

PROPOSED CONSTITUTIONAL AMENDMENTS ANALYZED

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1 Clean-Up Amendment. **2** Increasing Water Development Bonds — \$3.5 billion. **3** Authorizing the Legislature to set its own salary and the salaries of the Speaker of the House and the Lieutenant Governor within certain limits. **4** Exempting non-profit water supply corporations from taxation. **5** Increasing ceiling on assistance to four classes of needy to maximum of \$80 million from state funds. **6** Removing constitutional interest rate limitations, subject to limits imposed by Legislature for bonds pursuant to constitutional authority. **7** Providing for payment of assistance to surviving spouses and minor children of governmental officers, employees, and agents, including members of organized fire departments and certain organized police reserve units, who have hazardous duties and are killed in the performance of those duties. **8** Authorizing Legislature to provide for additional loans to students at institutions of higher education under Texas Opportunity Plan. **9** Providing for annual sessions of the Legislature.

TEXAS LEGISLATIVE COUNCIL

ANALYSES OF PROPOSED CONSTITUTIONAL AMENDMENTS

For Election – August 5, 1969

Prepared by the Staff

of the

Texas Legislative Council

TEXAS LEGISLATIVE COUNCIL

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INTRODUCTION

The Texas Constitution of 1876 has been amended a total of 191 times, most recently in 1968, when seven of fourteen proposals submitted to the electorate were adopted. Changes in the Constitution are the most permanent form of legislation and also constitute the one area of legislation in which Texas citizens may participate directly by endorsement or by exercising veto power. It is, therefore, in the public interest that voters have access to information regarding proposed constitutional amendments to assist them in making an informed judgment on the merits of the changes proposed. To help fulfill this need, the Texas Legislative Council prepares analyses of proposed amendments prior to the election at which they will be considered.

Nine Proposed Constitutional Amendments Analyzed is designed to assist the citizen who desires to be knowledgeable on proposed changes in the Texas Constitution that will be on the ballot at the special election on August 5, 1969. The remaining seven of the sixteen proposals advanced by the 61st Legislature, Regular Session, will be voted on at the general election on November 3, 1970.

The nine proposed constitutional amendments to be considered on August 5, 1969 are:

To Be Voted on August 5, 1969

Amendment No. 1 Making no substantive change but cleaning up obsolete, superfluous, or unnecessary sections of the Constitution by repealing Sections 42, 46, and 48 of Article III, Sections 3a and 7 of Article VII, Section 12 of Article VIII, Section 3 of Article IX, Sections 1, 3, 4, 5, 6, 7, 8, and 9 of Article X, Section 10 of Article XI, Sections 3, 4, 5, and 7 of Article XII, Sections 1, 2, 3, 4, 5, 6, and 7 of Article XIII, Sections 2, 3, 4, 5, 6, 7, and 8 of Article XIV, Sections 3, 4, 7, 13, 29, 32, 34, 35, 36, 38, 42, 45, 46, 54, 55, 57, 58, and 60 of Article XVI.

- Amendment No. 2 Granting the powers and flexibility of operation to the Texas Water Development Board necessary to develop sufficient water resources for present and future economic development of the state.
- Amendment No. 3 Authorizing the legislature to set the salary of the lieutenant governor and the speaker of the house of representatives at not more than one-half of the salary of the governor and to set the salary of other members of the legislature at not more than the salary of a district judge.
- Amendment No. 4 Exempting nonprofit water supply corporations from ad valorem taxation.
- Amendment No. 5 Increasing the maximum amount which may be expended in one year from state funds for public assistance payments to needy aged, needy disabled, needy blind, and needy children to \$80 million, in order to comply with federal requirements for obtaining matching funds.
- Amendment No. 6 Authorizing removal of constitutional interest-rate limitations on certain bonds subject to limitations imposed by the legislature.
- Amendment No. 7 Adding certain governmental employees, officers, and agents, including members of organized volunteer fire departments and members of organized police reserve or auxiliary units, and others, to the list of persons whose surviving spouses and children are eligible for assistance as provided by law.
- Amendment No. 8 Authorizing the legislature to provide for additional loans to students at institutions of higher education under the Texas Opportunity Plan.
- Amendment No. 9 Providing for annual sessions of the Texas Legislature.

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

Although not analyzed in this booklet, the seven additional proposals to be considered by Texas voters at the general election on November 3, 1970 are listed as follows:

To Be Voted on November 3, 1970

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| S.J.R. No. 10 | Amending Article XVI, Section 20, Subsection (a), to authorize the legislature to enact a mixed beverage law regulating the sale of mixed alcoholic beverages on a local option basis. |
| S.J.R. No. 15 | Amending Article VIII establishing a method of assessment of ranch, farm, and forest lands. |
| S.J.R. No. 32 | Amending Article XVI, Section 51, increasing the value of the homestead which is exempt from forced sale. |
| H.J.R. No. 15 | Amending Article III, Section 51-b, Subsection (a), to reconstitute the State Building Commission as a three-member appointive commission. |
| H.J.R. No. 22 | Amending Article III to provide for consolidating office and functions of government by Act of the legislature and for performance of governmental functions by contract between political subdivisions in any county. |
| H.J.R. No. 28 | Amending Article III, Section 52, to authorize any county to issue road bonds not to exceed one-fourth of the assessed valuation of the real property in the county under certain conditions. |

Amending Article V, Section 1-a, relating to removal, retirement, or censure of justices, judges, and justices of the peace under prescribed circumstances.

AMENDMENT NO. 1 – H.J.R. No. 3

[Repealing Sections 42, 46, and 48 of Article III, Sections 3a and 7 of Article VII, Section 12 of Article VIII, Section 3 of Article IX, Sections 1, 3, 4, 5, 6, 7, 8, and 9 of Article X, Section 10 of Article XI, Sections 3, 4, 5, and 7 of Article XII, Sections 1, 2, 3, 4, 5, 6, and 7 of Article XIII, Sections 2, 3, 4, 5, 6, 7, and 8 of Article XIV, Sections 3, 4, 7, 13, 29, 32, 34, 35, 36, 38, 42, 45, 46, 54, 55, 57, 58, and 60 of Article XVI.]

The proposed amendment repeals those sections of the Texas Constitution which, after careful study, have been determined to be obsolete, superfluous, and unnecessary. The basis for this determination is the Texas Legislative Council's report to the 57th Legislature which contained an exhaustive study of the Texas Constitution and recommended changes. (See Volume 1, *Constitutional Revision, A Report to the 57th Legislature*, Texas Legislative Council, No. 56-10, December, 1960, pages 35 through 145 for a detailed section-by-section analysis of the sections repealed by this amendment.)

The proposed amendment also provides that the enumerated sections be repealed with the specific understanding that the repeal shall not in any way make any substantive changes in the present constitution. Therefore, in terms of legal effect, the repeal of any section is effective only to the extent that it effects no substantive change in the present Texas Constitution.

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

Background

The following language, appearing on page 5 of Volume 1 of the Texas Legislative Council's report, is illustrative

of the general type of constitutional provision repealed by the proposed amendment:

There are some provisions in the Constitution which, inserted for good reason in 1876, appear now fully to have served their original purposes and to have become obsolete or superfluous. Of them it may correctly be said that they are no longer dynamic and do not today actively and affirmatively reflect the governmental philosophy of the people. But, it should also be noted, this is so only because they no longer actually do anything at all—good or bad.

There are several recognized grounds upon which a specific constitutional provision may be determined to be obsolete. While space does not warrant discussion of each such provision repealed by the proposed amendment, several examples of the specific types of obsolete provisions will be illustrative:

1. Obsolescence due to exhaustion of subject matter.

The subject matter may no longer exist. Such appears, for example, to be the case of Section 6 of Article XIV, providing for homestead donations out of the otherwise unallocated public domain. This provision became obsolete some time prior to 1898 upon exhaustion of lands subject to such donation. Other examples: Section 60 of Article XVI, authorizing the legislature to make appropriation for the 1936 Centennial; Section 55 of Article XVI, authorizing pensions to veterans of the revolution against Mexico.

2. Obsolescence due to action taken pursuant to provision.

Obsolescence may result from action taken pursuant to a provision, for example: Section 57 of Article XVI, appropriating three million acres of the public domain for erection of the Capitol.

3. Provisions in conflict with United States Constitution.

Sections of the Texas Constitution which are in conflict with the Constitution of the United States are invalid and inoperative. For example, Section 7 of Article VII provides that separate but equal schools shall be provided for white and colored children. This section has been invalid since 1954, when the United States Supreme Court ruled that the "separate but equal" arrangement was violative of the 14th amendment of the United States Constitution.

4. Unnecessary "police power" provisions.

A "police power" type provision may be defined as one which directs (or permits) the legislature to enact legislation which, by its effect on the activity of individuals and their use of their property, is deemed to contribute indirectly toward advancement of, or, at least, prevention of injury to some recognized public interest. When this type of legislation is enacted by the legislature without specific constitutional authority, it is frequently spoken of as being enacted in exercise of the state's "police power." Specific constitutional authority for this type of legislation appears to be but a specific expression of the general police power. These provisions are unnecessary, however, because it is well recognized that the police power is inherent in a government and may be exercised through a state's law-making agency independently of any constitutional grant of authority. Examples of this type of constitutional provision are: Article XVI, Section 29, directing the legislature to provide for defining and punishing barratry; Article XIII, Section 6, directing the legislature to pass laws against forgery of land titles; and Article III, Section 46, directing the legislature to enact vagrancy laws.

ARGUMENTS

The proposed amendment is a mere "clean-up" measure which makes no substantive change in the Texas Constitution; therefore, it would appear that the presentation of pro and con arguments relating to each of the 52 obsolete provisions is not justified for the purposes of this analysis.

AMENDMENT NO. 2--H.J.R. No. 9

[Granting the powers and flexibility of operation to the Texas Water Development Board necessary to develop sufficient water resources for present and future economic development of the state.]

This proposed amendment adds a new Section 49-d-1 to Article III of the Texas Constitution which is designed to grant to the Texas Water Development Board the powers and flexibility of operation necessary to develop sufficient water resources for present and future economic development of the state.

Specifically, the proposed new section:

(1) broadens the powers of the Water Development Board, permitting the board to participate in the development of all types of water resources;

(2) increases the constitutionally-authorized amount of Water Development Bonds by an additional \$3.5 billion, subject to the approval of a two-thirds majority of the legislature;

(3) eliminates the present 4 percent interest rate ceiling on Water Development Bonds;

(4) eliminates the 1982 termination date for the Water Development Fund, which is derived from the sale of Water Development Bonds;

(5) extends the maturity schedules for Water Development Bonds from 40 to 50 years; and

(6) authorizes the Texas Water Development Board under such provisions as the legislature may prescribe to receive grants and to contract with the United States, other states, foreign governments, and others for acquisition and development of water resources and facilities and to secure such contracts by the general credit of the state.

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

Background

Section 49-c was added to Article III of the Texas Constitution in 1957. This section created the Texas Water Development Board as an agency of the state for the purpose of making loans to local governmental agencies which sponsored construction of projects to conserve and develop the water resources of the state. The section also authorized the Water Development Board to issue and sell \$100 million in bonds to provide for a Water Development Fund and authorized an additional \$100 million, subject to the approval of a two-thirds majority of the legislature.

In 1962 Section 49-d was added to Article III and authorized the Water Development Board to acquire conservation storage space in reservoirs to be constructed on Texas streams by federal or local governmental agencies. In 1966 Section 49-d was amended to permit the acquisition of a variety of water-resource projects in addition to reservoir storage space. The 1966 amendment also authorized an additional \$200 million in bonds subject to the approval of a two-thirds majority of the legislature.

The Water Development Board derives its statutory powers, responsibilities, and guidelines from the Texas Water Development Board Act. In addition to those set out in the constitution, the Act, as amended, conferred on the board the power and responsibility to develop a statewide water plan to serve as a flexible guide for the orderly development of water resources in Texas. The Texas Water Plan was completed in early 1969 and, if carried out, will require the construction of tremendous water development and conservation facilities during the next 50-year period.

The proposed amendment contains those constitutional changes necessary to implement the Texas Water Plan.

ARGUMENTS

For:

1. The future economic growth of Texas is dependent on adequate water resources and the passage of the proposed constitutional amendment is necessary to insure that those resources will be available at the time they are needed. Studies made by the Texas Water Development Board and by the United States Bureau of Reclamation show conclusively that Texas' present economic growth is far outstripping the state's available water resources. Unless additional water resources are developed, the state's economic growth will be stymied and, in many areas of the state, economic conditions will actually retrogress.
2. The Texas Water Plan offers a means of developing adequate water resources in an orderly, efficient manner over a 50-year period. Although Texas water resources are fairly adequate at the present time, the adoption of the proposed amendment is necessary to implement the Texas Water Plan and avoid extensive water deficiencies in the future since long periods of time are required to construct the facilities necessary for water-resource development and distribution.

Against:

1. The burden to the Texas economy of the bond issue and the construction project envisioned under the Texas Water Plan will be made greater even though all the bonds will not be issued at the same time.
2. Although the Water Development Bonds are revenue bonds that will be amortized ultimately by water users, there will be certain interim costs incurred prior to the time water becomes available to the users, and these costs will probably be levied on a statewide basis. Annual outlays over the 50-year period encompassed by the Texas Water Plan will be substantial.

AMENDMENT NO. 3--S.J.R. No. 31

[Authorizing the legislature to set the salary of
the lieutenant governor and the speaker of the
house of representatives at not more than
one-half of the salary of the governor
and to set the salary of other
members of the legislature at
not more than the salary
of a district judge.]

This proposed amendment to Article III, Section 24, of the Texas Constitution makes changes in legislative salaries, per diem, and travel pay. It permits the legislature to set its own salary and the salary of the speaker of the house and the lieutenant governor within certain limits. The limit for the speaker and the lieutenant governor is one-half of the salary of the governor, while the limit for the members of the legislature is the salary a district judge is paid from state funds. The amendment also removes the 120-day limit on payment of the \$12 per diem pay during the 140-day regular session. The amendment repeals provisions allowing travel pay at the rate of \$2.50 per 25 miles traveled to and from Austin for the session.

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

Background Before the Constitution of 1876 was adopted, earlier constitutions permitted the legislature, by law, to increase or diminish the compensation of members, except that no increase could become effective during the session at which the increase was made. The original Constitution of 1876 limited the per diem allowance to \$5 and, to further discourage long sessions, it provided that this allowance should be reduced to \$2 after the first 60 days.

In 1930 an amendment was adopted which increased the per diem allowance to \$10 for the first 120 days of a session, and a reduced allowance of \$5 for any succeeding days beyond that period. Another amendment in 1954 increased the per diem allowance to \$25 for the first 120 days and no per diem allowance thereafter, should the session extend beyond the 120-day maximum.

The innovation of the annual salary was adopted by the electorate in 1960. In the latest amendment to Article III, Section 24, an annual salary not to exceed \$4,800, plus per diem of \$12 for 120 days of the regular session and 30 days of each special session, was authorized. A proposed amendment to increase the per diem to \$20 and extend payment over the full 140 days allowed for a regular session and the full 30 days of a special session was defeated by the voters in 1965. A proposed amendment to increase the salary of a legislator from \$4,800 to \$8,400 per year, remove the 120-day limit on payment of the per diem allowance, and allow travel pay for one round-trip home from Austin per month was defeated by the voters in November, 1968.

ARGUMENTS

For:

1. The legislator can no longer be considered a part-time official. The increasing complexity of the problems facing state government and the increasing amount of time spent on standing and special interim committees meeting between sessions leave him little time to devote to his private business or profession. The \$4,800 annual salary now provided under the constitution is scarcely adequate to meet present-day costs of living.
2. The setting of a specific salary in the constitution requires a popular vote each time the legislature needs a pay increase. Calling a special election and printing ballots and election notices is costly. The fact that a legislator must face the voters for reelection to office provides an adequate check on the legislators in voting to raise their own pay.
3. The present limitation to a 120-day period for payment of the small \$12 per diem allowance, even though expenses continue throughout the full session of 140 days, places an additional hardship on legislators. In view of personal living expenses, the imposition of a time limit on a \$12 per diem allowance is unrealistic. It is unlikely that any legislator would attempt to extend the length of the session and stay away from his home in order to collect an allowance of \$12 per day.

Against:

1. The proposed amendment allows the legislature to raise legislative salaries to not more than the state salary of a district judge, and to raise the pay of the lieutenant governor and the speaker of the house of representatives to not more than one-half of the salary of the governor. However, since the salary of the governor or a district judge may be increased at any time by the legislature, the removal of the dollar ceiling on the presiding officers' and members' salaries would, in effect, make any salary possible.
2. A substantial pay increase and a longer period during which the per diem allowance would be paid would add still further to the expenses of state government at a time when state finances are already overburdened in meeting the constantly expanding needs of a growing population.
3. A maximum legislative salary equivalent to that of a district judge, who works the year round, is excessive for what might be termed the part-time job of a legislator, and the legislative salary which would become effective is far in excess of the full-time salary drawn by the average Texan.

AMENDMENT NO. 4--S.J.R. NO. 6

[Exempting nonprofit water supply corporations
from ad valorem taxation.]

This proposed amendment amends Article VIII, Section 2, of the Texas Constitution to exempt nonprofit water supply corporations. The amendment authorizes the legislature to exempt the property of water supply corporations if the sale of water is the corporation's only authorized purpose and if it is a nonprofit corporation. The amendment allows exemption of the property only if the property is reasonably necessary for and used in the acquisition, storage, transportation, and sale of water. The exemptions under this section apply to all ad valorem taxes, state and local.

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

Background The constitutional provision as originally adopted in 1876 authorized the legislature to exempt from ad valorem taxation (1) public property used for public purposes, (2) actual places of religious worship, (3) places of burial not held for profit, (4) buildings and furnishings used exclusively for educational purposes, and (5) institutions of purely public charity.

The Texas Supreme Court has strictly construed the section, and the exemption power of the legislature, by striking down laws exempting property not covered by the constitutional provision and denying claims by organizations that they were purely public charities.

Article VIII, Section 2, has been amended twice since its adoption. The first amendment, in 1907, added endowment funds of public institutions. The second amendment, in 1913, added dwelling places of ministers, and a class of organizations which included YMCA's and YWCA's. This amendment was passed in response to a Texas Supreme Court holding that a statute exempting YMCA's and YWCA's went beyond the limits set by the constitution.

ARGUMENTS

For:

1. Nonprofit water supply corporations perform a vital function for many parts of the state that would not otherwise have adequate water supplies. The amendment would encourage the formation of the corporations and the development of water resources.
2. The corporations to be exempted are nonprofit and perform a governmental function; therefore, their property should be like public property and exempt from taxation.

Against:

1. There are many privately owned water supply corporations which are run for profit. These corporations would be put at a competitive disadvantage if the nonprofit corporations were relieved from payment of ad valorem taxes.
2. With rising governmental costs and increasing difficulty in finding sources of revenue, any reduction in the present tax base is unwise.

AMENDMENT NO. 5 – S.J.R. NO. 8

[Increasing the maximum amount which may be expended in one year from state funds for public assistance payments to needy aged, needy disabled, needy blind, and needy children to \$80 million, and appropriating \$15 million for each of the next two fiscal years beginning September 1, 1969, in addition to the amounts appropriated for these purposes in the regular Appropriation Act for the fiscal year beginning September 1, 1969.]

This proposed amendment makes three changes in Article III, Section 51-a, of the Texas Constitution:

(1) It raises the ceiling on the amount which may be expended out of state funds per fiscal year for money payments (grants) to public assistance recipients from \$60 million to \$80 million.

(2) It adds a provision making a supplemental appropriation of \$15 million for each fiscal year in the period beginning September 1, 1969, and ending August 31, 1971, in addition to the \$60 million appropriation in the Departmental Appropriation Bill for the payment of assistance grants for the fiscal year beginning September 1, 1969. The supplemental appropriation is allocated and will be available to the Department of Public Welfare for the purpose of paying assistance grants effective September 1, 1969, as follows:

	For the Biennium	For each Fiscal Year
Old Age Assistance	\$ 3,600,000	\$ 1,800,000
Aid to the Permanently and Totally Disabled	2,500,000	1,250,000
Aid to Families with Dependent Children	23,900,000	11,950,000
TOTAL	\$30,000,000	\$15,000,000

The funds will be made available on the basis of equal monthly installments. The \$60 million appropriated in the regular Appropriation Act for the fiscal year beginning September 1, 1969, plus the \$15 million supplemental appropriation for the same year, makes a total of \$75 million appropriated, or \$5 million less than the \$80 million ceiling per fiscal year which may be appropriated by the legislature for assistance payments in the future as provided in the proposed Amendment No. 5.

(3) It streamlines the provisions so as to eliminate certain eligibility requirements from the Constitution and gives the legislature the authority to prescribe eligibility requirements for the needy aged, the needy disabled, the needy blind, and needy children. Age requirements for the needy aged, the needy disabled, the needy blind, and needy children have been deleted as have also citizenship requirements for the last three mentioned categories of participants.

Background The public welfare provisions of the Texas Constitution originated during depression years. Amendments to them have been proposed and adopted almost as regularly as the Congress has changed the terms whereby the states become eligible for available federal funds.

Prior to 1933 public assistance was held by most Texas citizens to be the concern of local governmental units rather than the responsibility of the central state government. However, the depression of the 1930's, the shift in Texas from an agrarian to an industrial and urban society and economy, and the influence of federal legislation led to the passage of the first public welfare amendment—Section 51a of Article III. This first amendment authorized the state to issue 4-1/2 percent general obligation bonds in the amount of \$20 million, with the proceeds to be used in "furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment."

In 1935 a new Section 51b was added to Article III, which initiated the policy of providing aid to aged citizens with payments provided partially from federal funds and partially from current revenue of the state. Sections 51c and 51d were added in 1937 and authorized grants to the needy blind and needy children. In 1945

Sections 51b, 51c, and 51d were consolidated by an amendment designated "Section 51a," which, in effect, repealed the old Section 51a. A limit of \$35 million per year was established in the 1945 amendment as the amount that could be spent out of state funds for public assistance to needy aged, needy blind, and needy children. The limit was increased to \$42 million in 1954; to \$47 million in 1957; to \$52 million, plus \$2.5 million for the permanently and totally disabled, in 1962; and to \$60 million, in 1963, in money payments for all classes of public assistance—needy aged, needy disabled, needy blind, and needy children—in the present Section 51a of Article III.

An increase in the number of needy children eligible for public assistance, combined with the restrictions of the ceiling limiting funds, led to a reduction in public assistance to needy children in September, 1968. A proposed amendment to raise the ceiling to \$75 million in 1968 was defeated by the electorate in the November general election, thereby necessitating another cutback in public assistance to needy children on May 1, 1969. The present \$60 million ceiling would be raised to \$80 million—with an initial annual appropriation of \$75 million for the fiscal year beginning September 1, 1969—by adoption of the proposed Amendment No. 5.

ARGUMENTS

For:

The proposed Amendment No. 5 allows the legislature to appropriate sufficient funds to again enable the State Department of Public Welfare to make assistance payments to all four classes of welfare recipients in accordance with the minimal standards of need established by the Department. Texas consistently has been among the lowest of the states in terms of average monthly assistance payments per recipient and in terms of per capita cost to taxpayers. It ranks almost at the bottom in Aid to Families with Dependent Children, with its average payment per recipient of Aid to Families with Dependent Children now less than \$19 per month. The failure of the proposed constitutional amendment in 1968 resulted in

drastic reductions in public assistance to needy children. The State Department of Public Welfare now is able to pay only 50 percent of what it says should be provided for needy children, and it is powerless to restore benefit payments to the levels it recognizes as minimal unless the proposed Amendment No. 5 is adopted. If the proposed amendment is defeated, it will cause another immediate reduction in assistance to needy children and the Department predicts that it ultimately would have to reduce levels of assistance to the needy disabled and the needy aged.

Against:

The large overall expenditure of state funds which this proposed amendment authorizes would increase each recipient's income only a few dollars a month but would possibly require \$20 million in new funds each year at a time when the state is already hard pressed to meet existing financial obligations.

AMENDMENT NO. 6--H.J.R. No. 7

[Authorizing removal of constitutional interest-rate limitations on certain bonds subject to limitations imposed by the legislature.]

The proposed Amendment No. 6 adds another Section 64 to Article III of the Texas Constitution. This new section authorizes the removal of constitutional interest rates on bonds which may be issued by certain agencies subject to limitations imposed by the legislature. The Regular Session of the 61st Legislature passed S.B. 20, which would set the maximum interest rate at 6-1/2 percent on bonds issued under constitutional interest-rate limits as well as on bonds and other public securities issued under statutory interest-rate limits. If Amendment No. 6 is adopted, the statutory interest-rate limit in S.B. 20 will control maximum interest rates on bonds whose maximum interest-rate limits are presently set in various sections of the constitution.

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

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

At the present time, the prevailing rate of interest at which bonds and other public securities can be sold on the open market is higher than the maximum interest-rate limits set by the Texas Constitution. Since the interest rate borne by bonds is an important factor in making them easy to sell on the open market, bonds issued by various public agencies in Texas which bear interest rates below the prevailing rate on the open market are very difficult to sell. The purpose of Amendment No. 6 is to remove the maximum interest-rate limitation so that certain public agencies may raise the interest rates on future bond issues to a level which is at least equal to the prevailing rate on the open market.

Agencies that would be affected by this amendment are the Texas Water Development Board, the Veterans' Land Board, the Parks and Wildlife Department, and the Coordinating Board, Texas College and University System. Some of the programs that would be affected are the Texas Water Plan, the Texas Opportunity Plan, and the Veterans' Land Program.

ARGUMENTS

For:

1. Adoption of Amendment No. 6 would make it possible for certain state agencies now under constitutional restrictions establishing maximum interest-rate limits to provide for higher interest rates on future bond issues thereby allowing the bonds to compete for sale on the open market on even footing with bonds issued by other entities.
2. Failure to adopt Amendment No. 6 would cause many major state programs to be curtailed or discontinued due to a lack of funds. Among these programs are the Texas Opportunity Plan, which provides student loans enabling many young Texans to attend college, and the Texas Water Plan, which is designed to provide Texas with an adequate water supply for the next 50 years.

Against:

1. Removing the constitutional limit on maximum interest rates for bonds issued by certain public agencies would allow those agencies to provide higher interest rates on future bond issues which, in turn, would require increased tax revenues from Texas citizens to pay the added interest.
2. The adopting of Amendment No. 6 would encourage the state through its various agencies to rely even more on creating bonded indebtedness as a means of financing future needs.

AMENDMENT NO. 7--H.J.R. No. 4

[Adding certain governmental employees, officers, and agents,
including members of organized volunteer fire departments
and members of organized police reserve or auxiliary units,
to the list of persons whose surviving spouses and
children are eligible for assistance as provided
by law.]

This proposed amendment to Section 51-d of Article III of the Texas Constitution adds certain governmental employees, officers, and agents to the list of persons whose surviving spouses and minor children are eligible for assistance as provided by general law.

Enumerated among those whose surviving spouses and children would be eligible for assistance are volunteer firemen, reserve or auxiliary police, and any other employees, officers, and agents of the state or of any political subdivision who, because of the hazardous nature of their duties, suffer death as a result of performing those duties.

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

Background The present Section 51-d was adopted in 1966 and allowed the legislature to provide for payment of assistance to the surviving spouses and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections, and fully paid firemen who suffered violent death in the performance of their duties.

The 60th Legislature passed enabling legislation which provided for payment to the surviving spouses and minor children of the eligible employees in the amount of \$10 thousand to the surviving spouse, and to the guardian of minor children in amounts as follows:

- (1) one minor child - \$100 per month;
- (2) two minor children - \$150 per month; and
- (3) three or more minor children - \$200 per month.

[Chapter 86, Acts of the 60th Legislature, Regular Session, 1967 (Article 6228f, Vernon's Texas Civil Statutes).]

An opinion of the attorney general concluded that the statute did not apply to survivors of volunteer firemen or custodial employees of the state institutions in charge of the criminally insane. [Tex. Atty. Gen. Op. M-28 (1967).]

The 61st Legislature amended the statute (conditioned on approval of the constitutional amendment) to include surviving spouses and minor children of members of organized police reserve or auxiliary units with power to make arrests, juvenile correctional employees of the Texas Youth Council, employees of the Rusk State Hospital for the Criminally Insane, and members of organized volunteer fire departments. [H.B. No. 96, Acts of the 61st Legislature, 1969 (Article 6228f, Vernon's Texas Civil Statutes).]

The proposed amendment is broader than that approved in 1966. It would allow the legislature greater latitude in providing assistance to the named dependents of public employees whose jobs require that they perform hazardous duties.

ARGUMENTS

For:

1. The people have already voiced approval of the principle involved--that the public should aid those dependent on public employees who perform hazardous duties for the public benefit. It is logical to extend the eligibility for this assistance to all public employees and volunteers who perform hazardous duties, such as volunteer firemen and policemen, attendants at the Rusk State Hospital for the Criminally Insane, and others.
2. The proposed amendment does not automatically provide assistance. The legislature must specifically name by law the groups to receive the benefits.

Against:

1. The amendment proposed does not place a limitation on the amount of assistance which may be provided. The cost to the electorate, therefore, cannot be determined by them.
2. Many of the employees who are within the scope of this amendment are employed by cities or counties. This cost might more appropriately be borne by local political subdivisions.

AMENDMENT NO. 8--H.J.R. No. 50

[Authorizing the legislature to provide for additional loans to students at institutions of higher education under the Texas Opportunity Plan.]

The proposed amendment adds a new section 50b-1 to Article III of the Texas Constitution. The amendment gives the legislature power to authorize the Coordinating Board, Texas College and University System, to issue and sell \$200 million of additional general obligation bonds, the revenue from the sale of which is to be used to make loans to students who have been admitted to any institution of higher education in the state whether publicly or privately owned or operated, and including junior colleges.

The money received from the sale of the bonds is to be deposited in the Texas Opportunity Plan Fund, established by constitutional amendment in 1965 (Texas Constitution, Art. III, Sec. 50b) and implemented by the Hinson-Hazlewood College Student Loan Act of the 59th Legislature, Regular Session, 1965. Anticipating the adoption of the proposed amendment, S.B. 535, which was enacted by the 61st Legislature, amends the Hinson-Hazelwood Student Loan Act but will take effect only if the proposed Amendment No. 8 is approved by the electorate.

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

Background

The Texas Opportunity Plan is unique in that no other state in the nation provides direct state loans to students. The student loan fund was established in 1965 with an initial authorization of \$85 million in bonds. The loans are presently being made to college students in public and private junior colleges, four-year colleges, and universities. First loans were made for the fall semester, 1966, and to date the coordinating board has sold \$39 million of the original \$85 million of general obligation bonds of the State of Texas to fund the program. The remaining \$46 million will be sold to meet anticipated loan demands and interest and sinking fund requirements during the next two years.

By the end of fiscal year 1971 it is estimated that 212 thousand loans will have been made to 75,400 students, and during the next five-year period, from 1971 to 1976, projections indicate an additional 117 thousand students will borrow \$160 million. Interest and sinking fund requirements during this next five-year period are estimated to be \$40 million; thus an additional bond authorization of \$200 million is included in the proposed amendment.

Amendment of the Constitution is necessary to the creation of state loan funds for students because several sections prohibit the use of public money by any individual, association, or corporation, except in cases of public calamity.

ARGUMENTS

For:

1. The total amount of funds presently available for student loans will be in use and loaned out before repayments of outstanding loans begin to return a substantial amount of funds available for relending. It is desirable that a certain amount be available every year to insure equal treatment of deserving students and to maintain a stable recycling of funds. The demand and need for student loans is great and, in addition, a cutback is expected in the amount of federal funds available. The federal cutback will increase the states' burden. Therefore the proposed amendment is essential to continuation of the Texas Opportunity Plan.
2. A college education in today's technical world is even more essential now than in 1965 when the Texas Opportunity Plan Fund was created by adoption of Article III, Section 50b, and the Hinson-Hazlewood College Student Loan Act. Every deserving and qualified student should be afforded the opportunity to have a college education. It should be emphasized that the passage of H.J.R. No. 50 will authorize only loans and does not authorize gifts or grants to students. All loans are repayable with interest charges set by the coordinating board, and of the 90 thousand loans made thus far, the 23 in default of payments constitute a percentage actually too small to calculate.

3. The single greatest natural resource in the State of Texas is its young people. Each year, thousands of high school graduates with college potential are deterred from continuing their education due to inadequate finances. Adoption of the proposed Amendment No. 8 would assure many of these students of the college education and training they deserve and would assure the State of Texas that future state development will be in the hands of those best qualified for service.

Against:

1. State loans to students take business from private enterprise. Banks, savings and loan institutions, and private charities have helped students finance their educations for years. The Texas Opportunity Plan Fund already has authorized \$85 million, and any more loans would create administrative problems adversely affecting the repayment rate.
2. This amendment continues the practice of making loans to students enrolled in church-supported schools. This is merely a subterfuge to permit state aid for churches.
3. Those able-bodied young people who are serious enough about wanting an education and who are willing to work can finance their own schooling. At a time when violence and disrespect for law and order are evident on our campuses, the state should encourage students to work and build for themselves rather than foster indolence through practically give-away loans.

AMENDMENT NO. 9--H.J.R. No. 8

[Providing for annual sessions of the Texas Legislature.]

This proposed constitutional amendment to Article III, Section 5, of the Texas Constitution adds a new paragraph to provide for the holding of regular sessions in even-numbered years. Present provisions prescribe that regular sessions be held biennially in odd-numbered years. Thus the proposed amendment would institute annual sessions.

The amendment provides that regular sessions in odd-numbered years would retain the present split-session concept whereby the first 30-day period of the session is set aside for the introduction of bills and the consideration of appointments and emergency matters submitted by the governor, the second 30-day period is allocated to committee hearings, and the final 60-day period is used for action on bills and resolutions then pending. Section 5 also retains the present provision allowing either house to determine its order of business by an affirmative vote of four-fifths of its membership.

The proposed amendment provides that regular sessions held in even-numbered years shall not exceed 60 days in length and will be limited to legislation on the "subjects of providing funds for the support of . . . activities of the state government and emergency matters submitted by the Governor in messages to the Legislature."

The proposed amendment also provides that, commencing in 1971, the legislature, at each regular session, must appropriate funds for the support of activities of the state government for the succeeding fiscal year.

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

Background	Historically, Texas has continuously operated under the biennial session system, supplemented with the special session called by the governor, except for the brief period of existence of the Constitution of 1869, wherein annual sessions of the legislature were required.
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ARGUMENTS

For:

1. Economic and efficient state government requires minimum time lag between the date budget estimates are actually prepared and the passage of an appropriation bill. State agencies can prepare a more precise and practical budget which takes into consideration only those funding requirements for the succeeding fiscal year instead of incorporating the inadequate guesses of longer-range planning.
2. The actual business of state government has reached such proportions that adequate supervision can no longer be given to the affairs of state by one legislative session every two years. More frequent legislative sessions would insure more considered legislation on budgetary and other matters since fewer items would be considered at each individual session and the legislature as a whole would be more in tune with the progress and activities of state government.
3. Annual sessions continue to gain support; more and more states are abandoning the biennial session as inadequate to serve the legislative needs of a modern, progressive state.

Against:

1. The added regular session is uneconomical in itself in that the cost of the additional session represents a significant increase in the cost of state government.
2. An additional session is unneeded because of the power of the governor to call a special session in the event that unforeseen circumstances require any new legislation prior to the succeeding regular session. On the basis of existing programs, adequate information is available for budgeting over a biennium. New or changed programs of sufficient importance can be provided for by special session.

3. The increased frequency of regular sessions would make service in the legislature a full-time job and even more economically unattractive than it is at the present time.

APPENDIX

Amendment No. 1

By: Cory

H.J.R. No. 3

HOUSE JOINT RESOLUTION

proposing a constitutional amendment repealing Sections 42, 46, and 48 of Article III, Sections 3a and 7 of Article VII, Section 12 of Article VIII, Section 3 of Article IX, Sections 1, 3, 4, 5, 6, 7, 8, and 9 of Article X, Section 10 of Article XI, Sections 3, 4, 5, and 7 of Article XII, Sections 1, 2, 3, 4, 5, 6, and 7 of Article XIII, Sections 2, 3, 4, 5, 6, 7, and 8, of Article XIV, Sections 3, 4, 7, 13, 29, 32, 34, 35, 36, 38, 42, 45, 46, 54, 55, 57, 58, and 60 of Article XVI.

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

Section 1. That Sections 42, 46, and 48 of Article III, Sections 3a and 7 of Article VII, Section 12 of Article VIII, Section 3 of Article IX, Sections 1, 3, 4, 5, 6, 7, 8, and 9 of Article X, Section 10 of Article XI, Sections 3, 4, 5, and 7 of Article XII, Sections 1, 2, 3, 4, 5, 6, and 7 of Article XIII, Sections 2, 3, 4, 5, 6, 7, and 8 of Article XIV, Sections 3, 4, 7, 13, 29, 32, 34, 35, 36, 38, 42, 45, 46, 54, 55, 57, 58, and 60 of Article XVI, Constitution of the State of Texas, be repealed, it being specifically understood that the repeal of these sections shall not in any way make any substantive changes in our present constitution.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in August, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to repeal the obsolete, superfluous and unnecessary sections of the Constitution."

By: Clayton, Murray, et al

H.J.R. No. 9

HOUSE JOINT RESOLUTION

proposing an amendment to Article III, Constitution of the State of Texas, adding Section 49-d-1, broadening the powers of the Texas Water Development Board, increasing the authorized amount of Texas Water Development Bonds, providing for the deposit of bond sale proceeds, providing for a new interest rate limitation on all Texas Water Development Bonds, modifying the conditions and limitations on all financial assistance that may be provided by the Texas Water Development Board from the Texas Water Development Fund, providing obligations and terms that may be entered into by the Texas Water Development Board, providing for the incontestability of Texas Water Development Bonds, providing for anticipatory legislation, providing for submission of the amendment to the voters.

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

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new Section 49-d-1 to read as follows:

“Section 49-d-1. (a) In addition to Texas Water Development Bonds heretofore authorized to be issued by Sections 49-c and 49-d of Article III of the Constitution, the Texas Water Development Board is hereby authorized to issue \$3,500,000,000 in aggregate principal amount of bonds. No part of such additional bonds shall be issued prior to approval thereof by the vote of two-thirds of the elected members of both houses of the Legislature.

“(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund.

“(c) The bonds herein authorized and all bonds authorized by such Sections 49-c and 49-d of Article III shall bear such interest and mature as the Texas Water Development Board shall prescribe subject to the limitations as may be imposed by the Legislature.

“(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by and subject to the limitations in said Sections 49-c and 49-d and in addition thereto for the purposes of developing water resources and facilities for the State of Texas, both within the State of Texas and without the State of Texas. Provided, however, that financial assistance may be made pursuant to the provisions of such Sections 49-c and 49-d subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.

“(e) Under such provisions as the Legislature may prescribe the Texas Water Development Board may receive grants and, in addition, execute contracts with the United States or any of its agencies, other states of the United States, foreign governments and others, for the acquisition and development of such water resources and facilities for the State of Texas. Such contracts when executed may be secured by the general credit of the state, and if so secured shall constitute general obligations of the State of Texas in the same manner and with the same effect as Texas Water Development Bonds. If facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state’s investment. The aggregate principal amount of Texas Water Development Bonds authorized herein and in said Sections 49-c and 49-d shall be reduced by the aggregate of principal payments committed under such contracts constituting general obligations of the state. The provisions hereof shall not be construed to limit the authority of the Texas Water Development Board to execute contracts or issue revenue bonds when such contracts or bonds are not secured by the general credit of the state.

“(f) Texas Water Development Bonds and such contracts secured by the general credit of the state shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

“(g) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character.”

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 Tuesday, August 5, 1969, at which election all ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment broadening the powers of the Texas Water Development Board and the purposes of the Texas Water Development Fund; eliminating the interest limitations on Texas Water Development Bonds; raising the authorized amount of Texas Water Development Bonds by \$3,500,000,000; extending the maturity schedule on Texas Water Development Bonds; eliminating the procedures for curtailment and the curtailment date of financial assistance to be provided by the Texas Water Development Board.”

Sec. 3. The publication of this amendment shall be limited to Sections 1 and 2 of this Resolution.

By: Hightower

S.J.R. No. 31

A JOINT RESOLUTION

proposing an amendment to Section 24, Article III, Constitution of the State of Texas, relating to compensation of the lieutenant governor, the speaker, and other members of the legislature.

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

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

"Section 24. The Lieutenant Governor and the Speaker of the House of Representatives shall each receive from the Public Treasury an annual salary in an amount to be fixed by the Legislature, not to exceed one-half the annual salary of the Governor. Each other member of the Legislature shall receive from the Public Treasury an annual salary to be fixed by the Legislature, not to exceed the annual salary paid to a district judge from state funds. Members of the Legislature shall also receive a per diem of not exceeding Twelve Dollars (\$12) per day during each Regular and Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days.

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 August 5, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing that the Lieutenant Governor and the Speaker of the House of Representatives shall receive a salary fixed by the Legislature, not to exceed one-half the salary of the Governor; providing that the Legislature shall fix the salary of the other members, not to exceed that received by a district judge from state funds; and removing the 120-day limitation on per diem for regular session."

Amendment No. 4

By: Watson

SJ.R. No. 6

A JOINT RESOLUTION

proposing an amendment to Section 2, Article VIII, Constitution of the State of Texas, to provide that nonprofit water supply corporations are exempt from taxation.

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

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

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

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 August, 1969, at which election all ballots shall have printed on them the following:

“FOR the Constitutional amendment to exempt nonprofit water supply corporations from taxation.”; and

“AGAINST the Constitutional amendment to exempt nonprofit water supply corporations from taxation.”

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

Amendment No. 5

By: Bernal, Jordan, Wilson

S.J.R. No. 8

A JOINT RESOLUTION

proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a of Article III; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants out of state funds to and/or medical care on behalf of needy aged persons, needy persons who are totally and permanently disabled, needy blind persons, and needy dependent children and the caretakers of such children; providing rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe eligibility requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of state funds; providing that the maximum amount paid out of state funds to any individual recipient shall not exceed the amount that is matchable out of federal funds; providing that the total amount of such payments for assistance only out of state funds on behalf of such needy individuals shall not exceed Eighty Million Dollars (\$80,000,000) per year; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes as they now are or as they may be amended, to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; 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 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of such assistance payments only out of state funds on behalf of such individuals shall not exceed the amount of Eighty Million Dollars (\$80,000,000) during any fiscal year.

"Supplementing legislative appropriations for assistance payments authorized by this Section, the following sums are allocated out of the Omnibus Tax Clearance Fund and are appropriated to the State Department of Public Welfare for the period beginning September 1, 1969 and ending August 31, 1971: Three Million, Six Hundred Thousand Dollars (\$3,600,000) for Old Age Assistance, Two Million, Five Hundred Thousand Dollars (\$2,500,000) for Aid to the Permanently and Totally Disabled, and Twenty-Three Million, Nine Hundred Thousand Dollars (\$23,900,000) for Aid to Families with Dependent Children. Such allocations and appropriations shall be made available on the basis of equal monthly installments and otherwise shall be subject to the provisions of currently existing laws making allocations and appropriations for these purposes.

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; 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. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday in August, 1969. At the election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

"The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the needy dependent children and their caretakers; establishing Eighty Million Dollars (\$80,000,000) as the maximum amount that may be paid per year from state funds for assistance only; allocating and appropriating additional sums supplementing current legislative appropriations for assistance grants; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care."

Amendment No. 6

By: Clayton, Traeger

H.J.R. No. 7

HOUSE JOINT RESOLUTION

proposing an amendment to Article III, Constitution of the State of Texas, by adding a new section which would remove constitutional limitations, subject to limits imposed by the Legislature, on rates of interest to be borne by bonds issued pursuant to constitutional authority.

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

Section 1. That Article III, Constitution of the State of Texas, be amended by adding a new Section 64 to read as follows:

“Section 64. All other provisions of the Constitution notwithstanding, bonds issued pursuant to constitutional authority shall bear such rates of interest as shall be prescribed by the issuing agency, subject to limitations as may be imposed by the legislature.”

Sec. 2. The foregoing constitutional amendment shall be submitted to vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in August, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to remove the constitutional interest rate limitations, subject to limits imposed by the Legislature, for bonds issued pursuant to constitutional authority.”

By: Allred, Salter, Adams

H.J.R. No. 4

HOUSE JOINT RESOLUTION

proposing an amendment to Section 51-d, Article III, Constitution of the State of Texas, to authorize the payment of assistance to the surviving spouse and minor children of certain governmental employees and volunteer fire and police reserve units who suffer violent death while in the performance of their duties.

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

Section 1. That Section 51-d, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 51-d. The Legislature shall have the power, by general law, to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of officers, employees, and agents, including members of organized volunteer fire departments and members of organized police reserve or auxiliary units with authority to make an arrest, of the state or of any city, county, district, or other political subdivision who, because of the hazardous nature of their duties, suffer death in the course of the performance of those official duties. Should the Legislature enact any enabling laws in anticipation of this amendment, no such law shall be void by reason of its anticipatory nature."

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 August, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the Legislature to provide for payment of assistance to surviving spouses and minor children of governmental officers, employees, and agents, including members of organized volunteer fire departments and certain organized police reserve units, who have hazardous duties and are killed in the performance of those duties."

