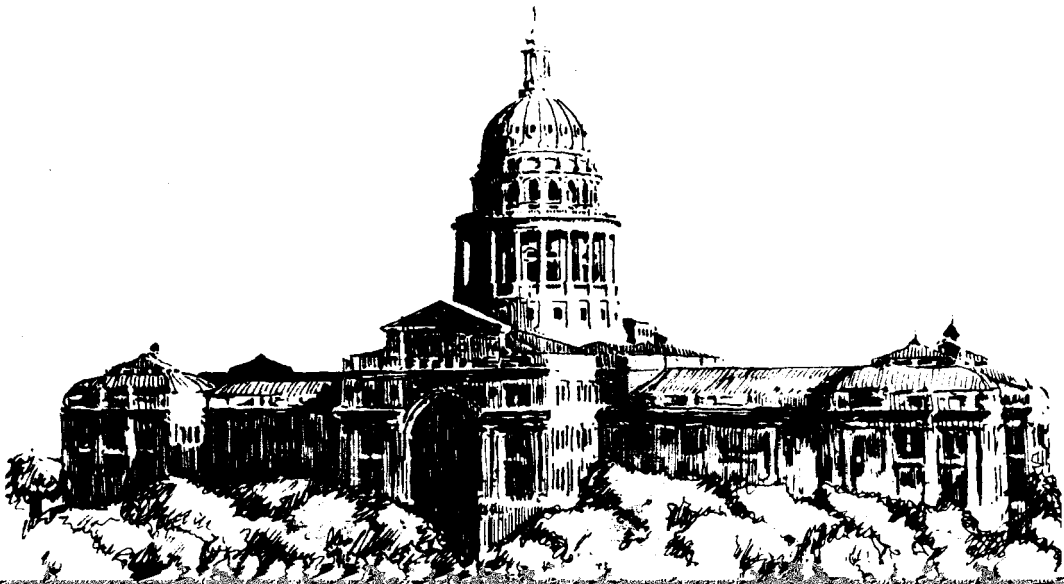


Analyses of Proposed Constitutional Amendments

Appearing on the
November 8, 1983, Ballot



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1983 Constitutional

...Nov. 8, 1983

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**Analyses of Proposed
Constitutional Amendments**
Appearing on the
November 8, 1983, Ballot



Prepared by the Staff
of the
Texas Legislative Council

TEXAS LEGISLATIVE COUNCIL
of the
68th LEGISLATURE OF TEXAS

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INTRODUCTION

In the 1983 regular and 1st called sessions, the 68th Texas Legislature proposed 19 constitutional amendments for voter consideration; 18 of the resolutions proposing amendments were passed during the regular session and one was passed during the called session.

Eleven proposals, including the one from the called session, will be submitted to voters at the November 8, 1983, election. The provisions of these amendments are analyzed in this booklet. The remaining eight amendments will appear on the general election ballot of November 6, 1984. They include:

HOUSE JOINT RESOLUTION 4

HOUSE AUTHOR: Bob Bush

SENATE SPONSOR: Kent Caperton

The constitutional amendment relating to the membership of the State Commission on Judicial Conduct and the authority and procedure to discipline active judges, certain retired and former judges, and certain masters and magistrates of the courts.

HOUSE JOINT RESOLUTION 19

HOUSE AUTHOR: Wilhelmina Delco

SENATE SPONSOR: Carl Parker

The constitutional amendment to create from general revenue a special higher education assistance fund for construction and related activities, to restructure the permanent university fund, and to increase the number of institutions eligible to benefit from the permanent university fund.

1876 CONSTITUTION
AMENDMENTS PROPOSED AND ADOPTED

year proposed	number proposed	number adopted
1879	1	1
1881	2	0
1883	5	5
1887	6	0
1889	2	2
1891	5	5
1893	2	2
1895	2	1
1897	5	1
1899	1	0
1901	1	1
1903	3	3
1905	3	2
1907	9	1
1909	4	4
1911	5	4
1913	8*	0
1915	7	0
1917	3	3
1919	13	3
1921	5**	1
1923	2†	1
1925	4	4
1927	8**	4
1929	7**	5
1931	9	9
1933	12	4

TOTAL PROPOSED 419

year proposed	number proposed	number adopted
1935	13	10
1937	7	6
1939	4	3
1941	5	1
1943	3**	3
1945	8	7
1947	9	9
1949	10	2
1951	7	3
1953	11	11
1955	9	9
1957	12	10
1959	4	4
1961	14	10
1963	7	4
1965	27	20
1967	20	13
1969	16	9
1971	18	12
1973	9	6
1975	12‡	3
1977	15	11
1978	1	1
1979	12	9
1981	10	8
1982	3	3
1983	19	(a)

TOTAL ADOPTED 253

Notes:

* Eight resolutions were approved by the legislature, but only six were actually submitted on the ballot; one proposal which included two amendments was not submitted to the voters.

** Total reflects two amendments which were included in one joint resolution.

† Two resolutions were approved by the legislature, but only one was actually submitted on the ballot.

‡ Total reflects eight amendments which would have provided for an entire new Texas Constitution and which were included in one joint resolution.

(a) Eleven of the 19 proposed amendments appear on the 1983 general election ballot, and the remaining eight will be submitted to the voters on November 6, 1984.

AMENDMENT NO. 1

House Joint Resolution 91, proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties. (HOUSE AUTHOR: Dudley Harrison, et al.; SENATE SPONSOR: Bill Sims)

The proposed amendment of Article V, Section 18, of the Texas Constitution authorizes each county commissioners court to determine, within a range based on county population, the number of precincts for justices of the peace and constables of the county. Under the amendment, a county with a population of 30,000 or more may have not less than four or more than eight precincts and a county with a population of 18,000 or more but less than 30,000 may have not less than two or more than five precincts. A county with a population of less than 18,000 would be designated as a single precinct, unless the commissioners court finds a greater need and divides the county into not more than four precincts. Each precinct is required to have one justice of the peace and one constable, and the amendment would call for two justices of the peace in each precinct in which there is a city of 18,000 or more population. A county would have until January 1, 1987, to comply with the new requirements. The amendment also provides for a transition in office for justices of the peace, constables, and commissioners each time their respective precinct boundaries are changed.

BACKGROUND

The office of justice of the peace is a creation of English law. In England the officer was originally the king's principal local representative as conservator of the peace and administrator of the law. Stephen F. Austin appointed a justice of the peace in his colony in 1824, and the Constitution of the Republic of Texas and each constitution of the state have provided for justices of the peace. The office predates that of county commissioner in Texas, and during the time when travel was slow, methods of communication primitive, and lawyers few, the justice of the peace was the most visible, accepted source of local justice. The office of constable historically has existed primarily to deliver legal documents and assist in the work of justice courts.

The monetary limits of the civil jurisdiction of a justice of the peace have changed remarkably little since Stephen F. Austin's time, but the effects of inflation and the creation of higher courts have resulted in the transfer to others of many of the officer's original duties. Justices of the peace are not required by law to have legal degrees, and relatively few do, and as the legal system has

become more complex, the role of the justice of the peace in legal proceedings has been systematically reduced.


Justices of the peace were originally compensated by payment of fees based on the number and type of cases in which they were involved, so that in areas of the state with relatively little litigation (and possibly, a correspondingly small population) maintenance of the office was not especially expensive. In 1972, however, the voters approved an amendment requiring justices of the peace to be compensated by payment of regular salaries.

Under the current constitutional provisions, each county is required to have

relation to the population requirements for reduction that are set out in the amendment, and the legislature should propose another method of achieving the result.

AMENDMENT NO. 2

House Joint Resolution 105, proposing a constitutional amendment to replace the limitation on the value of an



ARGUMENTS

FOR:

1. By changing the homestead exemption from a criterion based on value to a criterion based on size, it will not be necessary to periodically amend the constitution because of the effect on the homestead exemption of changes in the price of land or the standard of living.

2. The current homestead exemption is inadequate. Many lots in urban areas cost more than \$10,000, which makes them subject to forced sale, thereby causing families to lose their homes.

3. The rural homestead is defined in terms of its size, not its value. This amendment creates a similar standard for urban homesteads and thereby makes the two criteria more consistent and fair.

4. Homesteads created before the 1970 amendment to the constitution are allowed a \$5,000 exemption, while homesteads created after the 1970 amendment have a \$10,000 exemption. This amendment applies the same standard and provides the same protection to all urban homesteads regardless of the date a particular homestead is created.

AGAINST:

1. The protection given to a homestead by this amendment is not necessarily related to a homestead claimant's needs and may be unreasonably broad because there is no limit on the value of the improvements that may be placed on the acre of land eligible for the exemption.

2. Because the homestead exemption automatically exists if property is used as a homestead, regardless of whether or not the owner of the property wants the full extent of the protection or elects to declare the property as a homestead, increasing the exemption reduces the liquidity of the homestead owner, inhibits the homestead owner's financing options, and restricts the uses a homestead owner may make of the homestead property.

3. The purpose of the homestead exemption is to provide security for a family's home, not to provide a person with an opportunity to avoid the payment of a legitimate debt. The exemption of a \$10,000 lot or lots plus an unlimited amount of improvements on the lot or lots is sufficient to provide a family an adequate home and therefore the current exemption accomplishes its purpose.

4. The urban homestead is not limited to an actual home for a family but may also include business property as part of the homestead. Allowing the exemption of business property, without regard to its value, located on any lot or

lots up to an acre in size in an urban environment, is not only unrelated to the basic purpose of a homestead exemption to provide a home for a family, but may be unconscionable and irrational as well.

districts enjoy the highest rating but a little more than a third of the districts are rated at a lower, medium rating. Although each district's rating will remain determined by its credit-worthiness, the effect of the guarantee should be to increase the rating for school districts rated below the highest ratings.

Most states assist school districts in capital debt financing in one of many available ways; Texas is one of but 15 states that currently do not provide such assistance.

The permanent school fund is a constitutional fund created in 1854, managed by the State Board of Education, and dedicated to the support of the public schools. The fund is valued at approximately \$3.5 billion and has a projected value of \$10 billion by 1990. The principal of the fund may not be used for any purpose under current law, but the income from investment of the fund, which constitutes the available school fund, is distributed annually to school districts based on the number of students. The annual income is about \$300 million; the projected annual income by 1990 is \$850 million. Both the principal and the income would be available to guarantee the bonds.

Under the terms of the enabling legislation, the bonds of any accredited school district are eligible for guarantee. The total amount that may be guaranteed is the amount equal to two times the value of the permanent school fund. In the event of default, the amount paid on the district's behalf under the guarantee is to be deducted from the first state money payable to the school district. In the event of repeated defaults, the attorney general may institute appropriate legal action against the school district.

The guarantee program is estimated to produce an interest rate reduction of one-half of one percentage point, resulting in annual total savings to school districts estimated from \$2.7 million in 1984 to \$13.7 million in 1988. Similar savings would continue to result after that time.

The provisions of the amendment that would allow appropriations from the income of the fund for administration of the bond guarantee program and investment of the fund are designed to make that administration self-supporting rather than supported by general revenue and to ensure the best possible management of the program and the fund.

ARGUMENTS

FOR:

1. School districts have pent-up demand for construction and therefore long-term capital financing, yet the general economic conditions are not favorable for many districts to meet that demand through unaided bonding. The proposed

another example of weakening the dedicated nature of the fund which, under current law, may be expended only to support the public schools.

AMENDMENT NO. 6

House Joint Resolution 1, proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments.
(HOUSE AUTHOR: Rene Oliveira; SENATE SPONSOR: Ray Farabee)

The proposed amendment of Article XVI, Section 28, of the Texas Constitution provides an exception to the current constitutional prohibition against the garnishment of current wages for personal service. The exception would allow for garnishment of wages for the enforcement of court-ordered child support payments. The amendment is limited to the enforcement of court-ordered child support payments and does not permit garnishment of wages for other kinds of debts or obligations. The exception would permit garnishment or involuntary assignment of wages only if a court has found that a person is obligated to pay support to his or her child and the court orders the child support payments to be made by the person owing the support for the benefit of this child.

BACKGROUND

When a person owes a debt, the law provides for several different ways in which the person to whom the debt is owed may collect the money owed. The first step is to sue the debtor and receive from a court either a judgment or some other kind of order that requires the debtor to pay the debt. Once a person gets a judgment or a court order and the debtor still fails to pay the debt, the person has several remedies. Among these are execution, sending an officer out to seize and sell the debtor's property, and garnishment, requiring a third person who happens to have some property belonging to the debtor to hand over the debtor's property to the person to whom the debt is owed.

Article XVI, Section 28, Texas Constitution, does not allow for garnishment against an employer when the person who owes the debt is working for wages. Many of the people who first came to Texas during the mid-19th century came here to avoid financial difficulties, and, after the Civil War, many Texans faced financial hardship. As a result of these economic problems the constitution adopted after the reconstruction period (in 1876) prohibited garnishment of wages for personal services. This was done to allow debtors to regain some of their losses and to have the means of supporting their families. At that time Texas was a mostly rural society with a tiny divorce rate. Recently, however, marital separations and divorces have become more common, and the number of persons who have been ordered by a court to support their children has risen sharply.

service functions. Additional requirements permitted to be imposed by the legislature on exemptions for fraternal organizations further guard against arbitrary or unwarranted granting of tax exemptions.

AGAINST:

1. The current property tax exemption for charitable organizations is available to those veterans' and fraternal organizations that are dedicated to performing truly worthwhile and beneficial functions. The proposed constitutional amendment would authorize tax exemptions for many organizations that perform only some of the required functions and devote most of their energies toward private activities that benefit only members of the organization or some other select group.

2. The proposed tax exemptions, like all such exemptions, merely shift the tax burden onto other already pressed taxpayers, while the exempted organizations will continue to receive their share of the benefits and services provided by local government without paying their way.

3. The proposed exemptions are stated too broadly. It is not clear exactly what a fraternal organization is or exactly what proportion of an organization's total activities must be of the types required under these provisions. Since the exemptions are optional with each political subdivision, local officials will be able to grant them in selective or arbitrary fashion, favoring some groups for personal or political reasons, or treating equally deserving groups inconsistently.

AMENDMENT NO. 9

House Joint Resolution 70, proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction. (HOUSE AUTHOR: Brad Wright; SENATE SPONSOR: Craig Washington)

The proposed amendment, adding Section 16a to Article V of the Texas Constitution, authorizes the legislature to provide a system for statewide assignment of judges of statutory courts with probate jurisdiction to hold court for other statutory court judges with probate jurisdiction or for judges of constitutional county courts.

BACKGROUND

Article V, Section 1, of the Texas Constitution establishes certain constitutional courts and provides that the legislature has authority to establish "other courts as it may deem necessary and prescribe the jurisdiction and organization thereof." The legislature has created numerous county courts at law with varying jurisdictions, and it has created 11 statutory probate courts with countywide jurisdiction over probate matters. The statutory probate courts are located in Bexar (2), Dallas (3), Galveston (1), Harris (3), and Tarrant (2) counties.

The 68th Legislature, Regular Session, 1983, enacted House Bill 637 to implement this constitutional amendment. The bill, contingent on the voters' approval of the amendment, provides for the election of a presiding judge from the statutory probate court judges. The presiding judge may assign a judge or retired judge of a statutory probate court to hold court for the regular judge of a constitutional county court, statutory probate court, county court at law exercising probate jurisdiction, or any statutory court exercising probate jurisdiction. The bill also provides for appointment of an assistant presiding judge by the presiding judge, annual meetings of the statutory probate court judges, and compensation, expenses, and per diem payments for the assigned judges.

ARGUMENTS

FOR:

1. Assigning statutory probate court judges to serve in other courts will eliminate unnecessary delays in resolving cases.
2. The system of assignment would provide an orderly and efficient method of providing a judge to hold court for a regular judge who is unable to perform his duties.

AGAINST:

1. There are currently only 11 statutory probate courts, and judges elected by the voters in only five counties would be hearing cases statewide in counties in which they had not run for election.

2. Since statutory probate courts are created by the legislature, a constitutional amendment providing for assignment of the judges of those courts to other statutory courts is not legally necessary and tends to imply that constitutional authority is required for the legislature to regulate the administration of statutory courts.

constitutional authorization, the municipality's action probably would be in violation of Article XI, Section 3. Thus, a constitutional amendment authorizing this kind of program is necessary to avoid the prohibitions contained in those two constitutional provisions.

Chapter 64, Acts of the 68th Legislature, Regular Session, 1983 (Article 1110g, Vernon's Texas Civil Statutes) is the implementing statute for the proposed constitutional amendment and is contingent on the adoption of the amendment. The statute would authorize a municipality to contract by ordinance for the replacement or relocation of a sewer lateral that serves a residential structure located on private property. The replacement or relocation must be done for the purpose of connecting the sewer lateral to a new, renovated, or rebuilt sewer main. The cost of the replacement or relocation would be assessed against the property on which the sewer lateral is located. A lien in favor of the municipality is attached to the property for the cost of the replacement or relocation.

Also, under the statute: (1) before a municipality may contract for the replacement or relocation of the sewer lateral, the municipality must obtain the property owner's written consent to the making of the contract; (2) before work on the replacement or relocation is begun, the property owner must be notified of the price of the replacement or relocation; (3) the property owner is given an opportunity to withdraw his consent after he is notified of the price of the replacement or relocation; (4) the contract price may be increased to take into account changes in circumstances but the increase may not exceed 10 percent without the written consent of the property owner; (5) the property owner is given five years from the date on which the municipality certifies that the replacement or relocation has been completed to pay the municipality for the work; (6) the property owner is charged a simple interest rate of 10 percent a year on the amount he owes the municipality; and (7) if the property owner fails to completely repay the municipality within the five-year period, the municipality may enforce its lien against the property in the same manner in which it enforces a lien for a paving assessment.

ARGUMENTS

FOR:

1. The sanitation sewer mains and sewer laterals in some municipalities are old and dilapidated and must be replaced and, in some cases, relocated. The municipalities are responsible for the sewer mains. Sewer laterals that are on private property, however, are the responsibility of the private property owner. Replacement or relocation of the sewer laterals may be expensive for some

property owners, costing several thousand dollars in some cases. The proposed constitutional amendment will allow for reducing the financial hardship on the private property owner by permitting the municipality initially to bear the cost of the replacement or relocation of the sewer laterals and by permitting the property owner to repay the municipality over a period not to exceed five years.

2. Under the program authorized by the proposed constitutional amendment, the municipality would contract for the replacement or relocation of the sewer laterals. This will allow for the municipality to contract collectively for the replacement or relocation of the sewer laterals, thus producing a better price than if each property owner negotiated his own contract.

AGAINST:

1. It is only certain low income property owners who are in need of the kind of program that the proposed constitutional amendment authorizes. The amendment should be drawn more narrowly to assist only these needy persons. All other property owners are able to arrange the necessary financing with private lenders for the replacement or relocation of sewer laterals. It is not the business of municipal government to act as a lending institution for persons who may easily arrange financing within the private loan market.

2. The availability of a program like the one authorized by the proposed constitutional amendment will encourage municipalities to replace troublesome sewer mains and laterals and will discourage municipalities from searching for and using more innovative, less expensive measures for repairing the sewer mains and laterals.

the Board of Pardons and Paroles to six members and a recommendation to remove the governor from the process of making routine parole decisions.

In response to the recommendations, the 68th Legislature proposed Senate Joint Resolution 13 and enacted Senate Bill 396 to accomplish the purpose of the amendment.

ARGUMENTS

FOR:

1. Requiring the governor to approve recommendations of the Board of Pardons and Paroles is duplicative and slows the pardons and paroles process.
2. Expansion of the board to six members would spread out the work load, resulting in a more thorough review of pardons and paroles decisions in a less time-consuming manner.
3. The public would be better able to assign responsibility for pardons and paroles decisions if all six board members were appointed by a single elected official.

AGAINST:

1. The sensitivity of the pardons and paroles process requires the participation of the governor in pardons and paroles decisions.
2. Because the pardons and paroles process is directly related to actions taken by courts, the chief justice of the supreme court and the presiding justice of the court of criminal appeals should appoint members to the board.
3. The current system for granting pardons and paroles has worked satisfactorily, and other bills passed by the 68th Legislature designed to decrease prison overcrowding eliminate the need for a constitutional amendment.

APPENDIX

AMENDMENT NO. 2

HOUSE AUTHOR: Charles Evans
SENATE SPONSOR: Kent Caperton

H.J.R. No. 105

A JOINT RESOLUTION proposing a constitutional amendment to replace the limitation on the value of an urban homestead with a limitation based on size.

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

SECTION 1. That Article XVI, Section 51, of the Texas Constitution be amended to read as follows:

Sec. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot[;] or lots amounting to not more than one acre of land, together with any improvements on the land, ~~not to exceed in value Ten Thousand Dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon~~; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the homestead claimant, whether a single adult person, or the head of a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired. ~~[This amendment shall become effective upon its adoption.]~~

SECTION 2. This amendment applies to all homesteads in this state, including homesteads acquired before the adoption of this amendment.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment replacing the limitation on the value of an urban homestead with a limitation based on size."

AMENDMENT NO. 3

SENATE AUTHOR: Bill Sarpalius

S.J.R. No. 1

HOUSE SPONSOR: Tom Uher

(1st C.S.)

A JOINT RESOLUTION proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

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

SECTION 1. That Article XVI of the Texas Constitution be amended by adding Section 68 to read as follows:

"Section 68. The legislature may provide for the advancement of food and fiber in this state by providing representative associations of agricultural producers with authority to collect such refundable assessments on their product sales as may be approved by referenda of producers. All revenue collected shall be used solely to finance programs of marketing, promotion, research, and education relating to that commodity."

SECTION 2. That the Texas Constitution be amended by adding an unnumbered transition provision to read as follows:

"TRANSITION PROVISION. (a) For purposes of Section 4, S.B. 607, Acts of the 68th Legislature, Regular Session, 1983, adoption or rejection of the constitutional amendment proposed by Section 1 of S.J.R. No. 1, Acts of the 68th Legislature, 1st Called Session, 1983, has the same effect as adoption or rejection of S.J.R. No. 21, Acts of the 68th Legislature, Regular Session, 1983.

"(b) This provision expires December 1, 1983."

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products."

AMENDMENT NO. 4

HOUSE AUTHOR: Bill Hollowell
SENATE SPONSOR: John Traeger

H.J.R. No. 30

A JOINT RESOLUTION proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack.

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

SECTION 1. That Article III, Section 62, of the Texas Constitution be amended to read as follows:

Sec. 62. (a) The Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, ~~[except members of the Legislature,]~~ of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices. Provided, however, that Article I of the Constitution of Texas, known as the "Bill of Rights" shall not be in any manner[;] affected, amended, impaired, suspended, repealed or suspended hereby.

(b) When such a period of emergency or the immediate threat of enemy attack exists, the Legislature may suspend procedural rules imposed by this Constitution that relate to:

- (1) the order of business of the Legislature;
- (2) the percentage of each house of the Legislature necessary to constitute a quorum;
- (3) the requirement that a bill must be read on three days in each house before it has the force of law;
- (4) the requirement that a bill must be referred to and reported from committee before its consideration; and
- (5) the date on which laws passed by the Legislature take effect.

(c) When such a period of emergency or the immediate threat of enemy attack exists, the Governor, after consulting with the Lieutenant Governor and

AMENDMENT NO. 6

HOUSE AUTHOR: Rene Oliveira
SENATE SPONSOR: Ray Farabee

H.J.R. No. 1

A JOINT RESOLUTION proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments.

AMENDMENT NO. 7

SENATE AUTHOR: Lindon Williams
HOUSE SPONSOR: Frank Tejada

S.J.R. No. 14

A JOINT RESOLUTION proposing a constitutional amendment for financial assistance to veterans and to authorize the issuance of bonds of the state to finance the Veterans' Land Program and the Veterans' Housing Assistance Program.

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

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

"Section 49-b-1. (a) In addition to the general obligation bonds authorized to be issued and to be sold by the Veterans' Land Board by Section 49-b of this article, the Veterans' Land Board may provide for, issue, and sell not to exceed \$800 million in bonds of the State of Texas to provide financing to veterans of the state in recognition of their service to their state and country.

"(b) For purposes of this section, 'veteran' means a person who served not less than 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 for financial assistance under this section is a citizen of the United States, is a bona fide resident of the State of Texas, and was discharged from military service under honorable conditions from any branch of the above-named Armed Forces 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 three years immediately before the date of filing his or her application. In the event of the death of an eligible Texas veteran after the veteran has filed an application, the veteran's surviving spouse may complete the transaction. The term veteran also includes the unmarried surviving spouse of a veteran who died in the line of duty, if the deceased veteran meets the requirements set out in this section with the exception that the deceased veteran need not have served 90 continuous days and if the deceased veteran was a bona fide resident of the State of Texas at the time of enlistment, induction, commissioning, or drafting.

"(c) The bonds shall be sold for not less than par value and accrued interest; shall be issued in such forms and denominations, upon such terms, at such times

“(g) Receipt of all kinds of the funds determined by the board not to be required for the payment of principal of and interest on the general obligation bonds herein authorized, heretofore authorized, or hereafter authorized by this constitution to be issued by the board to provide money for either of the funds may be used by the board, to the extent not inconsistent with the proceedings authorizing such bonds, to pay the principal of and interest on general obligation bonds issued to provide money for the other fund, or to pay the principal of and interest on revenue bonds of the board issued for the purposes of providing funds for the purchasing of lands and making the sale thereof to veterans or making home mortgage loans to veterans as provided by this section. The revenue bonds shall be special obligations and payable only from the receipt of the funds and shall not constitute indebtedness of the state or the Veterans’ Land Board. The board is authorized to issue such revenue bonds from time to time which shall not exceed an aggregate principal amount that can be fully retired from the receipts of the funds and other revenues pledged to the retirement of the revenue bonds. The revenue bonds shall be issued in such forms and denominations, upon such terms, at such times and places, and in such installments as may be determined by the board; and, notwithstanding the rate of interest specified by any other provision of the constitution, shall bear a rate or rates of interest fixed by the board.”

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: “The constitutional amendment for financial assistance to veterans and to authorize the issuance of \$800 million in bonds of the state to finance the Veterans’ Land Program and the Veterans’ Housing Assistance Program.”

AMENDMENT NO. 8

SENATE AUTHOR: Lindon Williams
HOUSE SPONSOR: Hill Kemp

S.J.R. No. 1

A JOINT RESOLUTION proposing a constitutional amendment to authorize taxing units to exempt from taxation the property of certain veterans' organizations and certain property of fraternal organizations.

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

SECTION 1. That Article VIII, Section 2, of the Texas Constitution be amended by adding Subsections (c) and (d) to read as follows:

"(c) The governing body of a political subdivision may exempt from ad valorem taxation property of veterans' organizations that are chartered by the United States Congress, composed of members or former members of the Armed Forces of the United States, and organized for patriotic and public service purposes, including the American Legion, Veterans of Foreign Wars, and Disabled American Veterans.

"(d) The governing body of a political subdivision may exempt from ad valorem taxation the property of fraternal organizations that are organized to perform and are primarily engaged in performing charitable and benevolent functions. The legislature by general law may limit the types or amount of property that may be exempted under this subsection and may provide eligibility requirements for an organization to receive an exemption under this subsection."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the legislature to exempt from taxation the property of certain veterans' organizations and to authorize taxing units to exempt from taxation certain property of fraternal organizations."

AMENDMENT NO. 9

HOUSE AUTHOR: Brad Wright
SENATE SPONSOR: Craig Washington

H.J.R. No. 70

A JOINT RESOLUTION proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction.

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

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 16a to read as follows:

Sec. 16a. The legislature, by local or general law, may provide a system for judges of statutory courts with probate jurisdiction to hold court in any county in this state for any other statutory court judge with probate jurisdiction or for a judge of a constitutional county court.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for assignment of judges of statutory probate courts to other statutory county courts with probate jurisdiction and to county courts."

AMENDMENT NO. 11

SENATE AUTHOR: Ray Farabee
HOUSE SPONSOR: Jim Rudd

S.J.R. No. 13

A JOINT RESOLUTION proposing a constitutional amendment to establish the Board of Pardons and Paroles as a statutory agency and to give the board the power to revoke paroles.

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

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

“Sec. 11. The Legislature shall by law establish a Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons for its actions. The Legislature shall have authority to enact parole laws. [There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years, provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the presiding Justice of the Court of Criminal Appeals; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.]

“In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have power to revoke [paroles and] conditional pardons. With the advice and consent

