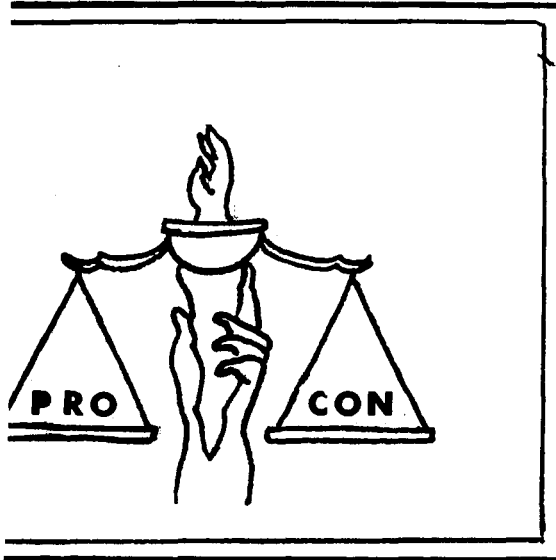


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NOVEMBER 7, 1972



14

Proposed Constitutional Amendments

Analyzed

TEXAS LEGISLATIVE COUNCIL

P.O. Box 12128, Capitol Station

Austin, Texas 78711

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Leg. Council

1972

Constitutional amend-
ments...Nov. 7, 1972.

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14 PROPOSED CONSTITUTIONAL AMENDMENTS ANALYZED

Analyses of Proposed Constitutional Amendments

For Election--November 7, 1972

Prepared by the Staff
of the
Texas Legislative Council

TEXAS LEGISLATIVE COUNCIL

of the

62nd Legislature of Texas

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INTRODUCTION

The 62nd Legislature early in the regular session of 1971 proposed four constitutional amendments for consideration by the Texas electorate, all of which appeared on the ballot at the special election on May 18, 1971, while the legislature was still in session.

The four amendments proposed on May 18, 1971, included:

Voted on May 18, 1971

- | | |
|------------------------------|---|
| Amendment No. 1 (failed) | Establishing a State Ethics Commission empowered to set rules of ethics for members of the legislature, state officers, and legislative officers and to investigate violations; to recommend compensation for members of the legislature and the lieutenant governor; and to recommend improvements and economy in the legislative process. |
| Amendment No. 2 (failed) | Providing that the legislature may propose amendments to the constitution in called as well as regular sessions of the legislature. |
| Amendment No. 3 (failed) | Removing the limitation on the total state appropriations for assistance grants for the needy aged, the needy blind, and the needy disabled, and setting a limitation on total state appropriations during a fiscal year for assistance grants for needy dependent children and the caretakers of such children. |
| Amendment No. 4 (adopted) | Authorizing the issuance of \$100 million in bonds to provide financial assistance to cities and other public agencies for water quality enhancement purposes; providing for the improvement and continuance of the water resources program, and establishing an interest ceiling of water development bonds at 6 percent. |

When the May 18, 1971, election was over, only one new amendment had been added to the constitution--Amendment No. 4, relating to water bonds. With this

addition, the total number of constitutional amendments adopted since 1876 passed the 200 mark—201. The number of amendments submitted since the Constitution of 1876 was adopted totaled 335, although proposals on the ballot actually totaled only 324 because in some elections more than one proposed amendment was submitted in one proposal. (See Table 1, following.)

Table 1

1876 CONSTITUTION—AMENDMENTS PROPOSED AND ADOPTED

| Year | Proposed | Adopted | Year | Proposed | Adopted |
|------|----------------|---------|--------|-----------------|----------------|
| 1879 | 1 | 1 | 1927 | 8 ² | 4 |
| 1881 | 2 | 0 | 1929 | 7 ² | 5 |
| 1883 | 5 | 5 | 1931 | 9 | 9 |
| 1887 | 6 | 0 | 1933 | 12 | 4 |
| 1889 | 2 | 2 | 1935 | 13 | 10 |
| 1891 | 5 | 5 | 1937 | 7 | 6 |
| 1893 | 2 | 2 | 1939 | 4 | 3 |
| 1895 | 2 | 1 | 1941 | 5 | 1 |
| 1897 | 5 | 1 | 1943 | 3 ² | 3 |
| 1899 | 1 | 0 | 1945 | 8 | 7 |
| 1901 | 1 | 1 | 1947 | 9 | 9 |
| 1903 | 3 | 3 | 1949 | 10 | 2 |
| 1905 | 3 | 2 | 1951 | 7 | 3 |
| 1907 | 9 | 1 | 1953 | 11 | 11 |
| 1909 | 4 | 4 | 1955 | 9 | 9 |
| 1911 | 5 | 4 | 1957 | 12 | 10 |
| 1913 | 8 ¹ | 0 | 1959 | 4 | 4 |
| 1915 | 7 | 0 | 1961 | 14 | 10 |
| 1917 | 3 | 3 | 1963 | 7 | 4 |
| 1919 | 13 | 3 | 1965 | 27 | 20 |
| 1921 | 5 ² | 1 | 1967 | 20 | 13 |
| 1923 | 2 ³ | 1 | 1969 | 16 | 9 ⁴ |
| 1925 | 4 | 4 | 1971 | 18 ⁵ | 1 ⁵ |
| | | | TOTALS | 334 | 201 |

¹Eight proposals approved by legislature, with one including two proposed amendments, but only six were actually submitted on ballot.

²Two amendments included in one proposal.

³Two proposals approved by legislature, but only one actually on ballot.

⁴Sixteen amendments proposed by legislature, and four adopted in election held in 1969, with nine proposals submitted; remaining seven proposals voted on November 3, 1970, and five adopted.

⁵Four amendments submitted on May 18, 1971, with one adopted. Remaining 14 proposals to be submitted on November 7, 1972.

By the time the 62nd Legislature's Regular Session was adjourned on May 31, 1971, another 14 proposed constitutional amendments had been scheduled for consideration by the people of Texas on November 7, 1972.

To be Voted on November 7, 1972

- | | |
|-----------------|--|
| Amendment No. 1 | Amending Article III, Section 24, of the Texas Constitution to provide annual salaries of \$8,400 for members of the senate and the house of representatives. |
| Amendment No. 2 | Amending Article IX, Section 6, of the Texas Constitution to abolish the Lamar County Hospital District. |
| Amendment No. 3 | Amending Article XVI, Section 61, of the Texas Constitution to require the commissioners courts in all counties of the state to compensate all justices of the peace on a salary basis beginning January 1, 1973. |
| Amendment No. 4 | Granting authority to the legislature to establish a constitutional revision commission which would report its recommendations no later than November 1, 1973, and providing that members of the 63rd Legislature would then be convened in January 1974 as a constitutional convention to serve 60 days for the purpose of drafting a new constitution for submission to the voters of Texas. |
| Amendment No. 5 | Amending Article VIII, Section 2, relating to a tax exemption on certain property owned by a disabled veteran, to provide that exemptions, which would range from \$1,500 to \$3,000, be made on a graduated scale based on the percentage of the veteran's disability. |
| Amendment No. 6 | Amending Article VIII, Section 1-b, of the Texas Constitution, to provide that the various political subdivisions of the state may exempt not less than \$3,000 of the value of residence homesteads of all persons 65 years of age or older from ad valorem taxes under certain conditions. |

- Amendment No. 7 Amending Article I of the Texas Constitution by adding a new Section 3a to provide that equality under the law shall not be denied or abridged because of a person's sex, race, color, creed, or national origin.
- Amendment No. 8 Amending Article IV, Sections 4, 22, and 23, to provide four-year terms for the offices of governor, lieutenant-governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, and certain statutory state officers.
- Amendment No. 9 Amending Article XVI, Sections 33 and 40, of the Texas Constitution to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.
- Amendment No. 10 Amending Article XVII, Section 1, of the Texas Constitution to revise provisions on the time of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments.
- Amendment No. 11 Amending Article IV, Section 17, of the Texas Constitution and adding a new Section 24a to Article III to provide a salary of \$22,500 for the lieutenant governor and the speaker of the House of Representatives.
- Amendment No. 12 Amending Article XVI, Sections 33 and 40, of the Texas Constitution to allow state employees and certain other persons to serve on governing bodies of school districts, cities, towns, or other governmental districts without forfeiting their state salary, and otherwise to revise generally the restrictions on dual office-holding and dual compensation.
- Amendment No. 13 Increasing the maximum interest rate which may be borne by certain bonds issued under constitutional authority by adding a new Section 65 to Article III.

Amendment No. 14

Amending Article VII of the Texas Constitution by adding a new Section 6b to permit the commissioners court of a county to reduce the county permanent school fund and to provide for the per scholastic distribution and use of the money obtained from this reduction.

AMENDMENT NO. 1--H.J.R. NO. 58

[Amending Article III, Section 24, of the Texas
Constitution to provide annual salaries
of \$8,400 for members of the senate
and house of representatives.]

The proposed amendment to Article III, Section 24, increases the annual salary of members of the Texas Legislature from \$4,800 to \$8,400. No changes are made in mileage or per diem allowances.

[For full text of the resolution proposing Amendment No. 1, see appendix.]

Background During the early days of Texas, the legislature was permitted to set its own rates of compensation except that no increase in salary could take effect during the session at which the increase was voted. However, the heavy expenditures of the Reconstruction Government prompted the framers of the Constitution of 1876 to insert a provision limiting per diem to \$5; further, to discourage long sessions a provision was inserted to drop compensation to \$2 a day after the first 60 days of a session. The reduction in per diem after 60 days resulted in early adjournment of the legislature and, consequently, a need for frequent special sessions. To discourage this practice, and also to encourage those with better qualifications to seek office, a constitutional amendment was adopted in 1930 which set per diem at \$10 for each of the first 120 days of a session. Pay after the 120-day period was reduced to \$5 a day for the remainder of the session.

In 1954 Article III, Section 24, was again amended to raise per diem to \$25, to be paid only during the first 120 days of the regular session, and for the 30 days of any called session.

The most recent amendment to Article III, Section 24, was adopted in 1960, when the current compensation rate of \$4,800 in annual salary and \$12 in per diem for the first 120 days of a regular session and for 30 days of each special session was set. Later proposals to increase legislative compensation were rejected by Texas voters in 1965, 1968, and 1969. A proposal to let a commission set legislative compensation was also rejected in 1970.

ARGUMENTS

For:

1. The legislator can no longer be considered a part-time official. Increasing complexity in the problems of state government and greater expenditure of time as a member of standing and special interim committees meeting between sessions leaves the legislator little time to devote to his private business or profession. The \$4,800 annual salary now provided in the constitution is scarcely adequate to meet present-day costs of living.
2. Many qualified persons do not become candidates for legislative seats because they are unable or unwilling to make the financial sacrifice involved in service at the present constitutional salary. Raising the salary of members of the house of representatives and the senate to a more realistic level would provide a greater incentive for public service.
3. Under the present salary provided, a legislator is forced to engage in outside employment, a business, or a profession in order to have sufficient income to support himself and his family. Such employment could create a conflict of interest which would impair his independence of action as a lawmaker.

Against:

1. A substantial pay increase for members of the legislature would further increase the costs of state government at a time when state finances are already overburdened in meeting the expanding needs of a growing population.
2. Under the constitution the legislature is required to meet in regular session not to exceed 140 days every two years. Thus the job of a legislator is not a full-time job and the official holding a seat in the house of

representatives or the senate should not receive a full-time salary.

3.

Because of high campaign costs, a potential legislative candidate without substantial financial resources would still be discouraged from running for office even if the proposed salary increase to \$8,400 should be adopted.

AMENDMENT NO. 2--H.J.R. NO. 31

[Amending Article IX, Section 6, of the Texas Constitution to
abolish the Lamar County Hospital District.]

The proposed amendment to Article IX, Section 6, abolishes the Lamar County Hospital District and authorizes the commissioners court of Lamar County to provide for the transfer or for the disposition of the assets of the Lamar County Hospital District.

[For full text of the resolution proposing Amendment No. 2, see appendix.]

Background At the general election in November 1960, the Constitution was amended by adding Section 6 to Article IX, which authorized the legislature to create the Lamar County Hospital District. Pursuant to this constitutional provision, the legislature passed legislation authorizing the creation of the Lamar County Hospital District. The district was created and operated for several years; however, the district ceased to function and operate its hospital a few years ago. Privately owned facilities are now being used for hospital care in Lamar County. Since the district is no longer in operation and the county would like to dispose of the assets and facilities of the district, Amendment No. 2 is offered to abolish the district and to authorize the county to take over and dispose of the assets of the district.

ARGUMENTS

Note: Arguments FOR and AGAINST this proposed amendment have been omitted because of the purely local character of the amendment. This proposal was submitted by its legislative author at the request of the commissioners court of Lamar County.

AMENDMENT NO. 3--H.J.R. NO. 41

[Amending Article XVI, Section 61, of the Texas Constitution, to
require the commissioners courts in all counties
of the state to compensate all justices of
the peace on a salary basis beginning
January 1, 1973.]

The proposed amendment to Article XVI, Section 61, requires that all justices of the peace in all counties of Texas be compensated by the commissioners courts on a salary rather than a fee basis. Effective date for the new type of compensation would be January 1, 1973.

[For full text of the resolution proposing Amendment No. 3, see appendix.]

Background Section 61 was added to Article XVI of the Texas Constitution in August 1935 for the purpose of abolishing the fee method of compensating all district officers in the state and all county officers in counties having a population of 20,000 or more and providing that such district and county officers be paid on a salary basis. It also provided that county officers in counties with populations under 20,000 and all precinct officers in all counties may be compensated on a fee basis or a salary basis. As a precinct officer, a justice of the peace comes within the purview of this provision.

Law enforcement was never intended as a revenue-raising measure, and in November 1948, the Texas electorate approved an amendment to Section 61 of Article XVI, which required that all sheriffs, deputy sheriffs, and county law enforcement officers, and all constables, deputy constables, and precinct law enforcement officers be compensated on a salary basis in all counties of the state.

The proposed Amendment No. 3 would revise Article XVI, Section 61, to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis.

ARGUMENTS

For:

1. The proposed amendment would promote integrity and better justice by removing the possibility of conflict of

interest which could exist in a court in which the compensation of the justice of the peace is dependent on the fees he collects. Several state agencies and associations of law enforcement officers support the adoption of this proposed amendment in the belief that it will help abolish the speed-trap image now associated with some justice courts and that it will tend to increase the dignity and professional conduct of justices of the peace.

2. The proposed amendment would provide uniformity in compensation of justices of the peace, thus remedying the situation now existing whereby justices now compensated in some areas of the state on a fee basis actually receive two or three times the compensation of neighboring justices who are paid on a salary basis.
3. Under the present system, many cases set before justices compensated on a fee basis are routinely appealed and tried in county court. Thus adoption of the proposed revision could expedite the administration of justice by bringing about a reduction in the number of cases appealed and a greater respect for the jurisdiction of justice courts.

Against:

1. The fee system of compensation which is now in use in many of the justice courts of Texas has a tendency to encourage greater diligence among the justices of the peace in these courts inasmuch as pay is dependent upon the performance of official duties.
2. When compensated on a salary basis, a justice of the peace may lose some of his independence by becoming subservient to the commissioners court which provides his salary.

3. A change from the fee basis to a salary basis of compensation for justices of the peace could result in the loss of excellent justices from the bench, inasmuch as an aggressive justice of the peace could receive a much larger income from fees than that provided by the commissioners court as mandatory salary.

AMENDMENT NO. 4--H.J.R. 61

[Granting authority to the legislature to establish a constitutional revision commission which would report its recommendations no later than November 1, 1973, and providing that members of the 63rd Legislature would then be convened in January 1974 as a constitutional convention to serve 60 days for the purpose of drafting a new constitution for submission to the voters of Texas.]

This proposed amendment to Article XVII of the Texas Constitution would add a Section 2 to authorize the 63rd Legislature to establish a constitutional revision commission. The commission would report its recommendations to the legislature not later than November 1, 1973. Members of the 63rd Legislature would then be convened in January 1974 for the purpose of drafting a new constitution or revising the current constitution for submission to the voters of Texas. The convention would be allowed to sit through May 31, 1974, and could extend its life for 60 days beyond that date. The only subject matter restriction on the convention as provided by the proposed amendment is that the present Bill of Rights of the Texas Constitution be retained in full.

[For full text of the resolution proposing Amendment No. 4, see appendix.]

Background A majority of the state constitutions contain provisions providing for thorough revision; the Texas Constitution does not, although such a provision was proposed in the Constitutional Convention of 1875. In its 95-year history the Texas Constitution has been amended over 200 times by procedures set forth in Article XVII, Section 1. There is considerable doubt that this authority to propose piecemeal amendments authorizes complete constitutional revision. Those holding this view believe that approval of the people is necessary before the legislature may embark on the task of proposing a completely new constitution.

The Texas Legislative Council, at the request of the 55th Legislature, completed a comprehensive section-by-section study of the constitution in 1961. In its report to the legislature, the council recommended a number of specific revisions of certain sections and the elimination of other sections considered obsolete rather than a complete revision of the constitution.

The House of Representatives of the 60th Legislature in 1967 passed a resolution providing for the creation of a constitutional revision commission and charged it with the responsibility of drafting a new or revised constitution and submitting it to the 61st Legislature. In compliance with this directive, the commission submitted its final report and recommended the revised constitution prior to the meeting of the legislature in 1969.

Two joint resolutions (H.J.R. 60 and H.J.R. 64) were introduced in the 61st Legislature that proposed a revised constitution for submission to the people at the general election in 1970. Neither of these resolutions was reported out of committee. A resolution (H.J.R. 3), however, was passed proposing deletion from the constitution of the obsolete provisions which the legislative council had earlier recommended be repealed. This amendment was approved by the voters at an election held in August, 1969.

ARGUMENTS

For:

1. There is a real need for a more workable basic law such as that of the proposed amendment, which would require less periodic revision.
2. As the legislature has always been entrusted with the function of proposing constitutional changes, the legislative body is the logical choice for responsibility in the preparation of a new or revised constitution.

Against:

1. Constitutional reform cannot and should not be effected through an entirely new document, which is one of the alternatives open to the convention.

2. Constitutional revision is not a legislative function and should not be delegated as such. A constitutional convention should stem from the people, and if the State of Texas needs a new constitution or a thorough revision of this basic law, then members of the convention should be elected by the people and subject to them.

AMENDMENT NO. 5--H.J.R. NO. 35

[Amending Article VIII, Section 2, relating to a tax exemption on certain property owned by a disabled veteran, to provide that exemptions, which would range from \$1,500 to \$3,000, be made on a graduated scale based on the percentage of the veteran's disability.]

The proposed amendment to Article VIII, Section 2, would permit the legislature to grant property tax exemptions to disabled veterans and to their surviving spouses and surviving minor children. This proposal is permissive in that it does not itself grant a tax exemption but gives this authority to the legislature should it choose to do so. The tax exemption proposed would be available to veterans classified as disabled by the Veteran's Administration or the branch of military service in which served on a scale corresponding to the degree of disability. Those with a disability rating of less than 10 percent, would not be entitled to an exemption. With a disability rating of 10 through 30 percent, veterans could be granted an exemption from taxation on property valued up to \$1,500. From 30 through 50 percent, they could be granted an exemption to cover property valued up to \$2,000; and for those with a disability rating of more than 50 percent but not more than 70 percent an exemption could be granted for property valued up to \$2,500. A veteran whose disability rating is more than 70 percent or who has a disability rating of at least 10 percent and has attained the age of 65, or any veteran, regardless of disability rating, whose disability consists of the loss of one or more limbs, total blindness in one or both eyes, or paraplegia, could be granted the maximum exemption for property valued up to \$3,000. Further, the surviving spouse or minor children of a person who lost his life while on active duty with the military could be granted an exemption on property valued up to \$2,500, while the surviving spouse or minor children of a disabled veteran could be granted an exemption from taxation equal to the exemption to which the veteran was entitled when he died.

[For full text of the resolution proposing Amendment No. 5, see appendix.]

Background Because present provisions in Article VIII, Section 2, of the Texas Constitution require that taxes be "equal and uniform," a constitutional amendment such as that proposed by Amendment No. 5 would be necessary to give the legislature authority to grant exemptions in taxation for veterans and spouses or minor children of deceased veterans. The original Article VIII, Section 2, authorized the

legislature, by general laws, to exempt from taxation "public property used for public purposes; actual places or (of) religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society," Exemption of the endowment funds of public institutions was added in 1907, and in 1928 an amendment was adopted which included the proviso that tax exemption could be extended to "property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character."

ARGUMENTS

For:

1. Persons disabled in the military service of the United States deserve to be compensated for their sacrifice, and the tax exemptions proposed by Amendment No. 5 would be a token appreciation from the people of Texas.
2. The tax relief which may be granted under the proposed amendment is subject to strict limitations. Only property taxes are affected, and in no case may the value of property exempted exceed \$3,000. Thus any decrease in property tax revenues collected by the taxing authority would be negligible.
3. The proposed amendment is permissive, leaving the necessary details of administration to be spelled out by the legislature, which could also revoke the exemptions granted should the need arise.

Against:

1. The compensation of disabled veterans is a federal rather than a state responsibility. Generous benefits are already available to disabled veterans, and the state should not be deprived of income necessary to provide state services to all Texas citizens just to benefit a few.

2. School districts and local governments depend heavily on property taxes for revenue, and granting the tax exemptions proposed to disabled veterans would further dry up the source of income.
3. Granting tax exemptions to individuals as proposed by Amendment No. 5 would establish a bad precedent. Adoption of the proposed amendment could be but the beginning of continuing attempts to exempt certain persons or classes of persons from taxation in direct conflict with the intent of “equal and uniform” taxation.

AMENDMENT NO. 6--S.J.R. NO. 7

[Amending Article VIII, Section 1-b, of the Texas Constitution,
to provide that the various political subdivisions of
the state may exempt not less than \$3,000 of the
value of residence homesteads of all persons
65 years of age or older from ad valorem
taxes under certain conditions.]

The proposed Amendment No. 6 would add a new subsection to Article VIII, Section 1-b, to allow political subdivisions of the state to exempt not less than \$3,000 of the value of residence homesteads of all persons 65 years of age or older from all ad valorem taxes levied by the political subdivision.

[For full text of the resolution proposing Amendment No. 6, see appendix.]

Background During the decade of the depression, interest began to develop in the possibility of abolishing the state ad valorem tax as a means of reducing the burden of property tax on Texas citizens. In 1932 the first step in this direction was taken with the adoption of an amendment which added Section 1-a to Article VIII to exempt \$3,000 of the assessed taxable value of all residence homesteads from all taxation for all state purposes. Then in 1948, the present Sections 1-a, 1-b and 1-c were adopted, and effective on January 1, 1951, the state abandoned property tax for its revenue purposes, with a few minor exceptions, although the ad valorem tax remained a major part of the tax structure of the political subdivisions of the state. The amendment in 1948 also provided that the exemption of \$3,000 valuation of the homestead apply to both state and county taxes.

The proposed Amendment No. 6 would extend further the homestead exemption by allowing a county, city, town, school district, or other political subdivision of the state to exempt not less than \$3,000 of the value of residence homesteads of persons at least 65 years of age from all ad valorem taxes levied by the political subdivision. This provision is not mandatory, but stipulates alternative methods of determining the exemption. The governing body of the political subdivision may allow the exemption by its own action, or the voters may determine by majority vote to allow the exemption at an election to be held on receipt of a petition

signed by 20 percent of the voters who voted at the subdivision's last preceding election.

[For full text of the resolution proposing Amendment No. 6, see appendix.]

ARGUMENTS

For:

1. Ad valorem tax is the basic form of taxation which counties, cities, towns, school districts, and other political subdivisions depend upon for revenue, and the largest taxes on real estate are levied for local purposes by local governments. Therefore, the present homestead exemption does not grant any of the relief needed from the most burdensome ad valorem tax existing in Texas today.
2. Texas has a long history of protecting the homestead. The senior citizen who lives on a fixed income is hurt by inflation and needs the protection and relief which the proposed amendment would allow.
3. The proposed amendment protects the local government and its creditors by granting the option of allowing or not allowing the exemption and by authorizing taxing officers of the political subdivision to continue collecting the tax against the homestead if it has been pledged for the payment of a debt and is needed to prevent the impairment of that obligation.

Against:

1. The reduction of tax revenues of city, school, and other taxing districts could handicap the political subdivision in performing essential functions and services.
2. A basic concept in Texas law demands that property taxes shall be equal and uniform, with all property taxed in proportion to its value. Special tax treatment for one age group would be inequitable and

discriminatory and result in shifting a greater tax burden to all the age groups which are not granted such exemptions.

3. Social security, retirement, and welfare programs of today so assist those over 65 that the need for further protection of the homestead is consequently diminished.

AMENDMENT NO. 7--S.J.R. NO. 16

[Amending Article I of the Texas Constitution by adding a new Section 3a to provide that equality under the law shall not be denied or abridged because of a person's sex, race, color, creed, or national origin.]

The proposed amendment adds a new section to the Bill of Rights in the Texas Constitution. The Texas Constitution does not expressly prohibit discrimination because of sex, race, color, creed, or national origin. On adoption, the amendment increases the constitutional guaranty of equal rights to all persons by prohibiting this discrimination.

[For full text of the resolution proposing Amendment No. 7, see appendix.]

Background Equality of rights is a concept inherent to America which was first expressed in the Declaration of Independence. All of the constitutions of Texas have contained provisions broadly dealing with equality and providing that all free men have equal rights. Section 3 of Article I of the Texas Constitution guarantees equal protection of the law and political equality to all persons, but makes no provision for discrimination because of sex, race, color, creed, or national origin.

Some furtherance in the accomplishment of equal rights has been made by statutory enactment and repeal. Examples of the progress are the adoption of new provisions pertaining to community property and the right of a wife to full authority in dealing with her separate property, the repeal of statutes requiring separate acknowledgments, and the repeal of numerous racially discriminatory provisions in the Texas statutes.

The equal protection clause of the 14th Amendment to the United States Constitution denies to the states the power to legislate different treatment to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of the statute. It requires that a statutory classification not be arbitrary and that it rest upon a difference having a substantial relation to the object of the legislation so that all persons similarly circumstanced shall be treated alike. As recently as November, 1971, the Supreme Court of the United States extended the protection of the 14th Amendment to a case involving discrimination based on sex by ruling that the equal protection clause bars a

state's statutory preference of men over women for appointment as administrators of decedent's estates. Basically, The Civil Rights Act of 1964 prohibits discrimination on the ground of race, color, religion, or national origin, and in sections dealing with equal employment opportunities Congress added a prohibition covering discrimination on the basis of sex, in addition to discrimination on the basis of race, color, religion, or national origin.

The proposed amendment to the Texas Constitution is consistent with the 14th Amendment to the United States Constitution and The Civil Rights Act, but is designed expressly to provide protection which supplements the federal guarantees of equal treatment.

ARGUMENTS

For:

1. The protection afforded by constitutional guarantees is more effective than statutory prohibitions and the repeal or amendment of discriminatory statutes. Victims of discrimination need the right to use the judicial process to challenge the constitutionality of discriminatory legislation.
2. Discrimination exists in many fields, and only a comprehensive equal rights amendment can change completely the status quo.

Against:

1. The proposed amendment is not necessary because discriminatory laws now existing may be repealed by statute.
2. Adoption of the proposed amendment could result in confusion and litigation as to the meaning of "discrimination."

AMENDMENT NO. 8--S.J.R. NO. 1

[Amending Article IV, Sections 4, 22, and 23, of the Texas Constitution, to provide four-year terms for the offices of governor, lieutenant-governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, secretary of state, and certain statutory state officers.]

This proposed amendment to Article IV, Sections 4, 22, and 23, would establish four-year terms for certain elected and appointed state officials whose term of office is now two years.

Section 22, setting forth the term of office and qualifications of the attorney general, and Section 23, establishing the term of office and other requirements for the comptroller of public accounts, the treasurer, and the commissioner of the General Land Office, would be amended by adoption of the proposal to change the terms of these officials from two to four years. The amendment of Section 23 would make the same change with respect to the term of office of any statutory state officer who is elected by the people at large and whose term is not fixed by the constitution. This would include the commissioner of agriculture. The amendment of Section 4 as proposed would change the term of office of the governor from two to four years. Also, since the constitution provides that the secretary of state (Article IV, Section 21), who is appointed by the governor, and the lieutenant governor (Article IV, Section 16), who is elected at the same time as the governor, shall continue in office during the term of service of the governor, the proposed amendment of Article IV, Section 4, would effect the same change to a four-year term for each of these officials without the necessity of amending the specific sections cited as creating these offices.

Officials elected in or after the election of 1974 would be affected by the proposed amendment.

[For full text of the resolution proposing Amendment No. 8, see appendix.]

Background The two-year term of office for elective state officials other than the judiciary has been the rule since early statehood in Texas, although there have been exceptions from time to time, particularly during the reconstruction era. Two-year terms were designated for elected officials in the Constitutions of 1845 and 1861, but

immediately following the Civil War terms were generally lengthened to four years. The Constitutions of 1866 and 1869 provided for four year terms for the governor, comptroller of public accounts, state treasurer, and attorney general. Following this period the desire to make state governments weak and ineffective resulted in a return to the shorter, two-year terms in the Constitution of 1876.

The office of commissioner of the general land office first appeared in the Constitution of 1869, and at that time a four-year term was established for this official. The two-year term was incorporated in the Constitution of 1876.

Terms of office for the lieutenant governor and the secretary of state have been concurrent with that of the governor since 1845. Thus provision in the proposed Amendment No. 8 to extend to four years the terms of these officials is in keeping with tradition.

The trend toward longer terms for public officials has already been manifested in Texas. In November 1954, Article XVI, Sections 64 and 65, was amended to establish four-year terms for county and district officials.

ARGUMENTS

For:

1. State officers elected for four-year terms would have sufficient time to master the functions of office before embarking on campaigns for reelection. By spending less time on campaigning, officials would be able to devote greater energy on their prescribed duties.
2. Becoming effective with the general election in 1974, an off-presidential election year, the proposed amendment would perpetuate elections for state office in non-presidential election years, thus generating greater interest in state politics.
3. Expenses in campaigning for state office have become so exorbitant as to make it impossible for many highly qualified individuals to become candidates. A four-year system of elections would almost halve the campaign

expense involved, thus making it unnecessary for candidates to accept support of special interests. Better candidates could result and greater integrity in office would be encouraged.

4. In 39 states the governors are elected for four-year terms of office. These include Oklahoma, Louisiana, and Colorado, all Texas neighbors. Officials in these states recognize the need for long-range plans and programs, which frequent changes in leadership resulting from a system of two-year terms make impossible.

Against:

1. Long terms of office tend to alienate the official from the electorate, making him less responsive to the rise and fall of public opinion. Forced to campaign biennially, the public official is under almost constant exposure to the wishes and needs of the people who elect him.
2. Too much power is inherent in four-year terms. For example, a governor serving two terms under a four-year system would be in a position, through his appointments, to dominate every state board or commission. Particularly this would be true for those boards to which members are named every two years for six-year terms on a staggered basis.
3. History has shown that long tenure in office and political corruption run hand in hand. The proposed amendment includes no restrictions on election to consecutive terms, thus permitting almost lifetime tenure for a powerful politician.

Over half of the states in which four-year terms have been authorized have included provisions as a safeguard against the service of consecutive four-year terms by the governor.

4.

A four-year term would be too long to retain a poor public official and a good public official is generally reelected and retained in office under the shorter term for as long as he continues to serve the public well.

AMENDMENT NO. 9--S.J.R. NO. 20

[Amending Article XVI, Sections 33 and 40, of the Texas Constitution to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.]

The proposed amendment to Article XVI, Sections 33 and 40, exempts directors of soil and water conservation districts from constitutional prohibitions against holding more than one civil office of emolument and against payment of compensation to persons holding more than one office or position of honor, trust, or profit under this state or the United States. The amendment would prohibit a member of the legislature from holding the office of director of a soil and water conservation district. It is doubtful that this adds anything not already prohibited under the existing provisions.

[For full text of resolution proposing Amendment No. 9, see appendix.]

Background Article XVI, Section 40, prohibits the holding of more than one public office of emolument, including those of all local governmental units, with exceptions for justices of the peace, county commissioners, notaries public, postmasters, and the various reserve and retired military personnel. Article XVI, Section 33, prohibits payment of salary or compensation out of the state treasury to any office- or position-holder who holds any other office or position of honor, trust, or profit under this state or the United States. Section 33 exempts only the various retired and reserve military personnel.

The proposed Amendment No. 9 would permit directors of soil and water conservation districts to hold more than one public office or position and, where applicable, draw a salary or other compensation from the state treasury.

ARGUMENTS

For:

1. In many of the less populous areas of the state, a shortage of qualified people renders positions as director of soil and water conservation districts difficult to fill.

The proposed amendment would increase the available manpower for these positions by freeing public employees to fill them.

2. Established principles of the common law would continue to prevent persons from holding two public positions if there should be a conflict of interest between the duties.

Against:

1. The existing constitutional prohibitions are intended to prevent concentration of public jobs among a relatively few people and to spread public jobs as broadly as possible. The proposed amendment would constitute a step toward concentration.
2. Persons holding positions as directors of soil and water conservation districts together with another public office or position could find their time and attention too divided to permit the performance of either function efficiently and capably.

AMENDMENT NO. 10--H.J.R. NO. 68

[Amending Article XVII, Section 1, of the Texas Constitution
to revise provisions on the time of proposing amendments
to the state constitution and the time and method
of publishing notice of proposed amendments.]

The proposed amendment of Article XVII, Section 1, which relates to the method of amending the constitution includes the provision that amendments are to be voted upon "by the qualified electors for statewide offices and propositions, as defined in the Constitution and statutes of this State," a change from the present language stating that proposed amendments are to be voted on "by the qualified electors for members of the Legislature." It also changes the provisions on (1) the time at which the legislature may propose constitutional amendments, and (2) the time and method of publishing notice of proposed amendments.

The proposed amendment to Article XVII, Section 1, would change the provisions on (1) the time at which the legislature may propose constitutional amendments, and (2) the time and method of publishing notice of proposed amendments.

(1) *Change in time of proposing amendments.* The present wording authorizes the legislature to propose amendments "at any biennial session." This has been construed as restricting proposals to the regular biennial session and thus not permitting the proposal of amendments at a special session. The new wording authorizes the legislature to propose amendments "at any regular session, or at any special session when the matter is included within the purposes for which the session is convened."

By substituting "any regular session" for the present language "any biennial session" the proposed amendment would not have to be changed to conform should regular sessions now held biennially (Article III, Section 5) be instituted annually as has been proposed several times in recent years. Also, by permitting the proposal of constitutional amendments at special sessions only when the governor submits the matter for consideration, the proposed amendment is in keeping with the spirit of Article III, Section 40, which provides that at special sessions there shall be no legislation upon subjects other than those which the governor specifies for consideration.

(2) *Change in time and method of publishing notice of proposed amendments.* The proposed amendment would make three changes in present constitutional requirements as to the method of publishing notice of proposed amendments and would add as a fourth requirement a provision pertaining to rates that may be charged for publication:

(a) Instead of requiring publication of the full text of the resolution as does the present provision, the proposed amendment would require publication of a brief explanatory statement of the nature of the amendment together with the date of the election and the wording of the proposition as it appears on the ballot.

(b) Instead of requiring publication of the notice in one newspaper in each county, the proposed amendment would require that it be published in every newspaper in the state which qualifies for publication of official notices.

(c) Instead of requiring publication of four weekly insertions beginning at least three months before the election, the proposed amendment would require that the notice be published twice, the first insertion to appear between the sixtieth and fiftieth day before the election and the second to appear one week after the first.

(d) The new requirement would set a maximum on the rate of charge that the legislature shall fix for publication of the notice at no "higher than the newspaper's published national rate for advertising per column inch." Publication rates at present are regulated by statute (Tex. Civ. Stat., Art. 29), which fixes the rate as the "lowest published rate of that newspaper for classified advertising."

Under the proposed amendment the legislature could still fix the rate, but this rate could never exceed the newspaper's published "national rate," a term used to describe the newspaper's most recent rate card setting forth the rates at which it will accept display advertising anywhere within the United States. The present statutory maximum on the rate for publishing constitutional amendments is the newspaper's lowest "classified rate," a different category of advertising under which rates are quoted by the word or by the line. In contrast, display rates are quoted by the "column inch" or other area of space used.

[For full text of the resolution proposing Amendment No. 10, see appendix.]

Background

Article XVII, Section 1, of the Texas Constitution has not been amended since it was incorporated in the present constitution by the convention in 1875. However, Article VI, Section 2a, was amended in 1966 and legislation (Tex. Elec. Code, Art. 5.05c) was enacted which permits persons who have not met the six-months local residence requirement to vote on statewide offices and propositions if they meet all other voter qualifications. (A residence of six months in the legislative district is required for voting for members of the legislature.) Thus, the proposed Amendment No. 10 takes cognizance of this change by substituting "by the qualified electors for statewide offices and propositions, as defined in the Constitution and statutes of this State, " for present language stating that proposed amendments are to be voted on "by the qualified electors for members of the Legislature."

ARGUMENTS

For:

1. The proposed Amendment No. 10 would permit greater flexibility in the time at which amendments may be proposed in order that emergency situations may be met.
2. The publication of an explanatory statement, as required by the proposed amendment, would give voters a better understanding of the amendment than it is possible to obtain from the text of the amendment itself, particularly in the instance of amendments to existing sections where changes become apparent only by comparison of the proposed text with the existing text. The average voter does not have a copy of the constitution with which to make comparisons, and even those voters who have a copy available rarely take the time to make comparisons.
3. On the average, the length of the explanatory statement and proposition, as provided by the proposed amendment, would be considerably less than the length of the entire resolution, and publication costs for

individual insertions would be greatly reduced. This reduction in length and number of times printed, coupled with the reduction in rate, would offset the charges for the increase in the total number of insertions and, in fact, might even result in a substantial reduction in the total cost.

4. The proposed amendment's reduction in the length of time between the first publication and the election (from three months to 60 days) would permit an earlier election in cases of emergency and, at the same time, would give adequate time for public discussion.

Against:

1. Changes in basic law should not be proposed in haste, a situation which would be possible should the consideration of proposed amendments be permitted at called or special 30-day sessions of the legislature as provided by Amendment No. 10. The likelihood of dire emergency situations which could be solved only by a constitutional amendment is not great enough to justify opening the door to submission of proposals made without proper consideration and deliberation before being acted upon by the legislature.
2. It is dangerous to commit to any individual the authority to prepare the official statement of what an amendment does. There is always the possibility that the statement will be slanted, either consciously or unconsciously, or that it will get into the effect of the proposed changes instead of staying with the statement of what those changes are. Review by the attorney general is not sufficient guarantee that the statement would be objective and unbiased.
3. Publication costs would likely be higher as proposed by Amendment No. 10 than under the present system. Also, the reduction in the length of time required for

publishing an amendment would not be significant and would not make up for other objectionable features. Moreover, the instances of emergency calling for a speedy submission are very rare. Unless an emergency in fact should exist, the longer period is certainly preferable.

4. The increase in the number of voters who would receive papers carrying the notices is not sufficient justification for the increased cost since very few voters depend on the official notice for their information on proposed amendments. In fact, very few voters read the official notices.

AMENDMENT NO. 11--H.J.R. NO. 95

[Amending Article IV, Section 17, of the Texas Constitution
and adding a new Section 24a to Article III to provide
a salary of \$22,500 for the lieutenant governor and
the speaker of the house of representatives.]

The proposed amendment deletes from the present Section 17 of Article IV the language which provides that the lieutenant governor shall, "while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more." The new Section 24a, which is added to Article III, provides that the "Lieutenant Governor, while he acts as President of the Senate, and the Speaker of the House of Representatives shall each receive from the public treasury an annual salary of \$22,500."

[For full text of the resolution proposing Amendment No. 11, see appendix.]

Background The office of lieutenant governor is a statewide elective office. The lieutenant governor is the presiding officer of the Texas senate and the first officer in line of succession to the governor. The position is a full-time one and the lieutenant governor maintains an office in the capitol with a staff on a full-time basis.

The speaker of the Texas house of representatives is elected by the members of the body over which he presides at the beginning of each regular legislative session. Until fairly recent years the speaker's major activity was during sessions of the legislature. But today the office has evolved into a full-time position, with the speaker serving both as the presiding officer of the house of representatives during sessions and as the leader of this body during the interims between sessions. This official also maintains an office with a full-time staff in the capitol both during legislative sessions and in legislative interims.

Historically the lieutenant governor and the speaker have received the same compensation as the members of the houses over which they preside and the only increases in salary received have been those same increases provided for members of the legislature. The proposed amendment would recognize these officers as full-time state officials by increasing the salaries of each from \$4,800 per year to \$22,500 per year.

ARGUMENTS

For:

1. The leadership and administrative ability demanded of the presiding officers of the two houses of the legislature places those holding these positions on a level with other full-time state officials. Therefore, they should receive salaries commensurate with their duties and responsibilities.
2. During legislative interims regular members of the legislature have time to return to their homes and to carry on their private businesses and professions. This is not true of the presiding officers of each house of the legislature, and these officials should receive adequate salaries in compensation for losses they must sustain in order to give their full time and effort to the business of the Texas Legislature and state government.

Against:

1. The proposed amendment would authorize identical salaries for both the lieutenant governor and the speaker, although the lieutenant governor serves as a state official elected in a statewide race while the speaker is elected by his fellow members and his is strictly a legislative office. Compensation for these officials should not be equal unless a change is made to make both equally responsible to the Texas electorate.
2. The proposed amendment would establish the salary for the presiding officers of the two houses of the Texas Legislature at \$22,500, a sum which is \$18,000 more than the salary of other members of the legislature. The salary increase which the amendment would grant is disproportionate to the duties performed by these officials in comparison with the \$4,800 salary received by their fellow legislators.

AMENDMENT NO. 12--S.J.R. NO. 29

[Amending Article XVI, Sections 33 and 40, of the Texas Constitution to allow state employees and certain other persons to serve on the governing bodies of school districts, cities, towns, or other governmental districts without forfeiting their state salary, and otherwise to revise generally the restrictions on dual office-holding and dual compensation.]

The proposed amendment makes several changes in Article XVI, Sections 33 and 40, of the Texas Constitution:

(1) A provision is added allowing state employees or others compensated by state funds, who are not state officers, to serve as members of the governing bodies of school districts, cities, towns, or other governmental districts, while still drawing a state salary, but receiving no salary as a member of the governing body on which they serve.

(2) Reserve and retired members of the air force and coast guard and officers of state soil and water conservation districts are exempted from the prohibition on dual office-holding. Members of the army, navy, marines, and probably the air force, were already exempted by existing provisions.

(3) The existing provision permitting nonelective state officers to hold other nonelective offices is changed by deleting the requirement that the legislature must first permit this dual office-holding and may limit or restrict it.

(4) A provision is added permitting a member of the legislature to be a notary public.

(5) The section on dual compensation is amended by prohibiting the holding of more than one "civil office of emolument" rather than using the present language, "office or position of honor, trust, or profit," which presently covers any paid state job as well as any office.

(6) The wording of the prohibition on dual compensation is changed from “The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury” to “The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise.”

[For full text of the resolution proposing Amendment No. 12, see appendix.]

Background It is an old common law principle that no person may hold two or more public offices if these offices are incompatible. In addition to this common law prohibition the state constitution has, since its adoption in 1876, severely restricted or prohibited dual office holding and dual compensation. In 1926 and 1932 the constitution was amended to exempt national guard, reserve, and retired military personnel. In 1967 the constitution was again amended to authorize the legislature to permit nonelective state officers or employees to hold other state or federal offices or positions. The proposed amendment would further broaden the exemptions from the prohibition against dual office holding and dual compensation.

ARGUMENTS

For:

1. In some cities and towns state employees constitute a large percentage of the population. This proposed amendment would allow these persons to serve on city councils and school boards in such communities without sacrificing their state salaries.
2. In particular, the proposed amendment would insure that soil and water conservation districts continue to have qualified management by permitting experts in the field who are already on a state payroll to fill positions as officials of these districts.

3. The proposed amendment would allow communities to utilize the abilities of highly-trained state employees at no additional cost in state salaries should they be permitted to serve in the local offices exempted from the prohibition against dual office-holding.

Against:

1. There are a sufficient number of qualified citizens in any community to fill offices in governing boards of cities and local districts without amending the constitution so that state employees would be allowed to fill these posts.
2. Service in two capacities as authorized by the proposed amendment could result in such a heavy workload that a state employee so serving would have to divide his or her time to the possible detriment of one or both jobs.
3. The proposed amendment would remove the power of the legislature to prohibit or restrict the holding of more than one nonelective state or federal office. The legislature should be allowed to retain this power as a safeguard against abuse in dual office-holding.

AMENDMENT NO. 13--H.J.R. NO. 82

[Increasing the maximum interest rate which may be borne by
certain bonds issued under constitutional authority by
adding a new Section 65 to Article III.]

The proposed Amendment No. 13 would add a new Section 65 to Article III of the Texas Constitution. This new section would provide that agencies, instrumentalities, and subdivisions of the state that are authorized to issue bonds whose maximum interest rates are limited by the constitution could issue future bonds with maximum interest rates not to exceed a weighted average annual interest rate of 6 percent. The proposed Section 65 would be effective on adoption of Amendment No. 13 by the voters, and all constitutional provisions which set conflicting interest rates would be repealed.

[For full text of the resolution proposing Amendment No. 13, see appendix.]

Background A number of provisions of the Texas Constitution place a maximum limit on the amount of interest which may be prescribed by certain public agencies for bonds which they issue. Most of these limits are set at less than 5 percent.

At present, the prevailing rate of interest on bonds which can be sold on the open market is higher than the maximum interest-rate limits set by the Texas Constitution. Since the interest rate borne by bonds is an important factor in making them easy to sell on the open market, bonds issued by various public agencies in Texas which bear interest rates below the prevailing rate on the open market are very difficult to sell. The purpose of Amendment No. 13 is to increase the maximum interest rate limitation to an amount not to exceed a weighted average annual interest rate of 6 percent.

Among programs that would be affected by this amendment are the parks program of the Texas Parks and Wildlife Department and the veterans' land program managed by the Veterans' Land Board.

ARGUMENTS

For:

1. Adoption of Amendment No. 13 would make it possible for certain state and local agencies now under constitutional restrictions establishing low maximum interest-rate limits to provide for higher interest rates on future bond issues thereby allowing the bonds to compete for sale on the open market on an even footing with bonds issued by other entities.
2. Failure to adopt Amendment No. 13 would result in curtailment or discontinuance of many state programs due to lack of funds.

Against:

1. Increasing the constitutional limit on maximum interest rates for bonds issued by certain public agencies would permit those agencies to provide higher interest rates on future bond issues which, in turn, would require increased tax revenues from Texas citizens to pay the added interest.
2. The adoption of Amendment No. 13 would encourage both state and local governments through their various agencies to rely even more on created bonded indebtedness as a means of financing future needs.

AMENDMENT NO. 14--H.J.R. NO. 57

[Amending Article VII of the Texas Constitution by adding a new Section 6b to permit the commissioners court of a county to reduce the county permanent school fund and to provide for the per scholastic distribution and use of the money obtained from this reduction.]

The proposed Amendment No. 14 would add a new Section 6b to Article VII of the Texas Constitution which would allow the commissioners court of a county to distribute a portion of the county permanent school fund to school districts in the county on the basis of scholastic population for the purpose of reducing bonded indebtedness or making permanent improvements. The commissioners are required by the proposal to retain a sufficient amount of the corpus of the county permanent school fund to pay ad valorem taxes on school lands or royalty interests owned at the time of the distribution.

[For full text of the resolution proposing Amendment No. 14, see appendix.]

Background The policy of reserving public lands for the benefit of the school fund of each county was first established by the legislature of the Republic in 1836, which set apart three leagues of 4,428 acres each in each county for the purpose of establishing a primary school or academy. The area granted was increased to four leagues of land by legislation enacted in 1840. After Texas became a state and by a law passed on March 26, 1881, each county was secured in its grant of four leagues by the creation of a reservation of 300 leagues of land in the state public domain. Still another reservation of land for county school purposes was made by legislation enacted in 1883, with 325 leagues (1,493,100 acres) being set apart for the benefit of unorganized counties and such organized counties as had located on school or other land on which the title was in conflict.

Actually, only 239 counties received lands in accordance with these provisions because 15 counties were organized after the complete exhaustion of the public domain. Some, however, did receive a portion of the four leagues to which they were entitled.

Until the Constitution of 1866 was adopted, power to dispose of school lands rested in the hands of the board of school commissioners in each county. But under the new constitution full control of the lands was given to the legislature,

which had authority to sell them under such terms as it might prescribe with the proceeds of such sales to be added to the “perpetual school fund of the state.” The same provision was continued in the Constitution of 1869. However, in 1873 the validity of title of a county to its school lands came before the Texas Supreme Court (*Galveston County v. Tankersley*, 39 T. 651), which declared: “The state had parted with the title to a body corporate, capable of receiving and holding the title to land, and it had not the power or authority under the Constitution of the United States to recall her grants or violate her executed contracts.”

The new Constitution of 1876 declared that the land which had been patented to a county was the property of that county, and the original section required that the proceeds from any sale of these lands must be invested in bonds of the State of Texas or of the United States, the revenue from which was to be used for current county school expenses. By amendment in 1883, this section was changed to permit the proceeds from the sale of land to be invested also in county bonds or in any other securities which may be prescribed by law, the counties being responsible for all investments.

ARGUMENTS

For:

1. Many school districts need new buildings and other permanent improvements but lack funds to finance them. Some have already incurred bonded indebtedness up to statutory limits; others have reluctant electorates which repeatedly refuse to sanction the issuance of bonds and the resulting increase in tax rates. By utilizing a portion of the county permanent fund for the purpose of making permanent improvements or reducing bonded indebtedness on improvements already made, the financial strain on school districts would be eased and adequate educational facilities in the county would be assured.

2. A reduction in the size of the county permanent school fund would not make a significant difference to the schools in the county in the long run. A smaller permanent school fund would, of course, produce less income for the available school fund; however, the amount of the county's available school fund is taken into consideration in determining the county's contribution to the state minimum foundation school program. To the extent that the county is less able to support the program, the state would be required to contribute a greater amount. Thus, the reduction in local funds would find compensation, to some extent, by an increase in state allotments.

Against:

1. The policy of reserving public lands for the benefit of the school fund of each county dates back to 1828, and provisions to secure a permanent school fund for the counties were included in the constitutions of 1845 and 1846, as well as the present Constitution of 1876, and income from the funds has been used in support of education in the counties for more than 100 years. Although allowing the commissioners court to reduce the permanent school fund would ease present financial stress, the loss in future interest income which this procedure would entail would deny future generations a source of income for educational purposes.
2. Since the reduction in the corpus of county permanent funds would reduce the amount of income produced at the county level, a greater portion of financial aid would have to come from the state. The state already spends more state tax dollars on education than on any other service, and further expenditures should not be assumed unless it becomes absolutely necessary.

APPENDICES

Amendment No. 1

By: Traeger

H.J.R. No. 58

HOUSE JOINT RESOLUTION

Proposing an amendment to Article III, Section 24, Constitution of the State of Texas, to provide for an annual salary of \$8,400 for Members of the Senate and House of Representatives, and to extend to 120 days only of the Regular Session the per diem allowance of Members of the Legislature.

Be it resolved by the Legislature of the State of Texas:

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

“Section 24. Representatives shall receive from the Public Treasury an annual salary of not exceeding Eight Thousand, Four Hundred Dollars (\$8,400). Senators shall receive from the Public Treasury an annual salary of not exceeding Eight Thousand, Four Hundred Dollars (\$8,400). All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives, also shall receive from the Public Treasury a per diem of not exceeding Twelve Dollars (\$12) per day for the first one hundred and twenty (120) days only of each Regular Session and for thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days. This amendment shall be self-enacting and appropriations heretofore made in the general appropriations bill for the biennium ending August 31, 1973, for the salaries of the Members of the Senate and House of Representatives shall not be invalid because of the anticipatory nature of the legislation.

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

Sec. 2. 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, 1972, at which election ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide annual salaries of \$8,400 for members of the Senate and House of Representatives."

Adopted by the House on May 29, 1971: Yeas 105, Nays 30, and 1 present not voting; House concurred in Senate amendments on May 31, 1971: Yeas 118, Nays 17; adopted by the Senate, as amended, on May 31, 1971: Yeas 23, Nays 8.

Signed by the Governor June 1, 1971.

Amendment No. 2

By: Solomon

H.J.R. No. 31

HOUSE JOINT RESOLUTION

Proposing an amendment to Section 6 of Article IX of the Constitution of the State of Texas abolishing the Lamar County Hospital District; providing for an election prescribing the form of ballot and providing for the necessary proclamation and publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 6 of Article IX of the Constitution of the State of Texas be, and the same is hereby, amended so as to read as follows:

“Section 6. On the effective date of this Amendment, the Lamar County Hospital District is abolished. The Commissioners Court of Lamar County may provide for the transfer or for the disposition of the assets of the Lamar County Hospital District.”

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at the general election to be held the first Tuesday after the first Monday in November, 1972, at which election all ballots shall have printed thereon the provision for voting for or against the proposition:

“The Constitutional Amendment abolishing the Lamar County Hospital District.”

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

Adopted by the House on April 27, 1971: Yeas 146, Nays 0; passed by the Senate on May 11, 1971: Yeas 30, Nays 0.

Signed by the Governor May 17, 1971.

By: Niland

H.J.R. No. 41

HOUSE JOINT RESOLUTION

Proposing an amendment to Article XVI, Section 61, of the Texas Constitution,
to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis beginning
January 1, 1973.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 61, of the Texas Constitution, be amended to read as follows:

“Section 61. All district officers in the State of Texas and all county officers in counties having a population of twenty thousand (20,000) or more, according to the then last preceding Federal Census, shall be compensated on a salary basis. In all counties in this State, the Commissioners Courts shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts, to compensate all *justices of the peace*, constables, deputy constables and precinct law enforcement officers on a salary basis beginning *January 1, 1973*; and in counties having a population of less than twenty thousand (20,000), according to the then last preceding Federal Census, the Commissioners Courts shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts to compensate all sheriffs, deputy sheriffs, county law enforcement officers including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, on a salary basis beginning January 1, 1949.

“All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners Court may direct. All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis.”

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, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to require the commissioners court in all counties of the state to compensate all justices of the peace on a salary basis."

Adopted by the House on May 21, 1971: Yeas 139, Nays 0; adopted by the Senate on May 26, 1971; Yeas 30, Nays 0.

Signed by the Governor May 31, 1971.

By: Wolff, et al

H.J.R. No. 61

HOUSE JOINT RESOLUTION

Proposing an amendment to Article XVII of the Constitution of the State of Texas, to provide that the 63rd Legislature elected in November 1972, establish a constitutional revision commission and act as a constitutional convention to propose a revised Constitution to the voters of Texas, retaining the Bill of Rights of the present Constitution.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVII, Constitution of the State of Texas, be amended by adding a Section 2 to read as follows:

“Section 2. (a) When the legislature convenes in regular session in January, 1973, it shall provide by concurrent resolution for the establishment of a constitutional revision commission. The legislature shall appropriate money to provide an adequate staff, office space, equipment, and supplies for the commission.

“(b) The commission shall study the need for constitutional change and shall report its recommendations to the members of the legislature not later than November 1, 1973.

“(c) The members of the 63rd Legislature shall be convened as a constitutional convention at noon on the second Tuesday in January, 1974. The lieutenant governor shall preside until a chairman of the convention is elected. The convention shall elect other officers it deems necessary, adopt temporary and permanent rules, and publish a journal of its proceedings. A person elected to fill a vacancy in the 63rd Legislature before dissolution of the convention becomes a member of the convention on taking office as a member of the legislature.

“(d) Members of the convention shall receive compensation, mileage, per diem as determined by a five member committee, to be composed of the Governor, Lieutenant Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Justice of the Court of Criminal Appeals. This shall not be held in conflict with Article XVI, Section 33 of the Texas Constitution. The convention may provide for the expenses of its members and for the employment of a staff for the convention, and for these purposes may by resolution appropriate money from the general revenue fund of the state treasury. Warrants shall be drawn pursuant to vouchers signed by the chairman or by a person authorized by him in writing to sign them.

“(e) The convention, by resolution adopted on the vote of at least two-thirds of its members, may submit for a vote of the qualified electors of this state a new constitution which may contain alternative articles or sections, or may submit revisions of the existing constitution which may contain alternative articles or sections. Each resolution shall specify the date of the election, the form of the ballots, and the method of publicizing the proposals to be voted on. To be adopted, each proposal must receive the favorable vote of the majority of those voting on the proposal. The conduct of the election, the canvassing of the votes, and the reporting of the returns shall be as provided for elections under Section 1 of this article.

“(f) The convention may be dissolved by resolution adopted on the vote of at least two-thirds of its members; but it is automatically dissolved at 11:59 p.m. on May 31, 1974, unless its duration is extended for a period not to exceed 60 days by resolution adopted on the vote of at least two-thirds of its members.

“(g) The Bill of Rights of the present Texas Constitution shall be retained in full.”

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, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment providing for a constitutional revision commission which precedes the convening of the members of the 63rd Legislature as a constitutional convention in January, 1974, for the purpose of submitting to the voters a new constitution or revisions of the existing state constitution.”

Adopted by the House on May 18, 1971: Yeas 103, Nays 33; passed by the Senate on May 25, 1971: Yeas 25, Nays 4.

Signed by the Governor May 28, 1971.

Amendment No. 5

By: Williams

H.J.R. No. 35

HOUSE JOINT RESOLUTION

Proposing an amendment to Section 2, Article VIII, Constitution of the State of Texas, authorizing the Legislature to provide a tax exemption for certain property owned by a disabled veteran and the surviving spouse and minor children of a disabled veteran and the surviving spouse and minor children of members of the armed forces who lose their life while on active duty.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 2, Article VIII, Constitution of the State of Texas, be amended to read as follows:

“Section 2. (a) All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity; and all laws exempting property from taxation other than the property mentioned in this Section shall be null and void.

“(b) The Legislature may, by general law, exempt property owned by a disabled veteran or by the surviving spouse and surviving minor children of a disabled veteran. A disabled veteran is a veteran of the armed services of the United States who is classified as disabled by the Veterans’ Administration or by a successor to that agency; or the military service in which he served. A veteran who is certified as having a disability of less than 10 percent is not entitled to an exemption. A veteran having a disability rating of not less than 10 percent nor more than 30 percent may be granted an exemption from taxation for property valued at up to \$1,500. A veteran having a disability rating of more than 30 percent but not more than 50 percent may be granted an exemption from taxation for property valued at up to \$2,000. A veteran having a disability rating of more than 50 percent but not more than 70 percent may be granted an exemption from taxation for property valued at up to \$2,500. A veteran who has a disability rating of more than 70 percent, or a veteran who has a disability rating of not less than 10 percent and has attained the age of 65, or a disabled veteran whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation for property valued at up to \$3,000. The spouse and children of any member of the United States Armed Forces who loses his life while on active duty will be granted an exemption from taxation for property valued at up to \$2,500. A deceased disabled veteran’s surviving spouse and children may be granted an exemption which in the aggregate is equal to the exemption to which the decedent was entitled at the time he died.”

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, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment allowing certain tax exemptions to disabled veterans, their surviving spouses and surviving minor children, and the surviving spouses and surviving minor children of members of the armed forces who lose their life while on active duty.”

Adopted by the House on May 18, 1971: Yeas 140, Nays 0 and 1 present not voting; adopted by the Senate on May 27, 1971: Yeas 28, Nays 1 and 1 present not voting.

Signed by the Governor May 31, 1971.

Amendment No. 6

By: Harrington, et al

S.J.R. No. 7

SENATE JOINT RESOLUTION

Proposing an amendment to Article VIII, Section 1-b, of the Texas Constitution, to provide that the various political subdivisions of the State may exempt not less than Three Thousand Dollars (\$3,000) of the value of residence homesteads of all persons sixty-five (65) years of age or older from ad valorem taxes under certain conditions.

Be it resolved by the Legislature of the State of Texas:

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

“Section 1-b. (a) Three Thousand Dollars (\$3,000) of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from all taxation for all State purposes.

“(b) From and after January 1, 1973, the governing body of any county, city, town, school district, or other political subdivision of the State may exempt by its own action not less than Three Thousand Dollars (\$3,000) of the assessed value of residence homesteads of persons sixty-five (65) years of age or older from all ad valorem taxes thereafter levied by the political subdivision. As an alternative, upon receipt of a petition signed by twenty percent (20%) of the voters who voted in the last preceding election held by the political subdivision, the governing body of the subdivision shall call an election to determine by majority vote whether an amount not less than Three Thousand Dollars (\$3,000) as provided in the petition, of the assessed value of residence homesteads of persons sixty-five (65) years of age or over shall be exempt from ad valorem taxes thereafter levied by the political subdivision. Where any ad valorem tax has theretofore been pledged for the payment of any debt, the taxing officers of the political subdivision shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.”

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, 1972, at which election the ballots

shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing that the various political subdivisions of the State may exempt not less than Three Thousand Dollars (\$3,000) of the value of residence homesteads of all persons sixty-five (65) years of age or older from ad valorem taxes under certain conditions."

Passed by the Senate on March 17, 1971: Yeas 26, Nays 2; May 10, 1971, Senate concurred in House amendments: Yeas 24, Nays 5; passed by the House, with amendments, on May 7, 1971: Yeas 129, Nays 2.

Signed by the Governor May 13, 1971.

Amendment No. 7

By: Kennard, et al

S.J.R. No. 16

SENATE JOINT RESOLUTION

Proposing an amendment to Article I of the Texas Constitution by adding a new section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article I of the Texas Constitution be amended by adding a new section to be known as Section 3a, to read as follows:

“Section 3a. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.”

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 the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: “The constitutional amendment to provide that equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.”

Adopted by the Senate on February 16, 1971: Yeas 30, Nays 0; adopted by the House on April 27, 1971: Yeas 119, Nays 25.

Signed by the Governor May 5, 1971.

Amendment No. 8

By: Creighton

S.J.R. No. 1

SENATE JOINT RESOLUTION

Proposing amendments to Article IV, Sections 4, 22, and 23, Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and certain statutory State officers.

Be it resolved by the Legislature of the State of Texas:

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

“Section 4. The Governor elected at the general election in 1974, and thereafter, shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of four years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.”

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

“Section 22. The Attorney General elected at the general election in 1974, and thereafter, shall hold office for four years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary in an amount to be fixed by the Legislature.”

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

“Section 23. The Comptroller of Public Accounts, the Treasurer, the Commissioner of the General Land Office, and any statutory State officer who is elected by the electorate of Texas at large, unless a term of office is otherwise specifically provided in this Constitution, shall each hold office for the term of four years and until his successor is qualified. The four-year term applies to these officers who are elected at the general election in 1974 or thereafter. Each shall receive an annual salary in an amount to be fixed by the Legislature; reside at the Capital of the State during his continuance in office, and perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section or in his office, shall be paid, when received, into the State Treasury.”

Sec. 4. The foregoing constitutional 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, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Secretary of State, and certain statutory State officers.”

Passed the Senate on April 14, 1971: Yeas 22, Nays 7; passed the House on May 31, 1971: Yeas 109, Nays 38.

Signed by the Governor June 1, 1971.

Amendment No. 9

By: Watson

S.J.R. No. 20

SENATE JOINT RESOLUTION

Proposing amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

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, 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, nor to Directors of Soil and Water Conservation Districts. A member of the Legislature shall not be eligible to serve as a Director of a Soil and Water Conservation District. 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 nonelective State officer or employee may hold other nonelective 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. That Section 40, Article XVI, Constitution of the State of Texas, be amended to read as follows:

“Section 40. No person shall hold or exercise, at the same time, more than one Civil Office of emolument, except that of Director of a Soil and Water Conservation District, Justice of Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit a Director of a Soil and Water Conservation District, an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Navy, and Marine Corps, and retired warrant officers, and retired enlisted men of the United States Army, Navy, and Marine Corps, from holding in conjunction with such office any other office or position of honor, trust or profit, under this State or the United States, or from voting at any Election, General, Special or Primary, in this State when otherwise 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 on the first Tuesday after the first Monday in November, 1972, at which the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to provide that directors of soil and water conservation districts are not disqualified from holding or being compensated for more than one office.”

Passed the Senate on February 4, 1971: Yeas 30, Nays 1; April 19, 1971, Senate concurred in House amendments: Yeas 29, Nays 2; passed the House on April 14, 1971, with amendments: Yeas 113, Nays 29.

Signed by the Governor April 27, 1971.

Amendment No. 10

By: Baker, et al

H.J.R. No. 68

HOUSE JOINT RESOLUTION

Proposing an amendment to Article XVII, Section 1, Constitution of the State of Texas, revising provisions of the time and method of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments.

Be it resolved by the Legislature of the State of Texas:

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

“Section 1. The Legislature, at any regular session, or at any special session when the matter is included within the purposes for which the session is convened, may propose amendments revising the Constitution, to be voted upon by the qualified electors for statewide offices and propositions, as defined in the Constitution and statutes of this State. The date of the elections shall be specified by the Legislature. The proposal for submission must be approved by a vote of two-thirds of all the members elected to each House, entered by yeas and nays on the journals.

“A brief explanatory statement of the nature of a proposed amendment, together with the date of the election and the wording of the proposition as it is to appear on the ballot, shall be published twice in each newspaper in the State which meets requirements set by the Legislature for the publication of official notices of officers and departments of the state government. The explanatory statement shall be prepared by the Secretary of State and shall be approved by the Attorney General. The Secretary of State shall send a full and complete copy of the proposed amendment or amendments to each county clerk who shall post the same in a public place in the courthouse at least 30 days prior to the election on said amendment. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week. The Legislature shall fix the standards for the rate of charge for the publication, which may not be higher than the newspaper's published national rate for advertising per column inch.

“The election shall be held in accordance with procedures prescribed by the Legislature, and the returning officer in each county shall make returns to the Secretary of State of the number of legal votes cast at the election for and against each amendment. If it appears from the returns that a majority of the votes cast have been cast in favor of an amendment, it shall become a part of this Constitution, and proclamation thereof shall be made by the Governor.”

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, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment revising provisions on the time and method of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments.”

Adopted by the House on May 25, 1971: Yeas 141, Nays 1, and 3 present not voting; passed by the Senate on May 28, 1971: Yeas 30, Nays 0.

Signed by the Governor May 31, 1971.

Amendment No. 11

By: Traeger

H.J.R. No. 95

HOUSE JOINT RESOLUTION

Proposing an amendment to Article IV, Section 17 of the Texas Constitution,
and adding a new Section 24a to Article III of the Texas Constitution,
to provide a salary of \$22,500 for the Lieutenant
Governor and the Speaker of the House
of Representatives.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article IV, Section 17 of the Texas Constitution, be amended to read as follows:

“Section 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. During the time the Lieutenant Governor administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office.”

Sec. 2. That Article III of the Texas Constitution, be amended to add a new Section 24a to read as follows:

“Section 24a. The Lieutenant Governor, while he acts as President of the Senate, and the Speaker of the House of Representatives shall each receive from the public treasury an annual salary of \$22,500.”

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on November 7, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to provide a salary of \$22,500 for the Lieutenant Governor and the Speaker of the House of Representatives.”

Adopted by the House on May 29, 1971: Yeas 112, Nays 21, and 1 present not voting; passed by the Senate on May 31, 1971: Yeas 29, Nays 2.
Signed by the Governor June 1, 1971.

By: Wilson

S.J.R. No. 29

SENATE JOINT RESOLUTION

Proposing an amendment to Article XVI, Sections 33 and 40, Constitution of the State of Texas, to prohibit the payment of any State funds to any person who shall hold more than one civil office of emolument, and providing for exemption of certain offices from the ban of dual office holding, and permitting State employees or certain other individuals, who are not State officers, to serve as members of the governing body of school districts, cities, or towns, or other local governmental districts without forfeiting their salary for their State employment.

Be it resolved by the Legislature of the State of Texas:

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

“Section 33. The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40.”

Sec. 2. That Article XVI, Section 40, Constitution of the State of Texas, be amended to read as follows:

“Section 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps,

and Coast Guard, and officers of the State soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified. State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts; provided, however, that such State employees or other individuals shall receive no salary for serving as members of such governing bodies. It is further provided that a nonelective State officer may hold other nonelective offices under the State or the United States, if the other office is of benefit to the State of Texas or is required by the State or Federal law, and there is no conflict with the original office 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, except as a notary public if qualified by law."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting State employees, who are not State officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, without forfeiting their State salary and specifying exceptions to the constitutional prohibition against payment of State funds for compensation to any person who holds more than one civil office of emolument."

Passed the Senate on May 4, 1971: Yeas 31, Nays 0; May 27, 1971, Senate concurred in House amendments: Yeas 29, Nays 1; passed the House, with amendments, on May 26, 1971: Yeas 140, Nays 3.

Signed by the Governor May 28, 1971.

Amendment No. 13

By: Clayton

H.J.R. No. 82

HOUSE JOINT RESOLUTION

Proposing an amendment to Article III, Constitution of the State of Texas, by
adding a new Section 65 increasing to six percent per annum all specified
maximum interest rates on bonds issued pursuant to
constitutional authority.

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 a new Section 65 to read as follows:

“Section 65. Wherever the Constitution authorizes an agency, instrumentality, or subdivision of the State to issue bonds and specifies the maximum rate of interest which may be paid on such bonds issued pursuant to such constitutional authority, such bonds may bear interest at rates not to exceed a weighted average annual interest rate of 6%. All Constitutional provisions specifically setting rates in conflict with this provision are hereby repealed.” This amendment shall become effective upon its adoption.

Sec. 2. The foregoing constitutional amendment shall be submitted to vote of the qualified electors of this State at the general election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “To set a six percent (6%) weighted average annual interest rate for bonds issued pursuant to constitutional authority presently having a specified interest ceiling.”

Adopted by the House on May 18, 1971: Yeas 132, Nays 1; House refused to concur in Senate amendments on May 27, 1971, and requested the appointment of a Conference Committee to consider the differences between the two Houses; House adopted the Conference Committee Report on May 31, 1971: Yeas 125, Nays 16; adopted by the Senate, with amendments, on May 26, 1971: Yeas 29, Nays 1; at the request of the House, the Senate appointed a Conference Committee to consider the differences between the two Houses; Senate adopted the Conference Committee Report on May 28, 1971: Yeas 30, Nays 0.

Signed by the Governor June 1, 1971.

By: Adams

H.J.R. No. 57

HOUSE JOINT RESOLUTION

Proposing an amendment to Article VII, Constitution of the State of Texas, by adding a Section 6b to permit the commissioners court of a county to reduce the county permanent school fund and to provide for the per scholastic distribution and use of the money obtained from the reduction.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article VII, Constitution of the State of Texas, be amended by adding a Section 6b, to read as follows:

“Section 6b. Notwithstanding the provisions of Section 6, Article VII, Constitution of the State of Texas, any county, acting through the commissioners court, may reduce the county permanent school fund of that county and may distribute the amount of the reduction to the independent and common school districts of the county on a per scholastic basis to be used solely for the purpose of reducing bonded indebtedness of those districts or for making permanent improvements. The commissioners court shall, however, retain a sufficient amount of the corpus of the county permanent school fund to pay ad valorem taxes on school lands or royalty interests owned at the time of the distribution. Nothing in this Section affects financial aid to any school district by the state.”

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to allow a county to reduce its county permanent school fund and distribute the money to independent and common school districts on a per scholastic basis.”

Adopted by the House on May 7, 1971: Yeas 122, Nays 1; passed by the Senate on May 26, 1971: Yeas 28, Nays 1.

Signed by the Governor May 31, 1971.

