TEXAS LEGISLATIVE COUNCIL

BALLOT

State Capitol - Austin, Texas

3 Constitutional Amendments Analyzed

to be voted on

November 3, 1964

Texas Legislative Council
Austin, Texas

ROBERT E. JOHNSON
EXECUTIVE DIRECTOR

May 14, 1964

Honorable Preston Smith, Chairman
Honorable Byron Tunnell, Vice Chairman
Members of the 58th Legislature

In keeping with a Council policy established in 1955, an analysis has been prepared of each of the three constitutional amendments to be voted upon November 3, 1964.

You will notice a change in format for presentation of the amendments. By use of this pamphlet form, we hope to provide greater readability and ease of handling, as well as means for more economical distribution. Additional copies are available if you wish to provide them to interested constituents. Also, for your convenience, a place for your signature as donor may be found on the back cover.

The staff wishes to acknowledge the assistance of personnel in departments which will be affected by the amendments: Mr. John Winters, Commissioner, and Miss Evangeline Lane, Director of Appeals, Department of Public Welfare; Mrs. Carter Clopton, Coordinator, and Mrs. Mignon Dement, both of the Governor's Committee for the Aging; and Mr. Joe D. Carter, Chairman, Texas Water Commission. Staff work on the analysis of the amendments was done by Mrs. Julia Faye Neel, Research Associate.

Respectfully submitted,

Robert E. Johnson

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Executive Director

INTRODUCTION

In 1955, the Texas Legislative Council initiated the practice of preparing an analysis of each constitutional amendment to be submitted to the electorate. The Council analysis includes a digest of the amendment, a summary of background information relating to reasons for the proposal, and arguments which could be presented for or against its adoption. The full text of each amendment is included immediately following its analysis.

The present Texas Constitution was adopted in 1876 and was written by a convention which met in Austin on September 6 and adjourned on November 4, 1875. It now contains more than 46,000 words, and is far longer than the United States Constitution. Since the first amendments were proposed in 1879, and through November, 1963, when four proposals were submitted to the voters, 248 resolutions proposing 251 amendments have been passed by Texas Legislatures. Of these, 155 have been adopted and 96 defeated. Two amendments relating to local bonds, proposed in 1913, and a third, relating to highways and proposed in 1923, were never submitted to the electorate.

Of the last four amendments submitted, those voted upon in November, 1963, only one was adopted. It amended Article III, Sections 51-a and 51-b-1 to provide assistance to the needy aged. Three proposed amendments receive consideration at the General Election on November 3, 1964:

Amendment No. 1: This amendment to Section 5 of Article VII removes authorization granted the Legislature to transfer not exceeding 1 per cent annually of the permanent school fund to the available school fund.

Amendment No. 2: This amendment to Section 5a of Article XVI relates to legislation concerning conservation or reclamation districts and requires notice by publication prior to introduction of such legislation.

Amendment No. 3: This amendment adds a new subsection to Section 51a of Article III to provide medical care for persons over 65 who are not recipients of Old Age Assistance but are unable to pay for needed medical services.

Amendment No. 1 -- S.J.R. No. 6

(Removing authorization to transfer not exceeding 1 per cent annually of permanent school fund to available school fund)

This proposed amendment to Section 5 of Article VII of the Constitution removes the so-called "Jester Amendment," which was incorporated in the section in 1891 to provide another source of income for the available school fund. Section 5 provides that the principal of all bonds and other funds, and the principal arising from the sale of lands set apart shall be the permanent school fund, and permits the use of only the interest on such fund and taxes authorized as the available school fund. The Jester Amendment added the proviso that the Legislature might add to the available school fund " . . . not exceeding one per cent annually of the total value of the permanent school fund, such value to be ascertained by the Board of Education and otherwise provided by law."

Background

From early days of Texas statehood, it was the general belief that by reserving the public lands and, from them, creating a vast trust fund, the income could be used to finance public education and the state would never have to levy taxes for this purpose. Of course, it wasn't long until the fallacy of this theory was obvious. Deficiencies in the available fund demonstrated the need for new revenue sources, and the "Jester Amendment" was adopted in 1891 as a solution.

The Legislature followed up the amendment in 1892 by enacting a law (10 Gammel's Laws of Texas 195) which provided for annual transfer to the available school fund of the 1 per cent allowed under the amendment. By 1899, a total of $1,336,461 had been transferred and the Legislature in that same year repealed the 1892 act. Two reasons were advanced for repeal of the law: (1) the amount of the transfer annually was not of much material benefit to the available school fund; and (2) the transfer dangerously impaired the permanent school fund.

No further recourse to this constitutional permissive transfer was made by the Legislature until 1957. The 55th Legislature in that year was faced with a deficit in the State Treasury and in searching for means of financing growing state government, it again turned to Section 5 of Article VII of the Constitution. A law was enacted which provided that for a three-year period, September 1, 1956 through August 31, 1959, a transfer of 1 per cent annually could be made from the permanent school fund to the available school fund. The act further limited the amount which could be transferred, however, by stipulating that the total amount transferred in the three years should never exceed income from annual delay rentals on oil, gas and other mineral leases accruing to the permanent school fund from September 1, 1953 through August 31, 1959. During this seven years, highest income from such rentals and mineral leases was collected in 1956, when the total was $21,469,280. In 1959, final effective year of the act, collections were the lowest of the entire period and had dropped to only $7,436,591. Transfers in each of the years authorized were: August 31, 1957--$3,656,191; August 31, 1958--$3,838,161; and August 31, 1959--$4,022,427.

Again in 1961, at the 2nd Called Session of the 57th Legislature, a measure providing a new teacher and administrative salary schedule also provided for the transfer of 1 per cent of the total value of the permanent school fund to the available school fund. No transfer was to be made, however, if there was no deficit. Amounts transferred in the years authorized were:

$4,593,565--transferred August 31, 1961
$4,625,982--transferred January 31, 1962
(None) --transferred January 31, 1963

Thus at the first Regular Session following passage of the 1961 measure, members of the Legislature reached the conclusion that a constitutional amendment should be proposed which would prohibit future legislatures from further encroaching upon the public school trust fund, the permanent school fund. This amendment, S. J. R. No. 6, merely deletes from the Constitution the authority granted to the Legislature to transfer annually 1 per cent of the permanent school fund to the available school fund.

ARGUMENTS

For:

1. The privilege of transferring annually 1 per cent of the permanent school fund to the available school fund was granted to the Texas Legislature in 1891 at a time when public lands and the trust fund established from them appeared to be inexhaustible. Needs of the public schools could be met by utilizing this fund instead of passing new tax laws. Today, the 1 per cent transfer would add such a proportionately small sum to the available school fund that it wouldn't be worth depreciating the principal of the permanent school fund and thus jeopardizing the trust fund from public lands, the heritage of Texas school children envisioned by founding fathers of the Republic and legislators in the early days of Texas statehood.

2. By making it impossible for succeeding legislatures to transfer even 1 per cent annually of the permanent school fund to the available school fund, the Texas endowment for public education will continue to grow despite decreasing income from annual rentals and leases, and resulting increases in interest will make available an ever-larger available school fund.

3. Decreasing income from annual delay rentals on oil, gas and other mineral leases accruing to the permanent school fund points to a day when the fund will reach a static condition. Withdrawals of even 1 per cent annually as presently authorized by the Constitution could lead to eventual depletion of the fund. Passage of this amendment would remove from the Legislature the temptation to draw upon the permanent school fund as the easy way out when additional dollars are needed to support public education instead of relying upon such politically unpopular measures as increased taxation.

Against:

1. Should the Legislature decide to authorize the 1 per cent annual transfer of funds from the permanent school fund to the available school fund, there would be no appreciable difference in the permanent school fund and the people of Texas would be relieved, to some extent, from the burden of additional taxes for support of our public education system.

2. The Legislature has taken advantage of the constitutional provision for transfer of 1 per cent annually of the permanent school fund to the available school fund on only three occasions, even though it has had this privilege since 1891. The first such legislation was enacted in 1892, the second in 1957, and the most recent in 1961. The Legislature has thus demonstrated that it has no intention of abusing this privilege which should remain available to it in meeting needs of some unforeseen emergency.

No. 1 on the ballot S.J.R. No. 6

A JOINT RESOLUTION

PROPOSING an amendment to Section 5 of Article VII of the Constitution of the State of Texas so as to remove the authorization to transfer not exceeding one per cent annually of the total value of the permanent school fund to the available school fund.

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

Section 1. Section 5 of Article VII of the Constitution of the State of Texas is amended to read as follows:

"Section 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund. The available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same, or any part thereof every be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors at an election to be held on the first Tuesday after the first Monday in November, 1964, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment to remove the authorization to transfer not exceeding one per cent annually of the total value of the permanent school fund to the available school fund."

"AGAINST the Constitutional Amendment to remove the authorization to transfer not exceeding one per cent annually of the total value of the permanent school fund to the available school fund."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this state.

Amendment No. 2 -- H. J. R. No. 8

(Providing 30- to 90-day notice by publication of intent to introduce legislation relating to conservation or reclamation districts and requiring review of such proposed legislation by Texas Water Commission)

This proposed amendment would add a new subsection (d) to Section 59, Article XVI of the Constitution to require notice of intention to introduce a measure either creating a new conservation or reclamation district or amending certain terms of an existing act pertaining to a particular district. Notice would be required of proposals to introduce an amendatory act if the bill (1) adds land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to issuance of bonds, or (4) alters the qualifications or terms of office of members of the governing body of the district. In meeting publication requirements, the notice would have to include the general substance of the contemplated law and would have to appear in a newspaper or newspapers having general circulation in the county or counties in which the district, or any part of the district, is located. Publication could be not less than 30 nor more than 90 days before introduction of the measure.

Further, the proposed amendment requires that copy of the notice and the proposed bill be delivered to the Governor who, in turn, submits both to the Texas Water Commission for review. Within 30 days following receipt of the notice, the Water Commission would be required to submit recommendations regarding the proposed legislation to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives.

Background

Texas has always been plagued by cycles of droughts and floods, but economy-minded framers of the 1876 Constitution limited taxing powers of the government to the state, counties,

cities and towns. Thus it was long unfeasible for any governmental entity to embark upon a large scale permanent improvement enterprise such as water conservation, drainage projects, irrigation systems, or other conservation and reclamation projects.

By 1904, however, it became evident that conservation and utilization of water was one of the most important problems facing the state and constitutional limitations upon taxation inhibited any solution to the problem. In that year, the Constitution was amended by Article III, Section 52, to add "districts" to the state's taxing units and thus provide a remedy to the situation. Authority granted to such districts included power to establish permanent improvements, including conservation and reclamation projects. Again, however, an economy-minded legislature placed a limitation upon the issuance of bonds to 25 per cent of the total assessed value of real property lying within the district. It permitted levying of a tax at a rate sufficient to pay the principal and interest on such bonds.

In time, remedial measures were sought to end the 25 per cent limitation upon maximum indebtedness authorized. Section 59 (b) of Article XVI was added to the Constitution in 1917 and permitted creation of conservation and reclamation districts as governmental agencies with power to incur such debts as might be necessary. And in 1918, the 35th Legislature in its 4th Called Session prescribed procedure whereby conservation and reclamation districts already established and operating under the 25 per cent limitation could avail themselves of benefits of the new amendment.

With its tremendous population growth, increasing industrialization, and greater use of irrigation in agriculture, Texas water needs have become more and more urgent, and each new session of the Legislature is accompanied by a rash of special legislation which either establishes new conservation or reclamation districts or amends existing laws to expand districts in area or bonded indebtedness. Residents of new and expanded districts are often burdened with a tax increase which is disproportionate to benefits.

The 58th Legislature enacted more than a score of measures which either created new districts or amended or validated existing conservation or reclamation districts.

Faced with the costliness of this type of legislation in its promise to recur from session to session, and with recognition of the fact that persons most concerned with such legislation--residents and landowners of the district involved--were often uninformed of legislative intent until too late for action, the 58th Legislature proposed this amendment to Section 59 of Article XVI with the addition of subsection (d).

The 30- to 90-day notice by publication feature, at first glance, appears to be repetitious of an existing constitutional requirement for notice. Section 57, Article III, provides:

> No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the Legislature, before such act shall be passed. (Emphasis added)

Framers of the proposed addition of subsection (d) to Section 59, Article XVI, felt that the 30-day notice required under Section 57, Article III, did not provide sufficient time for people in conservation or reclamation districts to be affected by proposed legislation to act in their best interests regarding its passage. In extending the period from a minimum of 30 to a maximum of 90 days prior to the introduction of legislation, the Legislature hoped to give more time for action.

Also, the proposed amendment is specifically adapted to the needs of conservation or reclamation districts in that provision is

included for referral of copy of the notice and the proposed bill to the Texas Water Commission for review prior to enactment, with the further stipulation that the Commission make recommendations regarding the proposed legislation to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives. This provision gives greater assurance that creation or alteration of a conservation or reclamation district will be in the best interests of people of the district and in harmony with the statewide water program.

ARGUMENTS

For:

1. Adoption of the proposed Section 59(d) of Article XVI would give a greater opportunity for people within a proposed new conservation or reclamation district, or within a district to be altered by legislation, to study the proposal and to prepare a defense against its enactment if the resulting taxload to the district would appear to be burdensome and unnecessary. In other words, it would help prevent "taxation without representation." The further requirement of the amendment for review of the measure by the Texas Water Commission and recommendations by that body would be an additional safeguard that new districts be created or old districts be altered only in accordance with needs of the area and to the benefit of the statewide water program.

2. Processes necessary before measures to create conservation or reclamation districts could be introduced, as provided by this amendment, would result in reluctance of legislators to sponsor such legislation and thereby reduce legislative costs by decreasing the number of special bills processed.

3. Pressures by outside sources for creation of conservation and reclamation districts for personal profit would be practically eliminated because notice by publication requirements would practically assure legislators that proposals for conservation or reclamation measures stemmed from people actually concerned.

Against:

1. Section 57, Article III of the Texas Constitution, requires notice by publication at least 30 days prior to introduction of a local or special law and is applicable to the creation or alteration of conservation and reclamation districts. Passage of the proposed Section 59(d), Article XVI, would add unnecessarily to an already cluttered Constitution.

2. Without the necessity for constitutional amendment, legislators could be more selective and restrictive in their sponsorship of conservation or reclamation measures. No matter what the pressures, proposed legislation cannot be introduced without a sponsor.

3. With adoption of this amendment, an already overburdened Texas Water Commission would find itself under continuous pressure prior to and during each legislative session in its efforts to review and make recommendations upon each proposed bill relating to a conservation or reclamation district.

No. 2 on the ballot H. J. R. No. 8

A JOINT RESOLUTION

PROPOSING an amendment to Section 59 of Article XVI of the Constitution of the State of Texas establishing certain requirements relative to the enactment of laws affecting particular conservation and reclamation districts; providing for an election and the issuance of a proclamation therefor.

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

Section 1. That Section 59 of Article XVI of the Constitution of the State of Texas be amended by adding thereto a new Subsection which reads as follows:

"(d) No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty (30) days and not more than ninety (90) days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty (30) days from date notice was received by the Texas Water Commission. Such notice and copy of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1964, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment establishing certain requirements relative to the enactment of laws affecting particular conservation and reclamation districts."

"AGAINST the Constitutional Amendment establishing certain requirements relative to the enactment of laws affecting particular conservation and reclamation districts."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and Laws of this State.

Amendment No. 3 -- S.J.R. No. 10

(Providing medical care for persons 65 and older who are not recipients of Old Age Assistance but are unable to pay for needed medical services)

This proposed amendment adds a new subsection to Section 51a of Article III of the Constitution, which relates to payment of assistance to needy aged, needy blind, needy children and the permanently and totally disabled. The addition of this proposed new subsection 51a-2 would bring into eligibility status for vendor medical payments those persons 65 or over who are not recipients of Old Age Assistance but who are unable to pay for needed medical services. It also makes provision for fitting lenses to correct or remedy defective vision.

In essence, the amendment gives the Legislature authority to provide for state participation in the federal-state medical assistance program provided by the Kerr-Mills law, which was enacted by the Congress in 1960 and is commonly known as MAA, or Medical Assistance for the Aged. This act sought to provide medical care for those persons over 65 who are ordinarily self-supporting but who do not have the resources necessary to cover extra expenses of serious or prolonged illness.

Background

Through constitutional amendments and enabling legislation, the Texas Legislature has taken successive steps since inauguration of the Federal Social Security program to keep abreast of the ever-broadening welfare coverage provided by the Congress.

In 1958, adoption of a new Subsection 51a-1 of Article III gave the Legislature power to authorize direct or vendor payments for medical care on behalf of recipients of Old Age Assistance, Aid to the Blind, and Aid to Dependent Children. (Aid to the Permanently and Totally Disabled, formerly included as Section 51-b of Article III, was brought under this same Subsection 51a-1 by

adoption in November, 1963, of an amendment to this effect proposed by the 58th Legislature.) This authority was exercised by legislation enacted in 1961 to create a program of such medical assistance to be administered by the State Department of Public Welfare. State funds were provided through additional legislation.

On January 1, 1962, a vendor medical care program for recipients of Old Age Assistance was inaugurated by the Welfare Department. Following detailed investigation by the Department, the program was effectuated under a plan to purchase insurance on each individual recipient from a private insurance company. The law gave the Department the option of this approach or of operating and administering the program solely within and by the Department. The premium purchase plan was adopted in the belief that a private company could offer experience in pay schedules, an established accounting system for maintaining records and making payments, and an established line of communication and relationship between the company and the hospitals and doctors.

Another program designed to assist a second segment of the aged population of Texas in obtaining medical care was inaugurated in October, 1963, through creation of the Texas 65 Insurance Association. Special legislation enacted by the 58th Legislature made this group hospitalization and medical care plan available to all citizens 65 or over, regardless of physical condition at the time of making application to join the program. Over 50,000 Texans acquired broad health insurance coverage during the first enrollment period which ended October 31, 1963. Texas was the fourth state to put into effect an "over 65" program. Premiums, under the program, are paid by the insured or members of their families.

Adoption of Subsection 51a-2 of Article III, the proposed amendment, would authorize protection for a third segment of the population over 65. In caring for those persons ordinarily self-supporting but unable to meet extra expenses of serious or prolonged illness, the State of Texas would thus complete the cycle of providing adequate medical care for all her senior citizens who might have difficulty in caring for their own medical and

hospitalization needs. Needless to say, provision for the fourth, and final, group--those with adequate and above average financial resources--does not present a state problem.

ARGUMENTS

For:

1. The authority given the Texas Legislature by this amendment to accept federal funds for use in providing medical assistance on behalf of individuals over 65 not on Old Age Assistance, but who are unable to meet the expenses of serious or prolonged illness, would greatly reduce the cost to Texas citizens in caring for this segment of Texas population. The fact that the amendment also provides that medical services authorized include the fitting of lenses to correct or remedy defective vision recognizes a great need not hitherto provided for among our senior citizens.

2. Passage of this amendment would be a deterrent to the threat of socialized medicine for all. Some 39 states and four jurisdictions already have legislation enabling them to establish their own Medical Assistance to the Aged (Kerr-Mills) program. This program removes the gap in medical care between those who are able to pay and those already on vendor medical payments through Old Age Assistance. Adoption of the MAA program by all states would deprive advocates of Medicare--an over-all program of medical care for those 65 or over regardless of need--of their strongest argument in its favor, that of providing for this in-between group which is ordinarily self-supporting but cannot meet the expenses of serious or prolonged illness.

3. Participation in the Kerr-Mills (MAA) program, as authorized by the amendment, would be far less costly to citizens of Texas than would a program such as that proposed by Medicare, which would be supported through increased Social Security payments levied, without option, upon all employed persons in the Social Security program. Under the Medicare proposal, which

will doubtless be revived in Congress during the current session, over 17,500,000 persons over 65 in this country would become eligible for benefits, regardless of need.

4. MAA, which passage of this amendment would authorize for Texas, provides a wide range of benefits for the aged according to their needs, whereas Medicare, a definite possibility if too few states adopt the MAA program, would provide only minimal coverage for rich and poor alike, solely on the basis of age. The demands of such broad coverage would spread available funds so thin that the type of help available in meeting medical needs would be almost non-existent.

Against:

1. Financing the program proposed by this amendment would further increase an already heavy tax burden upon Texas citizens in order to provide the state funds necessary to match federal funds available under the program.

2. Adoption of the proposed amendment could advance the approach of socialized medicine one step further. Every time federal funds are used, federal encroachment upon the rights of the individual and of the state is advanced.

3. Vendor medical payments are already provided for recipients of Old Age Assistance, and the "over-65" insurance program authorized by the 58th Legislature to meet medical and hospital needs of another large segment of the Texas aged population makes adoption of this amendment unnecessary. The small number of persons in the in-between group to be served by this amendment can be cared for by organized social service groups, without the necessity of inaugurating still another expensive state welfare program.

4. Testimony presented by a prominent public opinion pollster from Texas before the House Ways and Means Committee in

Washington proves that there is no need for the MAA program in Texas: 30 per cent of Texans 65 or over already have health insurance protection through the OAA program; 46 per cent have sufficient savings or sufficient income or health insurance to provide their medical needs; 18 per cent of persons over 65 interviewed stated that their children could and would help them financially; another 3 per cent said they did not want outside help.

Thus the total percentage of aged Texans who have or can get adequate medical care is brought to 97 per cent. Of the 3 per cent remaining, the pollster stated that only 1 per cent, in the calendar year 1963, had what might be called more than minor medical expenses ($100 or less) that warranted outside help.

No. 3 on the ballot S. J. R. No. 10

A JOINT RESOLUTION

PROPOSING an Amendment to Section 51a of Article III of the Constitution of the State of Texas by adding a new Subsection to be known as 512-a; giving the Legislature the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for direct or vendor payments for medical care on behalf of individuals sixty-five (65) years of age or over who are not recipients of Old Age Assistance and who are unable to pay for needed medical services; providing for the acceptance of financial aid from the Government of the United States for such medical payments; providing that the amounts paid out of state funds shall never exceed the amount that is matchable out of Federal funds for such purposes; providing that certain means relating to the correction or remedying of abnormalities of vision shall be

included within such medical care service or assistance; providing for the necessary election, form of ballot, proclamation, and publication.

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

Section 1. That Section 51a of Article III of the Constitution of the State of Texas be amended by adding thereto a new Subsection to be known as Subsection 51a-2, which shall read as follows:

"Subsection 51a-2. The Legislature shall have the power to provide by General Laws and to make payment for same, under such limitations and restrictions as may be deemed by the Legislature expedient, for direct or vendor payments for medical care on behalf of needy individuals sixty-five (65) years of age or over who are not recipients of Old Age Assistance, and who are unable to pay for needed medical services. The payments for such medical assistance on behalf of such needy individuals shall be in such amounts as provided by the Legislature; provided, however, that the amounts paid out of state funds for such purposes shall never exceed the amount that is matchable out of Federal funds for such purposes; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision.

"The Legislature shall have the authority to accept from the Government of the United States, such financial aid in the form of medical assistance on behalf of the needy individuals sixty-five (65) years of age or over who are not recipients of Old Age Assistance, and who are unable to pay for needed medical services, as such Government may offer not inconsistent with restrictions herein set forth."

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 on the first Tuesday after the first Monday in November, 1964, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to the Constitution giving the Legislature the power to authorize vendor payments for medical care on behalf of needy individuals sixty-five (65) years of age and over who are not recipients of Old Age Assistance, and who are unable to pay for needed medical services; providing for the acceptance of funds from the Federal Government for the purpose of paying such medical assistance; and providing that the amounts paid out of state funds for such purposes shall never exceed the amount that is matchable out of Federal funds; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision."

"AGAINST the Amendment to the Constitution giving the Legislature the power to authorize vendor payments for medical care on behalf of needy individuals sixty-five (65) years of age and over who are not recipients of Old Age Assistance, and who are unable to pay for needed medical services; providing for the acceptance of funds from the Federal Government for the purpose of paying such medical assistance; and providing that the amounts paid out of state funds for such purposes shall never exceed the amount that is matchable out of Federal funds; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and the Laws of the State of Texas.