, making the program possible, was adopted in 1946, when a fund of \$25 million in bonds was authorized. Funds were to be used by the Veterans' Land Board, also created by the amendment, to purchase lands for resale to veterans of World War II. In 1949, enabling legislation was adopted. In 1951, Section 49-b, Article III, was amended to increase funds by \$75 million, bringing the total to \$100 million. This amendment also authorized the Legislature to expand the program to include Texas veterans of service in the armed services subsequent to 1945. Another \$100 million increase was authorized by amendment in 1956.

In 1963 and 1965, the Legislature proposed amendments to continue the program and add \$150 million in the first instance, and \$200 million in the second, but these amendments were defeated by the electorate. The defeats have been attributed by some to other unpopular amendments on the ballot which were turned down by the voters. Estimates generally showed that more than one million Texas veterans had not participated in the program at the time of these elections. Since the cutoff date for the program, established by the Constitution, was December 1, 1965, the veterans' land program officially terminated on that date.

The proposed Amendment No. 3 would reactivate the program and bring veterans of our most recent war under its provisions and eligible for its benefits.

ARGUMENTS

For:

1. It is only fair that the men and women of Texas who have served their country during the present hostilities in Viet Nam and East Asia receive the same benefits which have been made available to veterans of World War II and the Korean conflict. It is one of the most effective and least costly means by which Texas citizens can express their gratitude to veterans for their wartime service.
2. The veterans' land program has boosted the state's economy and will produce an eventual profit on the \$400 million from the sale of bonds used to finance veteran land purchases.

3. The program is without cost to the taxpayer. In fact, the difference in interest paid on the bonds and that received from the veteran puts the program on the credit side of the state's profit and loss ledger.

Against:

1. It is not the function of state government to engage in the loan business. The veterans' land program, in this respect, may be considered unfair to private enterprise.
2. During the 16 years that the veterans' land program was open for applications, it would seem that all veterans who are interested had sufficient time to make application for these funds, and it is still too early to provide for the service personnel of the Viet Nam war. The availability of "cheap money" tends to invite purchase of land by some veterans who neither need nor plan to use it for productive purposes.
3. The fact that the electorate has twice vetoed proposed amendments to increase the fund and extend the duration of the program shows clearly that Texas citizens are tired of the program. The program has officially terminated, and it should not be revived.

Amendment No. 4--S.J.R. No. 6

[Authorizing counties to pay medical, doctor, and hospital
bills of county law enforcement officers for injuries
incurred in line of duty and to continue paying
salaries of injured officials during period
of incapacitation]

This proposed amendment adds a Section 52e to Article III of the Texas Constitution. The new section authorizes counties to pay the medical expenses, doctor bills, and hospital bills for sheriffs, constables, their deputies, and other county and precinct law enforcement officials who are injured in the course of their official duties. Law enforcement officials so injured may also be paid their maximum salaries by the county during their incapacitation or hospitalization until the expiration of their term of office.

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

Background

Article III, Section 52, of the Texas Constitution prohibits any county, city, town, or other political subdivision of the state from lending its credit or granting public money or thing of value in aid of, or to, any individual, association, or corporation. The proposed amendment provides an exception in favor of county payment of county and precinct law enforcement officials' medical expenses resulting from injuries occurring during the performance of their official duties. It also permits payment of maximum salaries to these officers during their incapacitation or hospitalization.

ARGUMENTS

For:

1. Counties should be allowed to pay medical expenses of county and precinct law enforcement officials who are injured while performing their official duties. These officers are not now covered by workmen's compensation, and the financial burden placed upon them and their families by injury in the line of duty is often insurmountable.
2. It is becoming more and more difficult to recruit law enforcement personnel, and the knowledge that medical expenses are covered for injuries sustained in the course of duty, as made possible by this proposed amendment, should make positions in law enforcement more attractive. Any incidental benefit that a county can offer a prospective applicant would be an invaluable aid in promoting effective law enforcement.

Against:

1. It is unfair to select a certain class of public employees for special treatment. Other county employees should have the same benefits that the proposed amendment provides for law enforcement officials.
2. Since the proposed amendment is permissive, rather than mandatory, its adoption could result in a multitude of county policies, some paying all, a part, or none of the medical benefits proposed. Thus, the advantage of attracting competent personnel to law enforcement work by counties providing these benefits would create greater hardship on counties unable or unwilling to make these benefits available as they compete for law enforcement personnel with counties in better financial condition.

Amendment No. 5--H.J.R. No. 12

[Authorizing the Parks and Wildlife Department to issue and sell general obligation bonds in the amount of \$75 million to finance acquisition and development of lands for state parks and recreational areas]

This proposed amendment adds a Section 49-e to Article III of the Texas Constitution. The new section authorizes the Parks and Wildlife Department or its successor to issue and sell general obligation bonds of the state in an amount not to exceed \$75 million with an interest rate not to exceed 4-1/2 percent per annum. Money received from the sale of the bonds is earmarked for the Texas Park Development Fund. The Parks and Wildlife Department will use the fund to purchase land for state park sites and to develop these sites into state parks. It is contemplated by the amendment that interest and principal on the bonds will be paid from admission charges to state parks to be prescribed by the Legislature. Enabling legislation, which becomes effective only upon approval of the amendment, was enacted by the Legislature and it includes provision for such admission charges (House Bill 212). Any deficiency from admission charges will be made up out of the first money coming into the treasury each fiscal year not otherwise appropriated by the Constitution.

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

Background

With certain limited exceptions, Article III, Section 49, of the Texas Constitution prohibits the state from creating any debt by or on behalf of itself. An amendment is therefore necessary for the Parks and Wildlife Department to issue general obligation bonds to finance park development. The State of Texas is trying to expand its park and recreational facilities to meet the needs of a growing population. However, because of the many demands made upon it, funds from general revenue to finance park development are limited. Charging an admission fee for park use would raise money eventually, but this method is neither so direct nor immediate as a bond issue.

ARGUMENTS

For:

1. The State of Texas needs to begin a program of land acquisition and development for park purposes to meet the demands of a growing population and to stimulate tourist trade. Money from the General Revenue Fund is not available to meet the immediate needs of such a program. In order to meet these needs, the Parks and Wildlife Department should be authorized to issue and sell general obligation bonds.

2. The Parks and Wildlife Department estimates that revenue received from park admission fees will be sufficient to pay the principal and interest on the bonds. Projected revenues from admission fees for payment of principal and interest would relieve the General Revenue Fund from financing these costs and, therefore, relieve the taxpayer of this burden.

Against:

1. Estimates of money needed to pay principal and interest on the general obligation bonds are at best theoretical. It is possible, though not likely, that the entire bond issue could be issued the first year. If this were to occur, money from the General Revenue Fund would be needed to pay interest charges, as money from admission fees to parks would not be sufficient. The taxpayer would, therefore, have to pay part of the cost of the bonds.
2. Public Law 88-578, the Land and Water Conservation Fund Act of 1965, provides federal funds on a matching basis for state park acquisition and development. The Legislature should appropriate funds to match federal grants after the amount of any federal grant is determined and as the need arises. It may prove unnecessary to issue bonds to raise funds for matching federal grants.

Amendment No. 6--H.J.R. No. 27

[Permitting non-elective state officers and employees to
serve in other non-elective positions under the
state or United States government where there
is no conflict of interest and where the
state will benefit]

This proposed amendment to Section 33 of Article XVI provides that non-elective state officers and employees may serve, under certain conditions set forth by the Legislature, in more than one office or position of honor, trust, or profit under the state or the United States. Limitations include the requirement that the second office or position be of benefit to the state or be required by state or federal law. In any case, the second office or position cannot conflict with the original office or position for which the person receives compensation. These changes would be operative, under the proposed amendment, until September 1, 1969, and thereafter only if authorized by the Legislature. Also, the proposed amendment prohibits members of the Legislature from holding any other office or position of profit under the state or the United States, and extends the military exemption to members of the Air Force, Air National Guard, their reserves and their retired members.

At present, Section 33 directs the Comptroller not to draw or pay any warrant on the treasury for a person holding more than one office or position of honor, trust, or profit under the state or the United States. This means that a person holding two offices or positions now covered by Section 33 may not receive compensation for either office or position. Section 33, along with Sections 12 and 40 of Article XVI, has been construed to constitute a bar to holding more than one office. Although Section 33 does not directly prohibit the holding of two or more offices or positions, it does have this practical effect. Very few officers and employees of the state are prepared to risk loss of all compensation with the acceptance of a second office or position.

The Constitution has been amended to exempt active and retired officers and enlisted men of various branches of the armed services from the provisions of Section 33; however, these amendments were added before the Air Force and Air National Guard were created as separate branches of the military service. The proposed amendment brings the Constitution up-to-date in this respect.

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

Background

An ancient common-law principle is that no person may hold two or more public offices if these offices are incompatible. The constitutions of a number of states contain provisions somewhat similar to those of Texas prohibiting what is sometimes referred to as dual office-holding. Some of these are merely declaratory of the common law, while others, like Texas, have been construed as prohibiting dual office-holding even in instances where no conflict of interest was involved. A majority of the states appear to have left the matter to legislative discretion or else follow the common-law principle. Over the years, Section 33 of Article XVI has been amended to authorize service in more than one office in situations where there is general agreement that the best interests of state and nation are served. Thus, in 1926, officers of the state were authorized to hold membership in the National Guard. In 1932, retired members of the Armed Forces of the nation were authorized to hold state offices. As recently as 1962, another attempt was made to relax further the prohibitions of Section 33 to allow more active participation by state employees in programs affecting the welfare of the state and nation. The amendment proposed in that year was rejected by the electorate, however.

ARGUMENTS

For:

1. By permitting non-elective state officers and employees to serve in more than one non-elective position in certain instances, the proposed amendment would make highly qualified and expert personnel available for additional state service at no additional cost to the state, and thereby obviate the employment of special consultants in many instances. In the same way, the proposed amendment would make it possible for personnel of our state-supported schools to serve on national boards with a strong influence on allocation of federal grants. The failure of Texas to receive more than a minimum number of research grants in comparison with some of the other states has been attributed to this lack of representation on the influential national boards.
2. Adoption of the proposed amendment would bring Texas into competition on equal terms with other states not so restricted when opportunities for participating in the various federal programs by this means are presented and would promote inter-governmental cooperation.
3. Adoption of the proposed amendment could result in governmental economy, inasmuch as funds now expended in duplicating activities among several departments by employees of each would be reduced.

Against:

1. With removal of the safeguard provided by restrictions on holding more than one office that is included in Section 33, Article XVI, adoption of the proposed amendment would tend to encourage greater usurpation of powers, duties, and activities of the state by the federal government. Employees and officials working for both federal and state governments would be subject to conflict in loyalties.
2. Adoption of the proposed amendment might have the effect of encouraging state officers and state employees to increase spheres of their influence, so that power would be concentrated in the hands of the few, and the government would thus become less responsive to the people.
3. The additional burden imposed on state officials and employees through an additional position permitted under the proposed amendment would be unfair and could also lead to less efficiency by requiring that person to divide his time and fidelity between the two offices or positions.

APPENDIX

[IN EACH RESOLUTION PROPOSING AN AMENDMENT,
NEW LANGUAGE INCORPORATED IN THE PROPOSAL
IS INDICATED BY UNDERSCORING; ANY DELETIONS
OF OLD LANGUAGE HAVE BEEN MADE WITH DASHES.]

Amendment No. 1

By: Shannon, Joe of Tarrant

H.J.R. No. 3

HOUSE JOINT RESOLUTION

PROPOSING an amendment to Section 9, Article VIII, Constitution of the State of Texas, to provide that counties may put all county taxes into one general fund, without regard to the source or purpose of each tax.

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

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

"Section 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed Thirty-five Cents (35¢) on the One Hundred Dollars (\$100) valuation; and no county, city or town shall levy a tax rate in excess of Eighty Cents (80¢) on the One Hundred Dollars (\$100) valuation in any one (1) year for general fund, permanent improvement fund, road and bridge fund and jury fund purposes; provided further that at the time the Commissioners Court meets to levy the annual tax rate for each county it shall levy whatever tax rate may be needed for the four (4) constitutional purposes; namely, general fund, permanent improvement fund, road and bridge fund and jury fund so long as the Court does not impair any outstanding bonds or other obligations and so long as the total of the foregoing tax levies does not exceed Eighty Cents (80¢) on the One Hundred Dollars (\$100) valuation in any one (1) year. Once the Court has levied the annual tax rate, the same shall remain in force and effect during that taxable year; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed Fifteen Cents (15¢) on the One Hundred Dollars (\$100) valuation of the property subject to taxation in such county. Any county may put all tax money collected by the county into one general fund, without regard to the purpose or source of each tax. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws. This Section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other Section or Sections of this Constitution."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 11, 1967, at which election all ballots shall have printed on them the following:

"FOR the constitutional amendment allowing counties to put all county taxes into one general fund."

"AGAINST the constitutional amendment allowing counties to put all county taxes into one general 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. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Amendment No. 2

By: Price

H.J.R. No. 37

HOUSE JOINT RESOLUTION

PROPOSING an amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

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 a new Section 13 thereto to read as follows:

"Section 13. Notwithstanding any other section of this article, the Legislature in providing for the creation, establishment, maintenance, and operation of a hospital district, shall not be required to provide that such district shall assume full responsibility for the establishment, maintenance, support, or operation of mental health services or mental retardation services including the operation of any community mental health centers, community mental retardation centers or community mental health and mental retardation centers which may exist or be thereafter established within the boundaries of such district, nor shall the Legislature be required to provide that such district shall assume full responsibility of public health department units and clinics and related public health activities or services, and the Legislature shall not be required to restrict the power of any municipality or political subdivision to levy taxes or issue bonds or other obligations or to expend public moneys for the establishment, maintenance, support, or operation of mental health services, mental retardation services, public health units or clinics or related public health activities or services or the operation of such community mental health or mental retardation centers within the boundaries of the hospital districts; and unless a statute creating a hospital district shall expressly prohibit participation by any entity other than the hospital district in the establishment, maintenance, or support of mental health services, mental retardation services, public health units or clinics or related public health activities within or partly within the boundaries of any hospital district, any municipality or any other political subdivision or state-supported entity within the hospital district may participate in the establishment, maintenance, and support of mental health services, mental retardation services,

public health units and clinics and related public health activities and may levy taxes, issue bonds or other obligations, and expend public moneys for such purposes as provided by law."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 11, 1967, at which election all ballots shall have printed thereon the following:

"FOR the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."

"AGAINST the constitutional amendment to permit municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services, mental retardation services, or public health services."

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. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Amendment No. 3

By: Mutscher, et al

H.J.R. No. 17

HOUSE JOINT RESOLUTION

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

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

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

"Section 49-b. By virtue of prior Amendments to this Constitution, There is hereby has been created a Board-to-be-known-as governmental agency of the State of Texas performing governmental duties which has been designated the Veterans' Land Board,. Said Board shall continue to function for the purposes specified in all of the prior Constitutional Amendments except as modified herein. which Said Board shall be composed of the Commissioner of the General Land Office, and two (2) citizens of the State of Texas, one (1) of whom such appointive-member shall be well versed in veterans' affairs and one (1) of whom the other such appointive-member shall be well versed in finances. One (1) such citizen member who shall, with the advice and consent of the Senate, be appointed biennially by the Governor to shall biennially appoint one such member to serve for a term of four (4) years; but the members serving on said Board on the date of adoption hereof shall complete the terms to which they were appointed. with the initial appointments to the Board under this section to be for terms of two and four years, respectively, and all subsequent appointments to be according to the provisions of this section. In the event of the resignation or death of any such citizen member, the Governor shall appoint a replacement to serve for the unexpired portion of the term to which the deceased or resigning member had been appointed. The compensation for said citizen members shall be as is now or may hereafter be fixed by the Legislature; and each shall make bond in such amount as is now or may hereafter be prescribed by the Legislature.

"The Commissioner of the General Land Office shall act as Chairman of the said Board and shall be the administrator of the

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

"The Veterans' Land Board may provide for, issue and sell not to exceed Two Four Hundred Million Dollars (\$200,000,000) (\$400,000,000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Two Hundred Million Dollars (\$200,000,000) of which have heretofore been issued and sold. Such bonds or obligations shall be sold for not less than par value and accrued interest; executed-by-said Board-as-an-obligation-of-the-State-of-Texas shall be issued in such forms, denominations, and upon such the terms as are now or may hereafter be provided by law; shall be issued and sold at such times, at such places, and in such installments as may be determined by said Board; and provided,--however,--that-said-bonds shall bear a rate or rates of interest as may be fixed by said Board not-to-exceed 3%-per-annum but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed four and one-half percent (4-1/2%). and that-the-same-shall-not-be-sold-for-less-than-par-value-and-accrued interest.--After-December-1,-1959, All bonds or obligations issued and sold hereunder shall after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all said bonds heretofore issued and sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

"In the sale of any such bonds or obligations, a preferential right of purchase shall be given to the administrators of the various Teacher Retirement Funds, the Permanent University Funds, and the Permanent School Funds. such-bonds-to-be-issued-as-needed-in-the opinion-of-the-Veterans'-Land-Board.

"Said Veterans' Land Fund shall consist of any lands heretofore or hereafter purchased by said Board, until the sale price therefor, together with any interest and penalties due, have been received by said Board (although nothing herein shall be construed to prevent said Board from accepting full payment for a portion of any tract), and of the moneys attributable to any bonds heretofore or hereafter issued and sold by said Board which moneys so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; the moneys received from the sale or resale of any lands, or rights therein, purchased with such proceeds; the moneys received from the sale or resale of any lands, or rights

therein, purchased with other moneys attributable to such bonds; the interest and penalties received from the sale or resale of such lands, or rights therein; the bonuses, income, rents, royalties, and any other pecuniary benefit received by said Board from any such lands; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds or for the failure of any bidder for the purchase of any lands comprising a part of said Fund to comply with his bid and accept and pay for any such lands; and interest received from investments of any such moneys. The principal and interest on the bonds heretofore and hereafter issued by said Board shall be paid out of the moneys of said Fund in conformance with the Constitutional provisions authorizing such bonds; ~~Provided, however, the portion of the Veterans' Land Fund~~ but the moneys of said Fund which are not immediately committed to the payment of principal and interest on such bonds, the purchase of lands as herein provided, or the payment of expenses as herein provided may be invested in ~~short-term~~ bonds or obligations of the United States until such funds are needed for such purposes. ~~the purchase of lands. The interest accruing thereon shall become a part of the Veterans' Land Fund.~~

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

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

"The Veterans' Land Fund shall be used by the said Board for the sole purpose of purchasing lands ~~suitable for the purpose herein~~ ~~after-stated~~ situated in the State of Texas ~~(a)~~ owned by the United

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

"The lands of the Veterans' Land Fund shall be sold by the State said Board in such quantities, on such terms, at such prices, at such rates of interest and under such rules and regulations as are now or may hereafter be provided by law to Texas veterans of the present war or wars, commonly known as World War II, and to Texas veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative Act, who served not less than ninety (90) continuous days, unless sooner discharged by reason of a service-connected disability, on active duty in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States between September 16, 1940, and the date of formal withdrawal of United States troops from the present armed conflict in Viet Nam, and who, upon the date of filing his or her application to purchase any such land is a citizen of the United States, is a bona fide resident of the State of Texas, and has not been dishonorably discharged from any branch of the Armed Forces above-named and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State of Texas, or who has resided in Texas at least five (5) years prior to the date of filing his or her application. The foregoing notwithstanding, any lands in the Veterans' Land Fund which have been first offered for resale sale to veterans and which have not been sold may be sold or resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now or may hereafter be provided by law.

All monies received and which have been received under the Constitutional Amendment as adopted by the people of Texas at the election held on November 13, 1951, and which have not been used for repurchase of land as provided herein by the Veterans' Land Board from the sale of lands and for interest on deferred payments, shall be credited to the Veterans' Land Fund for use in purchasing additional lands to be sold to Texas veterans of World War II, and to Texas veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative Act, in like manner as provided for the sale of lands purchased with the proceeds from the sales of the bonds, provided for herein, for a period ending December 1, 1959, provided, however, that so much of such monies as may be necessary during the period ending December 1, 1959, to pay the principal of and interest

on the bonds heretofore issued and on bonds hereafter issued by the Veterans' Land Board, shall be set aside for that purpose. -- After December 1, 1959, all monies received by the Veterans' Land Board from the sale of the lands and interest on deferred payments, or so much thereof as may be necessary, shall be set aside for the retirement of bonds heretofore issued and to pay interest thereon, and any of such monies not so needed shall not later than the maturity date of the last maturing bond or bonds be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law.

The additional bonds herein authorized may be sold in such installments as deemed necessary and advisable by the Veterans' Land Board. -- All monies received from the sale of land and for interest on deferred payments on land purchased with the proceeds of such additional bonds, shall be credited to the Veterans' Land Fund for use in purchasing additional lands to be sold to Texas veterans, as herein provided, in like manner as provided for the sale of lands purchased with the proceeds from the sales of the bonds provided for herein, for a period ending December 1, 1965, provided, however, that so much of such monies as may be necessary to pay interest on the additional bonds herein provided for shall be set aside for that purpose. -- After December 1, 1965, all monies received by the Veterans' Land Board from the sale of the lands and interest on payments, or so much thereof as may be necessary, shall be set aside for the retirement of said additional bonds and to pay interest thereon, and any of such monies not so needed shall not later than the maturity date of the last maturing bond be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law.

The foregoing notwithstanding, bonds hereafter issued by the Veterans' Land Board pursuant to the authority of this Section 49-b of the Constitution may bear a rate or rates of interest not to exceed three and one-half percent (3-1/2%) per annum.

"Said Veterans' Land Fund, to the extent of the moneys attributable to any bonds hereafter issued and sold by said Board may be used by said Board, as is now or may hereafter be provided by law, for the purpose of paying the expenses of surveying, monumenting, road construction, legal fees, recordation fees, advertising and other like costs necessary or incidental to the purchase and sale, or resale, of any lands purchased with any of the moneys attributable to such additional bonds, such expenses to be added to the price of such lands when sold, or resold, by said Board; for the purpose of paying the expenses of issuing, selling, and delivering any such additional bonds; and for the purpose of meeting the expenses of paying the interest or principal due or to become due on any such additional bonds.

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a 'series of bonds' being all of the bonds issued and sold in a single transaction as a single

installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein provided, for a period ending eight (8) years after the date of sale of such series of bonds; provided, however, that so much of such moneys as may be necessary to pay interest on bonds hereafter issued and sold shall be set aside for that purpose in accordance with the resolution adopted by said Board authorizing the issuance and sale of such series of bonds. After such eight (8) year period, all of such moneys shall be set aside for the retirement of any bonds hereafter issued and sold and to pay interest thereon, together with any expenses as provided herein, in accordance with the resolution or resolutions authorizing the issuance and sale of such additional bonds, until there are sufficient moneys to retire all of the bonds hereafter issued and sold, at which time all such moneys then remaining a part of said Veterans' Land Fund and thereafter becoming a part of said Fund shall be governed as elsewhere provided herein.

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

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

"This Amendment shall become effective upon its adoption."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 11, 1967, at which election all ballots shall have printed thereon the following:

"FOR the amendment to extend the Veterans' Land Program by authorizing the sale of bonds to increase the Veterans' Land Fund for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and the date of formal withdrawal of United States troops from the present armed conflict in Viet Nam, which amendment would amend Section 49-b, Article III of the Constitution of Texas, and provide for an additional \$200,000,000 in bonds, such funds to be expended in accordance with instructions and requirements that may be provided by law."

"AGAINST the amendment to extend the Veterans' Land Program by authorizing the sale of bonds to increase the Veterans' Land Fund for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and the date of formal withdrawal of United States troops from the present armed conflict in Viet Nam, which

amendment would amend Section 49-b, Article III of the Constitution of Texas, and provide for an additional \$200,000,000 in bonds, such funds to be expended in accordance with instructions and requirements that may be provided by law."

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.

NOTE

[Because the order of this Section 49-b of Article III of the Constitution has been completely rearranged in the proposed amendment, pertinent old language has been shifted so that it is adjacent to the new.]

By: Hall

S.J.R. No. 6

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas, authorizing each county in the State of Texas to pay all medical expenses, all doctor bills and all hospital bills for Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said Sheriff, Deputy Sheriff, Constable, Deputy Constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; and providing that said salary payment shall cease on the expiration of the term of office to which such official was elected or appointed.

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 52e, reading as follows:

"Section 52e. Each county in the State of Texas is hereby authorized to pay all medical expenses, all doctor bills and all hospital bills for Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said Sheriff, Deputy Sheriff, Constable, Deputy Constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed. Provided, however, that no provision contained herein shall be construed to amend, modify, repeal or nullify Article 16, Section 31, of the Constitution of the State of Texas."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to the qualified electors of this state at an election to be held on November 11, 1967, at which time the ballot shall have printed thereon the following:

"FOR the Amendment to the Constitution authorizing each county in this state to pay the medical bills, doctor bills and hospital bills for all Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that the county shall continue to pay the maximum salary of these officials while they are incapacitated, but such salary payment shall not continue beyond the terms of office to which they were elected or appointed."

"AGAINST the Amendment to the Constitution authorizing each county in this state to pay the medical bills, doctor bills and hospital bills for all Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that the county shall continue to pay the maximum salary of these officials while they are incapacitated, but such salary payment shall not continue beyond the terms of office to which they were elected or appointed."

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. The publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

By: Hendryx of Brewster

H.J.R. No. 12

HOUSE JOINT RESOLUTION

PROPOSING an amendment to the Constitution of Texas adding a section to be known as Section 49-e of Article III, providing for the issuance and sale of bonds of the State of Texas to create the Texas Park Development Fund to provide for the acquisition of lands for State Park Sites and for developing said sites as State Parks; providing for the payment of such bonds; designating an agency to administer said Fund and to perform other duties prescribed by law; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

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

Section 1. That Article III of the Constitution of Texas be amended by adding a new section thereto to be known as Section 49-e, as follows:

"Section 49-e. The Parks and Wildlife Department, or its successor vested with the powers, duties, and authority which deals with the operation, maintenance, and improvement of State Parks, shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed Seventy-Five Million Dollars (\$75,000,000). The bonds authorized herein shall be called "Texas Park Development Bonds," shall be executed in such form, denominations, and upon such terms as may be prescribed by law, provided, however, that the bonds shall bear a rate or rates of interest as may be fixed by the Parks and Wildlife Department or its successor, but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds, shall not exceed four and one-half percent (4 1/2%) interest per annum; they may be issued in such installments as said Parks and Wildlife Department, or its said successor, finds feasible and practical in accomplishing the purpose set forth herein.

"All moneys received from the sale of said bonds shall be deposited in a fund hereby created with the State Treasurer to be known as the Texas Park Development Fund to be administered (without further appropriation) by the said Parks and Wildlife Department, or its said successor, in such manner as prescribed by law.

"Such fund shall be used by said Parks and Wildlife Department, or its said successor, under such provisions as the Legislature may prescribe by general law, for the purposes of acquiring lands from the United States, or any governmental agency thereof, from any governmental agency of the State of Texas, or from any person, firm, or corporation, for State Park Sites and for developing said sites as State Parks.

"While any of the bonds authorized by this provision, or any interest on any such bonds, is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the interest and sinking fund at the close of the prior fiscal year, which includes any receipts derived during the prior fiscal year by said Parks and Wildlife Department, or its said successor, from admission charges to State Parks, as the Legislature may prescribe by general law.

"The Legislature may provide for the investment of moneys available in the Texas Park Development Fund and the interest and sinking fund established for the payment of bonds issued by said Parks and Wildlife Department, or its said successor. Income from such investment shall be used for the purposes prescribed by the Legislature.

"From the moneys received by said Parks and Wildlife Department, or its said successor, from the sale of the bonds issued hereunder, there shall be deposited in the interest and sinking fund for the bonds authorized by this section sufficient moneys to pay the interest to become due during the State fiscal year in which the bonds were issued. After all bonds have been fully paid with interest, or after there are on deposit in the interest and sinking fund sufficient moneys to pay all future maturities of principal and interest, additional moneys received from admission charges to State Parks shall be deposited to the State Parks Fund, or any successor fund which may be established by the Legislature as a depository for Park revenue earned by said Parks and Wildlife Department, or its said successor.

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

"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 nature."

Sec. 2. The foregoing amendment to the Constitution shall be submitted to a vote of the qualified electors of this State at an

election to be held on November 11, 1967, at which election each ballot shall have printed thereon, the following words:

"FOR the amendment to the Constitution of Texas adding a new section to be known as Section 49-e of Article III, authorizing the issuance and sale of Seventy-Five Million Dollars (\$75,000,000) in bonds by the State of Texas to create the Texas Park Development Fund to acquire lands for State Park sites and to develop State Parks."

"AGAINST the amendment to the Constitution of Texas adding a new section to be known as Section 49-e of Article III, authorizing the issuance and sale of Seventy-Five Million Dollars (\$75,000,000) in bonds by the State of Texas to create the Texas Park Development Fund to acquire lands for State Park sites and to develop State Parks."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State. The expense of publication and election for such amendment shall be paid out of the proper appropriation made by law. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Amendment No. 6

By: Jones of Lubbock

H.J.R. No. 27

HOUSE JOINT RESOLUTION

PROPOSING an amendment to Section 33, Article XVI, Constitution of the State of Texas, to allow non-elective state officers and employees to hold, under given conditions, other non-elective offices and positions under this state or the United States.

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

Section 1. That Section 33, Article XVI, Constitution of the State of Texas, be amended to read as follows:

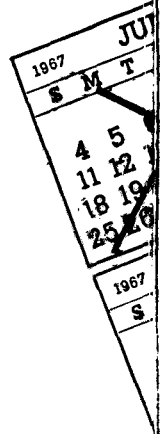
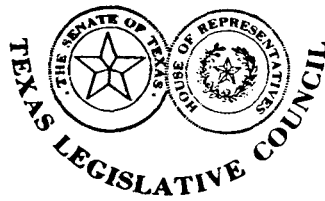
"Section 33. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust, or profit, under this State ~~or the United States~~, except as prescribed in this Constitution. Provided, that this restriction as to the drawing and paying of warrants upon the Treasury shall not apply to officers of the National Guard or Air National Guard of Texas, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, the Officers Reserve Corps of the United States, nor to enlisted men of the National Guard, the Air National Guard, the National Guard Reserve, the Air National Guard Reserve, the Air Force Reserve, and the Organized Reserve of the United States, nor to retired officers of the United States Army, Air Force, Navy, and Marine Corps, and retired warrant officers and retired enlisted men of the United States Army, Air Force, Navy, and Marine Corps. It is further provided, until September 1, 1969, and thereafter only if authorized by the Legislature by general law under such restrictions and limitations as the Legislature may prescribe, that a non-elective State officer or employee may hold other non-elective offices or positions of honor, trust, or profit under this State or the United States, if the other offices or positions are of benefit to the State of Texas or are required by State or federal law, and there is no conflict with the original office or position for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this state, or the United States."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 11, 1967, at which all election ballots shall have printed thereon the following:

"FOR the constitutional amendment allowing non-elective state officers and employees to serve in other non-elective offices or positions under this state or the United States until September 1, 1969, and thereafter only if authorized by the Legislature, if the offices or positions are of benefit to Texas or are required by state or federal law, and there is no conflict of interest with the original office or position; prohibiting elected officers under this state or the United States from holding any other office or position under this state; and adding members of the Air National Guard, Air National Guard Reserve, Air Force Reserve, and retired members of the Air Force to the list of persons exempted."

"AGAINST the constitutional amendment allowing non-elective state officers and employees to serve in other non-elective offices or positions under this state or the United States until September 1, 1969, and thereafter only if authorized by the Legislature if the offices or positions are of benefit to Texas or are required by state or federal law, and there is no conflict of interest with the original office or position; prohibiting elected officers under this state or the United States from holding any other office or position under this state; and adding members of the Air National Guard, Air National Guard Reserve, Air Force Reserve, and retired members of the Air Force to the list of persons exempted."

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. Such publication of this amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.



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