



Proposed Constitutional Amendments Analyzed

CONSTITUTIONAL AMENDMENT ELECTION
(ELECCION PARA ENMENDAR LA CONSTITUCION)
No. 0000 (Condado de) _____ County, Texas

November 8, 1977 (8 de noviembre de 1977)

SAMPLE BALLOT (BOLETA DE MUESTRA)

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INSTRUCTION NOTE: (NOTA DE INSTRUCCION)

Place an "X" in the square beside the statement indicating the way you wish to vote. (Marque con una "X" el cuadro al lado de la frase que indica la manera en que usted quiere votar.)

No. 1	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment increasing the size of the Court of Criminal Appeals to nine judges, and permitting the court to sit in panels of three judges. (La enmienda constitucional aumentaría el número de miembros de la Corte de Apelación Criminal a nueve jueces, y permitiendo que la Corte sesione en paneles de tres miembros)
No. 2	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment to provide for an additional \$200 bonds or obligations of the State of Texas for the Veterans' Land ... surviving widows of veterans to purchase tracts under ... (La enmienda constitucional para suministrar 200 mil ... a las viudas de veteranos y para permitir que viudas sobrevivientes de ... a terrenos bajo ciertas circunstancias)
No. 3	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment permitting ... to a person charged with a felony offense who has been there ... convicted of a felony offense, or charged with a felony offense ... that person was admitted to bail on a prior felony indictment, ... crime involving the use of a deadly weapon where there is evi ... on has been convicted of a prior felony offense; providing for ... that person's incarceration without trial; and providing for ... of appeal. (La enmienda constitucional permitiendo denegar ... a una persona que ha sido probada culpable dos veces previas el tiempo ... o acusada de un delito mayor cometido durante ... o acusada de un crimen implicando el uso de una arma mortal ... evidencia que tal persona ha sido probada culpable de un ... disponiendo un límite de sesenta (60) días de encarcelación a persona; y disponiendo el derecho de apelación de dicha persona.)
No. 4	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment authorizing tax relief to preserve certain cultural, historical, or natural history resources. (La enmienda constitucional autorizando una baja de impuestos con fines de preservar ciertos recursos culturales, históricos o de historia natural)
No. 5	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment authorizing the formation of agricultural or marine associations which may mandate the collection of refundable assessments for improvement of production, marketing, or use of their products. (La enmienda constitucional autorizando la formación de asociaciones agrícolas o marinas que podrán asignar por mandato la colección de impuestos reembolsables para el mejoramiento de la producción, venta y compra, o uso de sus productos.)
No. 6	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment to give the legislature the power to authorize state and national banks to exercise banking and discounting privileges by use of electronic devices or machines. (La enmienda constitucional para dar a la legislatura el poder de autorizar a los bancos estatales y nacionales para ejercer privilegios de banco y descuento mediante el uso de aparatos electrónicos o máquinas.)
No. 7	<input type="checkbox"/> FOR (A FAVOR DE) <input type="checkbox"/> AGAINST (EN CONTRA DE)	The constitutional amendment changing the name of the State Judicial Qualifications Commission to the State Commission on Judicial Conduct, and relating to the commission and the powers and proceedings of the commission, a master, and the Supreme Court, or Court of Civil Appeals justices serving in place of the Supreme Court, for the suspension, censure, removal, or involuntary retirement of a justice, judge, or justice of the peace under certain circumstances. (La enmienda constitucional cambiando el nombre de la Comisión Estatal de Capacidades Judiciales a la Comisión Estatal Sobre Conducta Judicial y perteneciendo a la comisión y a las poderes y actos de la comisión, con un oficial judicial nombrado por la Corte Suprema; y la Corte Suprema, a los jueces de la Corte de Apelación Civil sirviendo en lugar de la Corte Suprema, para la suspensión, censura, deposición, o retiro involuntario de un juez, o juez de paz bajo ciertas circunstancias)

TEXAS LEGISLATIVE COUNCIL
Austin, Texas 78711

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7 PROPOSED CONSTITUTIONAL AMENDMENTS ANALYZED

Analyses of Proposed Constitutional Amendments

For election—November 8, 1977

Prepared by the Staff

of the

Texas Legislative Council

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INTRODUCTION

The 65th Legislature proposed a total of 15 constitutional amendments for consideration by the Texas electorate, 7 to be voted on November 8, 1977, and the remaining 8 to be on the general election ballot on November 7, 1978.

Those appearing on the ballot at the special election in November, 1977, include:

- | | |
|--------------------------------|---|
| Amendment No. 1
(S.J.R. 18) | Amending Article V of the Texas Constitution to provide for a court of criminal appeals with nine judges and to permit the court to sit in panels of three judges. |
| Amendment No. 2
(S.J.R. 13) | Amending Article III, Section 49-b, of the Texas Constitution, to provide for an additional \$200 million in bonds or obligations of the State of Texas for the Veterans' Land Fund and to allow surviving spouses of veterans to purchase tracts under certain circumstances. |
| Amendment No. 3
(S.J.R. 3) | Amending Article I, Section 11a, of the Texas Constitution, to permit denial of bail to a person charged with a felony offense who has been theretofore twice convicted of a felony offense, or charged with a felony offense committed while that person was admitted to bail on a prior felony indictment, or charged with a crime involving the use of a deadly weapon where there is evidence such person has been convicted of a prior felony offense; providing for a 60-day limit to that person's incarceration without trial; and providing for that person's right of appeal. |
| Amendment No. 4
(S.J.R. 5) | Amending Article VIII of the Texas Constitution by adding Section 1-f, relating to tax relief to preserve certain cultural, historical, or natural history resources. |
| Amendment No. 5
(S.J.R. 19) | Amending Article XVI of the Texas Constitution by adding Section 68 granting the legislature power to authorize the formation of agricultural and marine associations which may mandate the collection of refundable assessments for improvement of production, marketing, or use of their products. |

Amendment No. 6
(S.J.R. 49) Amending Article XVI, Section 16, of the Texas Constitution, to give the legislature power to authorize state and national banks to exercise banking and discounting privileges by use of electronic devices or machines.

Amendment No. 7
(S.J.R. 30) Amending Article V, Section 1-a, of the Texas Constitution, changing the name of the State Judicial Qualifications Commission to the State Commission on Judicial Conduct, and relating to the commission and the powers and proceedings of the commission, a master, and the supreme court, or court of civil appeals justices serving in place of the supreme court, for the suspension, censure, removal, or involuntary retirement of a justice, judge, or justice of the peace under certain circumstances.

The proposed amendments to appear on the ballot at the general election in 1978 are not analyzed in this booklet but will be considered in separate analyses to be published in 1978. For brief information as to subject matter only, these eight amendments which will be considered on November 7, 1978, include:

H.J.R. 37 Amending the Texas Constitution to expand jurisdiction of justices of the peace to include civil cases where the amount in controversy is \$1,000 or less.

H.J.R. 42 Amending the Texas Constitution to authorize the use of water district funds for fire fighting purposes.

S.J.R. 44 Amending the Texas Constitution to permit the legislature to authorize cities to issue bonds to finance redevelopment of certain areas.

S.J.R. 45 Amending the Texas Constitution to provide for additional associate justices on a court of civil appeals.

S.J.R. 48 Amending the Texas Constitution to abolish the State Building Commission.

S.J.R. 50 Amending the Texas Constitution to allow the state to purchase certain products manufactured by handicapped persons.

- S.J.R. 53 Amending the Texas Constitution to exempt solar energy devices from property taxes.
- S.J.R. 55 Amending the Texas Constitution to permit political subdivisions of the state to develop employment opportunities.

Since adoption of the present Texas Constitution in 1876, the document has been amended 221 times, and 351 proposals have been submitted during that time. The 15 proposals submitted by the 65th Legislature for 1977 and 1978 bring the total number of amendments submitted to the Texas electorate to 366.

The following table lists years in which proposed amendments have been submitted to Texas voters, the number of amendments proposed, and the number of those adopted.

1876 CONSTITUTION--AMENDMENTS PROPOSED AND ADOPTED

Year	Proposed	Adopted	Year	Proposed	Adopted
1879	1	1	1929	7 ²	5
1881	2	0	1931	9	9
1883	5	5	1933	12	4
1887	6	0	1935	13	10
1889	2	2	1937	7	6
1891	5	5	1939	4	3
1893	2	2	1941	5	1
1895	2	1	1943	3 ²	3
1897	5	1	1945	8	7
1899	1	0	1947	9	9
1901	1	1	1949	10	2
1903	3	3	1951	7	3
1905	3	2	1953	11	11
1907	9	1	1955	9	9
1909	4	4	1957	12	10
1911	5	4	1959	4	4
1913	8 ¹	0	1961	14	10
1915	7	0	1963	7	4
1917	3	3	1965	27	20
1919	13	3	1967	20	13
1921	5 ²	1	1969	16	9 ⁴
1923	2 ³	1	1971	18 ⁵	12 ⁵
1925	4	4	1973	9	6
1927	8 ²	4	1975	4 ⁶	3
			1977	15 ⁷	<u>---</u>
			TOTALS	366 ⁸	221

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

² Two amendments included in one proposal.

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

⁴ Sixteen 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.

⁵ Four amendments submitted on May 18, 1971, with one adopted. Remaining 14 proposals submitted on November 7, 1972, and 11 adopted.

⁶ Two amendments submitted and adopted on April 22, 1975; remaining two proposals submitted on November 2, 1976, with one adopted.

⁷ Seven amendments to be voted on November 8, 1977, and remaining eight to be voted on November 7, 1978.

⁸ Total does not include eight proposed amendments submitted to Texas voters on November 4, 1975, which would have provided for an entire new Texas Constitution.

AMENDMENT NO. 1--S.J.R. NO. 18

[Proposing an amendment to Article V of the Texas Constitution to provide for a court of criminal appeals with nine judges and to permit the court to sit in panels of three judges]

The proposed amendment to Article V, Sections 1, 4, and 5, of the Texas Constitution, would be effective on January 1, 1978, and would change the court of criminal appeals from a court consisting of four judges and a presiding judge to a court consisting of eight judges and a presiding judge. With certain exceptions, the proposal authorizes, but does not mandate, the enlarged court of nine judges to sit in panels of three judges for the purpose of hearing cases, with two judges constituting a quorum and the concurrence of two judges necessary for a decision. The court could not sit in separate panels for the transaction of business other than the hearing of cases or during proceedings involving capital punishment or other cases as required by law enacted by the legislature. Further, when the entire court is convened, five judges would constitute a quorum and the concurrence of five judges would be necessary for a decision.

The proposed amendment would expand the writ power of the court of criminal appeals, change the term of the court to begin and end with each calendar year instead of beginning on the first Monday in October, delete obsolete provisions, and make some editorial changes in those sections of the constitution. It contains permanent authorization to the legislature to provide for the appointment of commissioners in aid of the court of criminal appeals. Also included are transition provisions for the enlargement of the court by the continuation in office of each of the present judges of that court until the end of his present term, by two commissioners in aid of the court becoming judges of the court for terms of three and five years, and by appointment by the governor of two judges of the court to hold office until the general election in 1978.

[For full text of the resolution proposing this amendment, see appendix.]

Background

The court of criminal appeals had its origin in 1876 with the creation of the court of appeals, consisting of three judges, which had appellate jurisdiction in all criminal cases and some civil cases. The constitution was amended in 1891 to change the name of the court to the court of criminal appeals and to relieve the court of all of its civil jurisdiction. Since that date it has remained the only state appellate court in Texas for criminal cases and the state court of last resort in criminal matters. As the work load of the three-judge court increased, a commission of

criminal cases in a system of regional intermediate courts whose decisions would be final in most cases. Some advocates of intermediate appellate review for criminal cases favor the creation of separate intermediate courts for criminal cases and some favor utilizing existing intermediate courts to handle appeals in both civil and criminal cases.

2. Sentiment exists for changing the Texas system of dual civil and criminal courts of last resort to only one single court of last resort. Already there are more judges on the two top courts than are recommended on a permanent basis for a single court. Increasing the number of judges on the court of criminal appeals may make it more difficult to achieve a unified judiciary with a single court of last resort for both civil and criminal cases by merging the supreme court and the court of criminal appeals.

never been an expense for which tax money has been used. Interest rates allowable on these bonds and obligations were originally set at a maximum rate of 3 percent per annum. However, in order to keep the bonds and obligations saleable on subsequent bond markets, the maximum interest rate allowable was increased to 4-1/2 percent and then, in 1973, to 6 percent, the rate now applicable on all bonds and obligations of the state under Article III, Section 65, of the Texas Constitution, which was adopted by the Texas electorate on November 7, 1972.

The total \$500 million of bonds and obligations which the Texas Constitution now authorizes for the Veterans' Land Fund has already been issued. Therefore, if the program as it currently exists is to continue, an additional amount must be authorized. The proposed amendment makes such an authorization in the amount of an additional \$200 million of bonds and obligations which may be issued and sold.

ARGUMENTS

For:

1. The people of Texas have previously seen fit to allow Texans who have served in the armed forces of the United States the benefit of purchasing land through the Veterans' Land Program. In order to continue this program and to extend its benefits to those veterans who were eligible under the program but for whom money was unavailable for a loan because of the fund's depletion, the proposed amendment should be approved.
2. The surviving spouses of Texans who have served in the armed forces with their lives forfeited in the service of their country should certainly be given the same privilege of acquiring land for themselves and their families which has previously been available only to veterans or the surviving spouses of veterans who had initiated a purchase under the Veterans' Land Program but who died while the loan application was being processed.

Against:

1. The federal government already provides generous benefits for veterans, and compensation of veterans is a federal rather than a state responsibility. Extension of the program should no longer be necessary as there has been sufficient time since the Vietnamese conflict for all those who desire land to make application and obtain loans through the Veterans' Land Program and other loan programs available through federal and private institutions.
2. Opening the program to spouses of service personnel killed in action is not necessary as the right to purchase land under the original program was extended to the veterans in gratitude for service in the armed forces and not as a benefit to their families.

AMENDMENT NO. 3—S.J.R. NO. 3

[Authorizing the denial of bail to a person accused of a
felony under certain circumstances]

The proposed amendment to Article I, Section 11a, of the Texas Constitution, would allow a district court to deny bail to a person accused of a felony committed while he was on bail for a prior felony indictment or to a person who has been previously convicted of a felony and is accused of using a deadly weapon in the commission of a second felony.

[For full text of the resolution proposing this amendment, see appendix.]

Background Article I, Section 11, of the Texas Constitution, guarantees the right of bail for all offenses except capital felonies when the proof is evident. Section 11a provides a second exception to the right to bail. A person who has two previous felony convictions and is accused of a third felony may be denied bail prior to trial for up to 60 days if the evidence substantially shows his guilt. The accused is expressly accorded the right to appeal the order denying bail to the court of criminal appeals.

The adoption of Amendment No. 3 would add two additional circumstances to Article I, Section 11a, where bail could be denied:

1. If a person is indicted for a felony, is released on bail, and is arrested for a second felony allegedly committed while on bail, then he may be denied bail pending the trial of the second felony accusation.
2. If a person has been previously convicted of a felony and is accused of committing a felony involving the use of a deadly weapon, then he may be denied bail pending trial of the felony involving the deadly weapon.

Amendment No. 3 would provide that bail may be denied for 60 days only, the accused would be expressly accorded the right to appeal the order denying bail, and the court of criminal appeals would be required to give preference to his appeal.

2. The proposed amendment is permissive, leaving the necessary administration to be spelled out by the legislature, which could revoke the tax relief should the need arise. In addition, political subdivisions would only be authorized, not directed, to provide the tax relief.

Against:

1. School districts and local governments depend heavily on property tax for revenue to finance essential functions and services, and granting tax relief to certain cultural and historical properties would further erode their tax base. This could be particularly burdensome for some of the state's older central cities, where many historical sites are located.
2. A basic concept of 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 group or classification would be inequitable and discriminatory and would result in shifting a greater tax burden to those who are not granted such exemptions or relief.

AMENDMENT NO. 5--S.J.R. NO. 19

[Adding Section 68 to Article XVI of the Texas Constitution to grant the legislature the power to authorize agricultural producers to form associations for the collection of assessments on their product sales]

The proposed amendment would add a new section to Article XVI of the Texas Constitution which would allow the legislature to authorize producers of poultry, livestock, and other raw agricultural commodities to form associations and collect assessments on their product sales. The rate of assessment would have to be voted on by the member producers. The assessment would not be considered a tax if the legislature provides that an individual producer may receive, on request, a refund of assessments paid.

In addition, the amendment would validate Chapter 462, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 55c, Vernon's Texas Civil Statutes), which authorizes the formation of these associations and the collection of assessments but which was held unconstitutional by the Texas Supreme Court. Referenda and other proceedings carried out under that act would also be validated, but no person would be required to pay any assessments levied under that act prior to November 8, 1977.

[For full text of the resolution proposing this amendment, see appendix.]

Background Article 55c was originally passed in 1967 with a declared policy of permitting and encouraging producers of agricultural commodities to develop, carry out, and participate in programs of research, education, and promotion designed to encourage the production, marketing, and use of those agricultural commodities. The statute sets up a method for a nonprofit organization representing the producers of a particular agricultural commodity to petition the commissioner of agriculture for authority to conduct a referendum, either on an areawide or statewide basis, to determine whether the producers of the commodity would levy an assessment on themselves to finance the programs authorized by the act. The maximum rate of the assessment must be specified on the ballot, and the producers elect a commodity producers' board to administer the program. A two-thirds vote is required to establish the board.

Initially, the act provided for voluntary participation in the program; only those producers who signed the participation certificates were obligated to pay the assessments. In addition, any participating producer could request and receive a

2. The adoption of the constitutional amendment would not automatically establish a program of mandatory assessments, but rather would simply authorize the legislature to do so. Further action by the legislature would be required to make payment of the assessments mandatory.

Against:

1. Although the amendment only authorizes the legislature to do so, adoption of the amendment would almost certainly result in the establishment of a program of mandatory assessments. This sort of enforced payment takes money out of the hands of the individual producer who could better conduct his own research and market development to the extent that the individual thinks those programs necessary or desirable. These producers should not have to go through a time-consuming refund process to regain funds that they feel they should not have had to pay in the first place.
2. This program is another quasi-government program supported by what amounts to a tax. As with all programs of this type, the cost is eventually borne by the consumer in higher prices for food.

AMENDMENT NO. 6--S.J.R. NO. 49

[Vesting the legislature with power to authorize state and national banks to exercise banking privileges by use of electronic devices at remote locations; requiring the legislature to provide for the sharing of such electronic devices among banks on a reasonable, nondiscriminatory basis]

The proposed amendment to Article XVI, Section 16, of the Texas Constitution, would give the legislature power to authorize state and national banks to exercise banking and discounting privileges, and other privileges which are incidental to banking, by use of electronic terminals at remote locations. The legislature must provide for the sharing of these electronic terminals among banks on a reasonable, nondiscriminatory basis.

Background Article XVI, Section 16, of the Texas Constitution, prohibits branch banking. Each bank may conduct business at only one place, which must be stated in the bank's charter. The adoption of Amendment No. 6 would authorize the legislature to allow banks to set up electronic fund transfer (EFT) terminals at various remote locations. An EFT terminal at a retail store, for example, would allow a customer to pay for merchandise by instantly transferring money from his bank account to the store's account instead of paying with cash or by check or credit card. The EFT terminals must be shared by all banks on a reasonable, nondiscriminatory basis. Enabling legislation is required to implement EFT terminals. If Amendment No. 6 is adopted, the legislature would have time to observe developing electronic fund transfer technology in other states before preparing legislation at the next regular session in 1979.

ARGUMENTS

For:

1. Electronic fund transfer terminals would provide the consumer with a convenient optional method of payment. A consumer would have the choice of paying cash or by check, credit card, or electronic fund transfer.
2. Routine business and retail transactions would be speeded up and paperwork and mailing costs would be

and misconduct of district and appellate judges, conduct hearings, and make recommendations to the supreme court for the involuntary retirement or removal of such judges. In 1970 Section 1-a was amended again to make its provisions for disciplining appellate and district judges apply to all judges, including county judges, judges of statutory courts, justices of the peace, and municipal judges. Recent experience has shown that the name of the commission is misleading and has revealed a need for a justice of the peace and an additional lay member on the commission, for additional powers for the commission, the supreme court, and a master to conduct hearings, for authority to the commission to issue certain public statements, and for a tribunal other than the supreme court to consider the recommendations of the commission that pertain to a member of the supreme court.

ARGUMENTS

For:

1. The legislature and the electorate created the State Judicial Qualifications Commission and established a method for disciplining judges which provides due process of law for officeholders. However, recent events have shown a need for additional powers to make this method quicker and more effective and to assure the public's confidence in the method. This proposed amendment is designed to remedy the weaknesses by giving the commission a more appropriate name, by granting additional powers to the commission, the supreme court, and a master who conducts a hearing for the commission, and by authorizing certain public statements about the deliberations of the commission.
2. Discipline by the commission and removal from office by the supreme court on recommendation of the commission is more economical and a better use of manpower than impeachment and other methods of removal. However, the commission should have sufficient manpower and should have representation from the justices of the peace in its membership, which it does not currently have. Retired judges of the supreme court and court of criminal appeals should be included among the persons eligible to serve as a master.

Against:

1. Judges are elected to public office and a position of public trust by the people, and expansion of the power of the commission and the supreme court to discipline and remove judges undermines the will of the electorate. The members of the judiciary already are answerable to the people at the polls.
2. Expanding the membership of the commission and increasing the power of the commission and the supreme court to discipline and remove judges may be interpreted as a threat to the judiciary and may have the negative effect of discouraging qualified persons from public service as members of the judiciary. The expansion is unwarranted because other methods for the removal of judges are provided by the constitution.

APPENDIX

By: Lindon Williams

S.J.R. No. 13

SENATE JOINT RESOLUTION

Proposing an amendment to Article III, Section 49-b, of the Texas Constitution, as amended, to provide for an additional \$200 million in bonds or obligations of the State of Texas for the Veterans' Land Fund and to allow the surviving spouses of veterans who died in the line of duty to purchase tracts through the Veterans' Land Board under certain circumstances.

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

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

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

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

"The Veterans' Land Board may provide for, issue and sell not to exceed Seven Hundred Million Dollars (\$700,000,000) in bonds or obligations of the

State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Five Hundred Million Dollars (\$500,000,000) of which have heretofore been authorized. Such bonds or obligations shall be sold for not less than par value and accrued interest; shall be issued in such forms, denominations, and upon such terms as are now or may hereafter be provided by law; shall be issued and sold at such times, at such places, and in such installments as may be determined by said Board; and shall bear a rate or rates of interest as may be fixed by said Board but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed the rate specified in Section 65 of this Article. All bonds or obligations issued and sold hereunder shall, after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all bonds heretofore issued and sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

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

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

rules and regulations as are now or may hereafter be provided by law to veterans who served not less than ninety (90) continuous days, unless sooner discharged by reason of a service-connected disability, on active duty in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States after September 16, 1940, and who, upon the date of filing his or her application to purchase any such land is a citizen of the United States, is a bona fide resident of the State of Texas, and has not been dishonorably discharged from any branch of the Armed Forces above-named and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State of Texas, or who has resided in Texas at least five (5) years prior to the date of filing his or her application, and provided that in the event of the death of an eligible Texas Veteran after the veteran has filed with the Board an application and contract of sale to purchase through the Board the tract selected by him or her and before the purchase has been completed, then the surviving spouse may complete the transaction. The unmarried surviving spouses of veterans who died in the line of duty may also apply to purchase a tract through the Board provided the deceased veterans meet the requirements set out in this Article with the exception that the deceased veterans need not have served ninety (90) continuous days and provided further that the deceased veterans were bona fide residents of the State of Texas at the time of enlistment, induction, commissioning, or drafting. The foregoing notwithstanding, any lands in the Veterans' Land Fund which have been first offered for sale to veterans and which have not been sold may be sold or resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now or may hereafter be provided by law.

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

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a 'series of bonds' being all of the bonds issued and sold in a single transaction as a single installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein provided, for a period ending eight (8) years after the date of sale of such series of bonds; provided, however, that so much of such moneys as may be necessary to pay interest on bonds

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

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

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

"This Amendment shall become effective upon its adoption."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for an additional \$200 million in bonds or obligations of the State of Texas for the Veterans' Land Fund and to allow surviving widows of veterans to purchase tracts under certain circumstances."

Amendment No. 3

By: Jack Ogg, et al.

S.J.R. No. 3

SENATE JOINT RESOLUTION

Proposing a constitutional amendment relating to denial of bail to
a person accused of a felony in certain circumstances.

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

Section 1. That Article I, Section 11a of the Texas Constitution, be amended to read as follows:

“Section 11a. **MULTIPLE CONVICTIONS; DENIAL OF BAIL.** Any person (1) accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor, (2) accused of a felony less than capital in this State, committed while on bail for a prior felony for which he has been indicted, or (3) accused of a felony less than capital in this State involving the use of a deadly weapon after being convicted of a prior felony, after a hearing, and upon evidence substantially showing the guilt of the accused of the offense in (1) or (3) above or of the offense committed while on bail in (2) above, may be denied bail pending trial, by a district judge in this State, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above or the accusation and indictment used under (2) above within sixty (60) days from the time of his incarceration upon the accusation, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the Court of Criminal Appeals.”

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, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment permitting denial of bail to a person charged with a felony offense who has been theretofore twice convicted of a felony offense, or charged with a felony offense committed while that person was admitted to bail on a prior felony indictment, or charged with a crime involving the use of a

deadly weapon where there is evidence such person has been convicted of a prior felony offense; providing for a 60-day limit to that person's incarceration without trial; and providing for that person's right of appeal."

By: Lloyd Doggett

S.J.R. No. 5

SENATE JOINT RESOLUTION

Proposing an amendment to Article VIII of the Texas Constitution
relating to tax relief to preserve certain cultural, historical, or
natural history resources.

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

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

“Section 1-f. AD VALOREM TAX RELIEF. The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

“(1) granting exemptions or other relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; and

“(2) authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law.”

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots

“(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private or public reprimand, or if the Commission determines that the situation merits such action, it may institute formal proceedings and order a formal hearing to be held before it concerning the public censure, removal, or retirement of a person holding an office named in Paragraph A of Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Civil Appeals, or retired Judge or Justice of the Court of Criminal Appeals or the Supreme Court, as a Master to hear and take evidence in any such matter, and to report thereon to the Commission. The Master shall have all the power of a District Judge in the enforcement of orders pertaining to witnesses, evidence, and procedure. If, after formal hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public censure or it shall recommend to the Supreme Court the removal, or retirement, as the case may be, of the person in question holding an office named in Paragraph A of Subsection (6) of this Section and shall thereupon file with the Clerk of the Supreme Court the entire record before the Commission.

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

“(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, unless otherwise provided by law, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged, unless otherwise provided by law; provided that upon being filed in the Supreme Court the record loses its confidential character. However, the Commission may issue a public statement through its executive director or its Chairman at any time during any of its proceedings under this Section when sources other than the Commission cause notoriety concerning a Judge or the Commission itself and the Commission determines that the best interests of a Judge or of the public will be served by issuing the statement.”

“(12) No person holding an office named in Paragraph A of Subsection (6) of this Section shall sit as a member of the Commission in any proceeding involving his own suspension, censure, retirement or removal. A recommendation

