

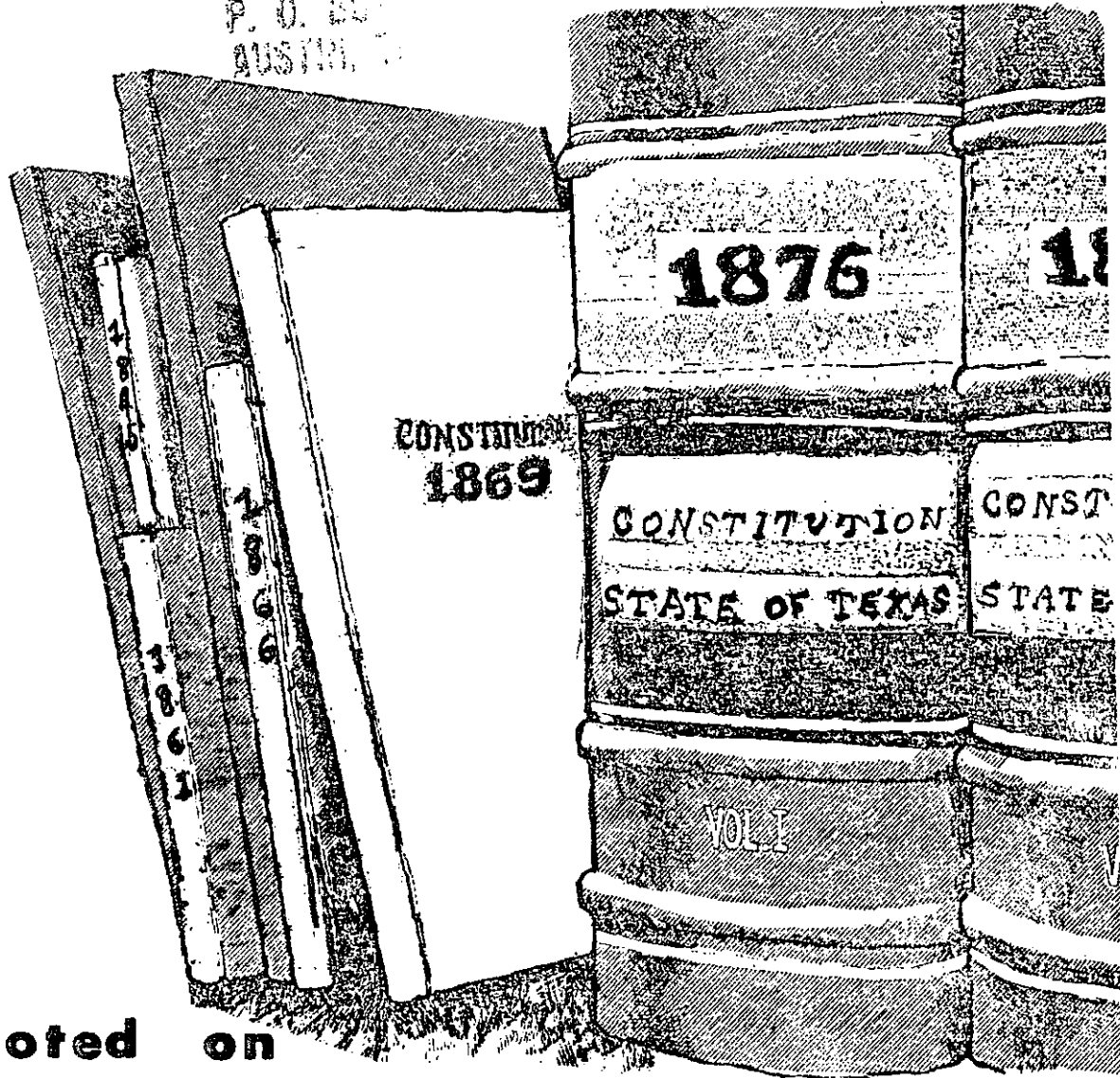
Copy

9

*Proposed Constitutional
Amendments Analysis*

AUG 11

LEGISLATIVE LIBRARY
P. O. BOX 12128
AUSTIN, TEXAS 78711



to be voted on

November 6, 1973

TEXAS LEGISLATIVE COUNCIL

P.O. Box 12128 — Capitol Station
Austin, Texas 78711

9 PROPOSED CONSTITUTIONAL AMENDMENTS ANALYSED

Analyses of Proposed Constitutional Amendments

For Election--November 6, 1973

**Prepared by the Staff
of the
Texas Legislative Council**

TEXAS LEGISLATIVE COUNCIL

Lieutenant Governor William P. Hobby, Chairman

Speaker Price Daniel, Jr., Vice Chairman

**Executive Director: Robert E. Johnson
Box 12128, Capitol Station
Austin, Texas 78711**

TEXAS LEGISLATIVE COUNCIL

Research and Reports

Executive Director	Robert E. Johnson
Assistant Director	John T. Potter
Director of Legal Affairs	William B. Wilmot
Revisor of Statutes	Robert E. Freeman
Director of Research	Julia Faye Neel

TABLE OF CONTENTS

	Pages
Introduction	1
Analyses of 9 Proposed Constitutional Amendments	6
Appendix—Resolutions Proposing Amendments	31

Proposed Amendments, Listed by Place on Ballot, Subject, and Resolution				
Amendment No. on Ballot	Subject	Analysis Page No.	Resolution	Appendix Page No.
1.	Annual Sessions, Legislative Salaries	6	S.J.R. 8	33
2.	Homestead Pro- tection—Single Adult	11	H.J.R. 7	36
3.	\$3,000 Ad Valorem Tax Exemption—Single Adult	14	S.J.R. 13	38
4.	Conservation and Reclamation Districts	16	S.J.R. 1	40
5.	Authority to Cities—Bonds for Sea Walls, Reclamation Districts	18	S.J.R. 12	41
6.	Probate Jurisdiction— District Court	20	S.J.R. 26	42
7.	Bonds—Veterans' Land Fund	23	H.J.R. 6	44
8.	Ad Valorem Tax Levies— Cities and Towns	26	S.J.R. 29	49
9.	Non-Profit Water Supply Corporation—Tax Exemptions	29	S.J.R. 25	51

INTRODUCTION

On November 7, 1972, the Texas electorate adopted a constitutional amendment proposed by the 62nd Legislature to authorize the 63rd Legislature to establish a constitutional revision commission. The amendment also gave the 63rd Legislature the authority to act as a constitutional convention, to be convened on the second Tuesday in January, 1974, to propose a revised constitution to the voters of Texas.

One of the first matters to receive attention by the 63rd Legislature when it convened in January, 1973, was the creation of the authorized Constitutional Revision Commission by the passage of Senate Concurrent Resolution 1. The 37 members of the commission, representative of both sexes, ethnic groups, social groups, economic groups, and geographical regions of the state, were named by an appointment committee comprised of the governor, lieutenant governor, attorney general, speaker of the house of representatives, chief justice of the supreme court, and the presiding judge of the court of criminal appeals, with the governor serving as chairman.

The commission, as required by the resolution, met initially in Austin and has since held a total of 19 meetings in six geographical areas of the state. Also empowered to name citizen committees in each of the geographical areas to assist with its work, the commission has done so, and informed citizens and representatives of government, professions, business, and industry have testified and brought specific matters of importance to the attention of the commission.

Many departments and agencies of the state, including the Texas Advisory Commission on Intergovernmental Relations and the Texas Legislative Council, have provided staff assistance to the commission.

To fund operations of the commission, Senate Bill 1 appropriated \$900,000 to be used to pay salaries of professional and clerical positions; travel and per diem of members, staff, and expert witnesses; professional fees; and consumable supplies and other expenses.

The commission's report with recommendations to the members of the legislature is due not later than November 1, 1973. The commission is also required to submit legal drafts to the convention of all changes or alternative changes it proposes, with all papers, documents, and work products to become matters of

public record. The Bill of Rights of the Constitution of 1876 is to be a mandatory part of any new or revised constitution submitted to the electorate.

As originally introduced in the 63rd Legislature, the senate concurrent resolution creating the constitutional commission provided for the termination of the commission on the second Tuesday in January, 1974, the date the constitutional convention convenes. However, as finally passed, Senate Concurrent Resolution 1 extended the termination date 60 days later, so that the convention might have the benefit of advice and consultation with commission members.

Despite the scheduling of the first constitutional convention in Texas in nearly 100 years—since 1875—the Regular Session of the 63rd Legislature was the forum for the introduction of 97 proposed constitutional amendments. Of those introduced, however, only 9 were passed by both houses and will be submitted to the Texas electorate. Proponents of the amendments felt that the vote on the proposals would give the constitutional convention a clear mandate regarding the inclusion or exclusion of the proposals in any new or revised constitution.

Proposed Constitutional Amendments—November 6, 1973

The proposed constitutional amendments which will appear on the ballot at the general election on November 6, 1973, include:

- | | |
|--------------------------------|--|
| Amendment No. 1
(S.J.R. 8) | Amending Article III, Sections 5, 24, and 49a, and Article VIII, Section 6, of the Texas Constitution, as amended, to provide for annual regular sessions of the legislature, and to provide an annual salary and per diem for the members of the legislature. |
| Amendment No. 2
(H.J.R. 7) | Amending Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses. |
| Amendment No. 3
(S.J.R. 13) | Amending Article VIII, Sections 1-a and 1-b, of the Texas Constitution, to extend the \$3,000 ad valorem tax exemption to the homesteads of unmarried adults. |

- Amendment No. 4
(S.J.R. 1) Amending Article XVI, Section 59, of the Texas Constitution, establishing certain requirements relative to the enactment of laws creating certain conservation and reclamation districts.
- Amendment No. 5
(S.J.R. 12) Amending Section 7, Article XI, of the Constitution of the State of Texas; amending Section 7 to provide that certain counties and cities bordering on the Gulf of Mexico may levy a tax to pay for bonds issued for the construction of sea walls and breakwaters upon the vote of the majority of the resident property taxpayers voting in an election.
- Amendment No. 6
(S.J.R. 26) Proposing a constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals.
- Amendment No. 7
(H.J.R. 6) Amending Article III, Section 49-b, of the Texas Constitution, as amended, to provide for an additional \$100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund.
- Amendment No. 8
(S.J.R. 29) Amending Article XI of the Constitution of the State of Texas by adding a new Section 5(a) to said Article XI, to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of

and interest on their general obligations as defined herein hereafter lawfully issued; placing limitations on the amount of such general obligations; and providing for the submission of said constitutional amendment to a vote.

Amendment No. 9
(S.J.R. 25)

Amending Article VIII of the Texas Constitution by adding a Section 2C authorizing the legislature to exempt certain water supply corporations and cooperatives from the property tax on certain facilities.

With the November 6, 1973, election, the number of proposed amendments submitted to Texas voters since the constitution was adopted in 1876 totals 343, although proposals appearing on the ballot have actually totaled only 334 because in some elections more than one proposed amendment was included in one proposal.

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

1876 CONSTITUTION-AMENDMENTS PROPOSED AND ADOPTED

Year	Proposed	Adopted	Year	Proposed	Adopted
1879	1	1	1927	8 ²	4
1881	2	0	1929	7 ²	5
1883	5	5	1931	9	9
1887	6	0	1933	12	4
1889	2	2	1935	13	10
1891	5	5	1937	7	6
1893	2	2	1939	4	3
1895	2	1	1941	5	1
1897	5	1	1943	3 ²	3
1899	1	0	1945	8	7
1901	1	1	1947	9	9
1903	3	3	1949	10	2
1905	3	2	1951	7	3
1907	9	1	1953	11	11
1909	4	4	1955	9	9
1911	5	4	1957	12	10
1913	8 ¹	0	1959	4	4
1915	7	0	1961	14	10
1917	3	3	1963	7	4
1919	13	3	1965	27	20
1921	5 ²	1	1967	20	13
1923	2 ³	1	1969	16	9 ⁴
1925	4	4	1971	18 ⁵	12 ⁵
			1973	9 ⁶	—
			TOTALS	343	212

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

²Two amendments included in one proposal.

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

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

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

⁶To be voted on November 6, 1973.

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

[Amending Article III, Sections 5, 24, and 49a, and Article VIII, Section 6, of the Texas Constitution to provide for annual regular sessions of the legislature, and to provide an annual salary of \$15,000 and a per diem allowance of \$18 for members of the legislature.]

The proposed amendment makes several changes in Article III, Sections 5, 24, 49a, and Article VIII, Section 6, of the Texas Constitution. These changes are:

(1) Article III, Section 5, provides for regular annual sessions of not exceed 180 days in each odd-numbered year and of not to exceed 60 days in each even-numbered year. During sessions in even-numbered years only fiscal and emergency matters submitted by the governor may be considered. The governor may extend the 60-day session for an additional 30 days. The present provision for convening special sessions is retained but the order of business requirement is deleted.

(2) Article III, Section 24, increases the annual salary of members of the legislature from \$4,800 to \$15,000 and increases the per diem allowance from \$12 to \$18 for each day of a regular or special session. The 140-day maximum duration of a regular session is deleted. No changes are made in the mileage allowance.

(3) Article III, Section 49a, requires yearly rather than biennial reports on anticipated revenue in order to make Section 49a conform to the proposed annual sessions. The provision for bonds owed on September 1, 1943, is deleted since it is now unnecessary.

(4) Article VIII, Section 6, provides a maximum period for appropriations of one year rather than two years. The exception for the first legislature meeting prior to the 16th Legislature is deleted since it is outdated.

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

Background All the Texas Constitutions have provided for biennial sessions of the legislature except for the Constitution of 1869, which provided for annual sessions. They have also authorized special sessions for emergency matters at the call of the governor when necessary. In 1930, Article III, Section 5, was amended to provide for the split legislative session. The regular session is split into three different periods to

provide for the orderly conduct of business and to prevent the last-minute rush at the end of the session. However, this section also contains a provision that either house may determine the order of its business by a vote of four-fifths of the members. This provision is regularly invoked with the result that the last-minute rush still occurs at the end of a regular session.

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

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

The most recent amendment to Article III, Section 24, was adopted in 1960, when the current compensation rate of \$4,800 in annual salary and \$12 in per diem for the first 120 days of a regular session and for 30 days of each special session was set. Later proposals to increase legislative compensation were rejected by Texas voters in 1965, 1968, 1969, and 1972. A proposal to let a commission set legislative compensation was also rejected in 1970.

Article III, Section 49a, was added to the present constitution in November, 1942, to put the state on a cash basis from January, 1945, and to provide information to the governor and legislature to insure that the legislature stay within the state income when appropriating money.

The Constitution of the Republic stated that "No money shall be drawn from the public treasury but in strict accordance with appropriations made by law." The Constitution of 1845 added, "... nor shall any appropriation of money be made for a longer term than two years, except for the purposes of education." The phrase, "except for purposes of education," was deleted in the present Article VIII, Section 6.

ARGUMENTS

For:

1. The legislator can no longer be considered a part-time official. Increasing complexity in the problems of state government and greater expenditure of time as a member of standing and special interim committees meeting between sessions leaves the legislator little time to devote to his private business or profession. The \$4,800 annual salary now provided in the constitution is scarcely adequate to meet present-day costs of living.
2. Many qualified persons do not become candidates for legislative seats because they are unable or unwilling to make the financial sacrifice involved in service at the present constitutional salary. Raising the salary of members of the house of representatives and the senate to a more realistic level would provide a greater incentive for public service.
3. Under the present salary provided, a legislator is forced to engage in outside employment, a business, or a profession in order to have sufficient income to support himself and his family. Such employment could create a conflict of interest which would impair his independence of action as a lawmaker.
4. The \$12 per diem allowance was adopted in 1960. Since then the cost of living has greatly increased, thereby justifying the raise to \$18 to offset the cost of maintaining two homes during a session.
5. Extending the odd-numbered year regular sessions from 140 to 180 days in duration would give the legislature more time to analyze and consider important legislation. This extended time may also reduce the last-minute rush at the end of a session.
6. The even-numbered year session limited to fiscal and emergency matters would remove the burden of financing the state for two years and make possible a

more realistic year-by-year evaluation of the financial condition of the state.

Against:

1. A substantial pay increase for members of the legislature would further increase the costs of state government at a time when state finances are already overburdened in meeting the expanding needs of a growing population.
2. Under the constitution the legislature is required to meet in regular session not to exceed 140 days every two years. Thus the job of a legislator is not a full-time job and the official holding a seat in the house of representatives or the senate should not receive a full-time salary. Increasing the total session time from 140 to 240 days every two years still makes it a part-time job.
3. Because of high campaign costs, a potential legislative candidate without substantial financial resources would still be discouraged from running for office even if the proposed salary increase to \$15,000 should be adopted.
4. The per diem allowance is paid to enable part-time legislators to maintain two homes during a session. By making full-time jobs with full-time salaries for legislators the necessity to supplement a part-time salary does not exist anymore.
5. The constitutional provision providing for a split session has been disregarded by most legislatures by four-fifths votes of the members and, as a result, the constitutional attempt to avoid the last-minute rush at the end of a session failed. This proposed amendment has no provision for order of business. Bills apparently could be introduced anytime during the session. The additional 40 days would only delay the last-minute rush by 40 days.
6. Under the present constitution the legislature cannot appropriate money for more than two years. There is no prohibition against yearly appropriations. In the

even-numbered years the governor can call a special session limited to fiscal and emergency matters under the present constitution.

AMENDMENT NO. 2--H.J.R. NO. 7

[Amending Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned without consent of both spouses.]

The proposed amendments to Article XVI, Sections 50 and 51, provide that the real property of a single adult which would be given protection as a homestead if occupied by a family shall be given the same protection from forced sale for debt as is presently given to a family homestead, and provide that a family homestead may not be abandoned without consent of both spouses.

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

Background

The exemption of the homestead from forced sale for debt was a Texas creation. The first homestead exemption law was passed in 1839, during the days of the Republic of Texas. It represented a step in the evolution of social attitudes toward debtors, whereby first the person, then the personal property, and finally the real estate of the debtor were released from the control of the creditor. The Texas Constitutions of 1845, 1861, 1866, and 1869 contained provisions similar to the provisions in the present constitution exempting family homesteads from forced sale for the payment of debts, except for taxes due on the homestead, the purchase money on the homestead, and certain improvements constructed on the homestead. Differences in the provisions of these constitutional sections pertained mostly to the value or type of realty that could be claimed as a homestead.

All of the state constitutions of Texas have provided that once a family homestead has been established, it may be sold only with the consent of the wife, and a lien for improvements constructed on the premises may be created only with consent of the wife. There has been no constitutional provision, however, regarding consent of the parties to abandonment of the homestead. Whether a homestead has been abandoned is a question of the intention of the family, and with certain exceptions, it has been held that the consent of both spouses is not required under the present constitution.

The proposed amendment would amend Article XVI, Sections 50 and 51, to provide homestead protection for the real property of a single adult which meets other requirements of homestead property, and to provide that the abandonment, in addition to the sale, of family homestead property must be with consent of both spouses.

ARGUMENTS

For:

1. The proposed amendments would give single adults with real property the same protection and security from forced sale of their homes as is now given to families and would reduce the chances that single adults could lose all their property and become public charges.
2. There are an increasing number and proportion of responsible single adults in our society and they need and deserve the same basic protection from creditors that families need and deserve.
3. The proposed amendments would require the consent of both spouses before any major decision concerning an existing family homestead is acted on. This would insure that maximum consideration be given and family harmony be obtained before arriving at a major decision affecting the family such as a decision to abandon a homestead, as well as a decision to sell a homestead (to which mutual consent is presently required by the constitution).

Against:

1. The homestead exemption was designed primarily to protect the innocent family members of the debtor, not the debtor himself, and therefore does not need to be extended to single adults.
2. The homestead exemption was created when Texas was an agricultural state and Texans needed to be secure in their land so that they could work, not just so that the family residence could be protected. The need for the protection has been decreased by increasing urbanization, so that now most persons would not be deprived of their source of livelihood if their real property were sold. Since the need is reduced, there is little reason to extend the protection even further.

3. Abandonment of the home is a matter of intention, as shown by state of mind, declarations, and acts. The proposed amendments require consent of both spouses to abandonment, and by adding another party's state of mind, declarations, and acts to the determination of abandonment the issue becomes very complicated for a creditor to prove, and the actions and the statements of the parties may be confusing and contradictory.

AMENDMENT NO. 3--S.J.R. NO. 13

[Amending Article VIII, Sections 1-a and 1-b, of the Texas Constitution,
to extend the \$3,000 ad valorem tax exemption to the homesteads
of unmarried adults.]

The proposed amendment to Article VIII, Sections 1-a and 1-b, provides that the \$3,000 ad valorem tax exemption shall also apply to the residential homesteads of unmarried adults, male or female, including those living alone, and thus negates the necessity of finding the existence of a family relationship. Prior to 1972, the exemption applied to state and county ad valorem taxation but principally to county taxation with the reduction in state ad valorem taxes to be completed December 31, 1978. The proposed amendment also provides that the amendment of Article VIII, Section 1-b, approved in November, 1972, authorizing any political subdivision to exempt not less than \$3,000 of the value of residence homesteads of person 65 years of age or older from the ad valorem taxes of the subdivision, applies to the homesteads of married or unmarried adults and includes those living alone. Here, too, the existence of a family relationship would no longer be necessary.

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

Background Dissatisfaction with the property tax system led to the adoption of Article VIII, Section 1-a, of the Texas Constitution, in 1932. The present form of Section 1-a was the result of an amendment in 1948, at which time Section 1-b was also adopted.

Article VIII, Section 1-a, provides that no state ad valorem tax shall be levied for general revenue purposes, but authorizes the counties to levy ad valorem taxes for certain purposes, except that the first \$3,000 value of residential homesteads cannot be subject to these taxes. Article VIII, Section 1-b, applies the \$3,000 residential homestead exemption to all taxation for state purposes. Section 1-b was amended in 1972 to allow political subdivisions of the state to exempt not less than \$3,000 of the assessed value of residential homesteads of persons 65 years of age or older from ad valorem taxes of that political subdivision. The importance of state ad valorem taxation has been further diminished by the adoption in 1968 of Article VIII, Section 1-e, which abolishes state ad valorem taxes for most purposes.

The constitutional amendment which was adopted in 1972 to allow political subdivisions to partially exempt from ad valorem taxation the residential

homesteads of persons 65 years of age or older has been interpreted to mean that a family relationship is necessary for the residence homestead to qualify for the tax exemption authorized by that amendment.

ARGUMENTS

For:

1. The present law discriminates against single persons who do not have the necessary family relationship to qualify for the tax exemption which married persons and persons with the necessary family relationship have received.
2. Tax assessors and collectors frequently are in a quandary to know if the facts of individual cases qualify a person for the tax exemption.
3. The exemption afforded persons with a family relationship was of less economic significance when it applied only to the limited state and county taxes, but now is of greater economic importance to persons 65 years of age and older in political subdivisions which elect to partially exempt taxes on such residence homesteads.

Against:

1. Tax exemptions do not eliminate tax but merely shift the tax burden to other taxpayers or other sources.
2. The adoption of this amendment may result in greatly reduced tax revenues at a time when the elimination of a tax source is unwise.
3. Modern social security, retirement systems, and welfare programs have lessened the need for protection of a residence homestead, and the exemption is not based on need or a person's ability to pay.

AMENDMENT NO. 4--S.J.R. NO. 1

[Amending Article XVI, Section 59 of the Texas Constitution, by providing for notice to and approval or disapproval by cities and counties of the creation of conservation and reclamation districts and by requiring compliance with certain general district laws.]

The proposed amendment adds a Subsection (e) to Article XVI, Section 59, of the Texas Constitution, to require that a copy of a bill to create a conservation and reclamation district be submitted to each city and county in whose jurisdiction the district is to be located at the time notice of intention to introduce the bill is published. Cities and counties are given the opportunity to file their written consent or opposition to the proposed district with the governor, lieutenant governor, and the speaker of the house of representatives. The proposed legislation must conform to the general laws relating to approval by political subdivisions of the creation of districts and of the inclusion of land within the districts.

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

Background Section 59 was added to Article XVI of the Texas Constitution in 1917 to authorize the legislature to provide for the conservation and development of the state's natural resources and to create conservation and reclamation districts with governmental powers to assist in conserving and developing these resources.

Conservation and reclamation districts were initially used as vehicles to solve the problems of resource management and development in the rural areas, but with the rapid growth of metropolitan communities there has been a proliferation of these districts in the urban areas for use in solving urban problems. As a result of this proliferation, demands have been made that more careful consideration be given by both state and local agencies to proposed legislation to create these districts.

In 1964, Article XVI, Section 59, of the Texas Constitution, was amended by adding Subsection (d) to require that notice of the proposed introduction of a bill to create a district be published within the boundaries of the proposed district and to require the Texas Water Rights Commission to submit its recommendations to the legislature before such a bill is passed. These requirements are supplemented by the proposed amendment, the details of which are set out above.

ARGUMENTS

For:

1. Conservation and reclamation districts, with their almost unlimited authority to incur debt, in most cases issue bonds in the amount of millions of dollars. Later, when a city annexes these districts, it must assume the responsibility for paying these bonds and must tax residents of the city to make the payments. Under these circumstances, the cities and their citizens should have notice of and a voice in the authorization of these districts which may later place such a financial burden on them.
2. Before a district is created under the general law, cities and counties in most cases are given an opportunity to comment on the necessity for the creation of the district. Through the passage of a special act of the legislature to create a district, this opportunity for cities and counties to comment is circumvented. The passage of this amendment would close this loophole.

Against:

1. Cities and counties already have adequate control over districts located or to be located within their jurisdictions through approval of plans, participation in state agency proceedings, and the authority not to annex existing districts. Therefore, the procedures proposed by this amendment are unnecessary and would only create an additional burden on the legislative process.
2. The cities and counties already have an adequate channel through the elected representatives and senators from their area for their comments and objections relating to legislation for the creation of conservation and reclamation districts, and this amendment would not substantially increase their opportunity to be heard.

AMENDMENT NO. 5--S.J.R. NO. 12

[Amending Article XI, Section 7, of the Texas Constitution, to provide that counties and cities bordering on the Gulf of Mexico may levy a tax for the construction of sea walls and breakwaters upon the vote of a majority of the resident taxpayers voting at an election called for that purpose.]

The proposed amendment to Article XI, Section 7, would lower the majority needed to authorize cities or counties bordering on the Gulf of Mexico to levy a tax for the construction of sea walls and breakwaters or for sanitary purposes from two-thirds to a simple majority of the resident taxpayers voting at an election called for that purpose.

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

Background Section 7 of Article XI has been part of the constitution since 1876. In its original form it required a majority of two-thirds of the taxpayers residing in the city or county to pass such a tax. Since it was difficult to get such a large number of voters to vote, the section was amended in 1932 to require only a two-thirds majority of the persons actually voting at an election called for such a purpose to authorize the tax. The proposed amendment would lower the requirement to a simple majority of those voting.

ARGUMENTS

For:

1. The Texas coast is frequently battered by hurricanes and other severe storms. People living on the coast need protection for both their lives and their homes from these ravages of nature. It is difficult for these people to insure their property unless there are adequate sea walls or breakwaters protecting them. Many communities on the Texas coastline are without such protection and need to be able to raise taxes for this purpose.
2. Section 7 of Article XI is one of two sections in the constitution which require a two-thirds majority to authorize a local tax. There is no reason for this special treatment of taxation for sea walls and breakwaters. Certainly public schools and hospital districts are very important to local communities, but only a simple

majority is required to authorize local taxation for these purposes.

Against:

1. The Texas coastline is a very delicate ecological phenomenon. Any development of it threatens its very existence. Making it easier for people to live along the shore by giving them artificial protection will only hasten the destruction of one of Texas' most beautiful natural resources. Sea walls and breakwaters are also very destructive by themselves. They greatly speed up the erosion of beaches, thus destroying much of the recreational value of the shoreline.
2. Much of the protection which sea walls and breakwaters give helps only the people living fairly close to the water. There should be a decisive majority in favor of such a tax before a city or county should be allowed to tax all its residents for the benefit of what may be a very small proportion of the population.

AMENDMENT NO. 6--S.J.R. NO. 26

[Amending Article V, Section 8, of the Texas Constitution, to grant the district court the general jurisdiction of a probate court in addition to the jurisdiction otherwise conferred on it by law in probate proceedings, and to authorize the legislature to adjust the jurisdiction of the courts in probate matters, to adopt rules for such courts relating to probate matters, and to provide for appeals in probate matters.]

The proposed amendment adds a paragraph to Article V, Section 8, which provides that the district court, concurrently with the county court, shall have the general jurisdiction of a probate court and in a probate proceeding shall also have the jurisdiction otherwise conferred on it by law. It also provides that the legislature may increase, diminish, or eliminate the jurisdiction of the district court or county court in probate matters, may adopt rules governing the filing, distribution, or transfer of cases and proceedings as between the courts having jurisdiction of probate matters, and may provide that all appeals in probate matters shall be to the courts of civil appeals.

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

Background The Constitution of 1866 gave to the district court original and appellate jurisdiction over the county courts exercising probate jurisdiction, and original jurisdiction and general control over executors, administrators, guardians, and minors, and gave the county court jurisdiction over probate business generally. By the Constitution of 1876, the jurisdiction of the district court was confined to appellate jurisdiction and general control over the county court in probate matters and original jurisdiction and general control over executors, administrators, guardians, and minors, and it was that constitution which gave the county court its present-day jurisdiction as the court of general probate jurisdiction. The constitutional amendment of 1891, which presently governs the jurisdiction of the courts, did not alter the jurisdiction in probate matters.

Therefore, with Article V, Section 16, granting the general jurisdiction of a probate court to the county court, and Article V, Section 8, granting to the district court only appellate jurisdiction and general control over the county court in all probate matters, and original control and jurisdiction over executors, administrators, guardians, and wards, the district court has no original jurisdiction over the probate of a will, and its jurisdiction over probate matters is appellate

only. Dual trials commonly occur under the present practice in cases such as will contests, with the litigants having a trial in the county court before they can have a trial on the merits de novo in the district court. Also, the probate court cannot construe a will or adjudicate title since the matter of construction of a will or adjudication of title is within the jurisdiction of the district court after the will has been probated.

ARGUMENTS

For:

1. The proposed amendment would give the legislature the authority to streamline judicial process by adjusting probate jurisdiction to either the district court or the county court, or both courts, by local or general law, to serve the needs of the area, and by adopting rules to govern the filing, distribution, and transfer of probate proceedings as between the district court, county court, or other courts with probate jurisdiction, and by providing that the court of civil appeals will be the court with appellate jurisdiction in all probate matters. Such measures would allow the legislature to equalize dockets for maximum efficiency.
2. The public is dissatisfied with the present system of probate and is desirous of a simplified and efficient system which will entail less delay and expense in the handling of estates. Advocates of the adoption of the Uniform Probate Code seek the removal of constitutional prohibitions to its adoption.
3. Many county courts are not presided over by lawyers. District judges are lawyers and their services are needed for many probate matters and proceedings.
4. Dual trials could be abolished and litigation coordinated by granting jurisdiction to the district court to probate wills.

Against:

1. Under the authority given to the legislature by the constitution to establish such courts as it deems necessary and to prescribe their jurisdiction, the legislature already has created in numerous counties statutory county probate courts and county courts at law with probate jurisdiction to relieve the constitutional county court's probate responsibility.
2. Texas modernized its probate code in 1955 and much of the present delay and expense of probate proceedings relates to federal estate tax procedures which will not be affected by a change in state probate laws.
3. Many probate proceedings are perfunctory in nature and are adequately handled by the county court, which already is set up to serve such function.
4. It is not desirable to crowd the dockets of the district court with routine probate proceedings or to increase the workload of the courts of civil appeals, or to cause the necessity to create additional district courts or additional courts of civil appeals with the added expense to the taxpayer that accompanies the creation of additional courts.

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

[Amending Article III, Section 49-b, of the Texas Constitution, to provide for an additional \$100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund.]

The proposed amendment authorizes the Veterans' Land Board to issue and sell an additional \$100 million in bonds or obligations, the proceeds from which would be deposited in the Veterans' Land Fund. Other changes which the proposed amendment makes are the following:

(1) The interest payable on the bonds and obligations issued and sold by the Veterans' Land Board could be set by the board as high as 6 percent. The current maximum rate payable on these bonds and obligations is 4-1/2 percent per annum.

(2) The present provision states that in order to qualify to purchase lands of the Veterans' Land Fund, veterans, in addition to other qualifications, must have served in the armed forces for a certain prescribed length of time "between September 16, 1940, and the date of formal withdrawal of United States troops from the present armed conflict in Viet Nam," The proposed amendment would change this qualification to those who have served in the armed forces for an identical length of time "after September 16, 1940,"

(3) Surviving spouses of eligible veterans who had filed an application and contract of sale to purchase land through the board may complete the transaction.

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

Background Article III, Section 49-b, was originally adopted in 1946. The purpose of Section 49-b was to set up the Veterans' Land Board through which Texas veterans of World War II were allowed to purchase land. Since the original section was adopted, it has been amended to provide additional amounts of bonds and obligations to be sold, to allow Texas veterans of the Korean conflict, veterans of the Viet Nam conflict, and veterans who have served in the armed forces during peace time to participate in the program.

The bonds and obligations of the State of Texas which have been issued and the land sold to veterans pursuant to the provisions of Article III, Section 49-b, have never been an expense for which tax money has been used. Interest rates allowable on these bonds and obligations were originally set at a maximum rate of three percent per annum. However, in order to keep the bonds and obligations saleable on subsequent bond markets, the maximum interest rate allowable was increased to the present 4-1/2 percent per annum.

The total \$400 million of bonds and obligations which the Texas Constitution now authorizes has already been issued. Therefore, if the Veterans' Land Program as it currently exists is to continue, an additional amount must be authorized. The proposed amendment makes such an authorization in the amount of an additional \$100 million of bonds and obligations which may be issued and sold.

ARGUMENTS

For:

1. The people of Texas have previously seen fit to allow Texans who have served in the armed forces of the United States the benefit of purchasing land through the Veterans' Land Program. In order to continue this program and to extend its benefits to returning veterans of Viet Nam and to others who have served in the armed forces of the United States the amendment should be approved.
2. If bonds and obligations of the State of Texas which the Veterans' Land Board offers for sale are to be saleable on future bond markets, a maximum interest rate of 6 percent per annum should be allowed.
3. The surviving spouse of a qualified veteran who had applied to purchase land through the Veterans' Land Board should be able to complete the transaction begun by the deceased spouse and obtain the benefits to which the deceased spouse was entitled.

Against:

1. Compensation of veterans is a federal rather than a state responsibility. Generous benefits are already available to veterans, and the extension of this program is therefore unnecessary.
2. Increasing the constitutional limit on the maximum interest rates for bonds issued by the Veterans' Land Board would result in a corresponding rise in interest rates payable by veterans who qualify to purchase land under this program.
3. The right to purchase land through the Veterans' Land Board was extended to the veteran by virtue of his military service, and this right should not be extended to his surviving spouse.

AMENDMENT NO. 8--S.J.R. No. 29

[Amending Article XI of the Texas Constitution by adding Section 5(a) to authorize and require cities, towns, and villages to levy ad valorem taxes sufficient to pay the principal of and interest on their general obligations hereinafter issued, subject to restrictions provided by law.]

The proposed amendment to Article XI authorizes and requires incorporated cities, towns, and villages, regardless of population and notwithstanding the constitutional limitations on total tax rates, to levy such annual ad valorem taxes on the taxable property in the city, town, or village as are necessary to pay the principal of and interest on, when due, the general obligations hereinafter issued by the city, town, or village. The legislature is empowered to limit by general or special law the total principal amount of general obligations which may be issued, but unless and until the legislature acts to do so, the limitations established by statute with respect to the total principal amount of bonds which may be issued by independent school districts shall apply as the rate limitation on cities, towns, and villages.

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

Background Texas cities and towns, as well as the other governmental units of the state, were characterized by extravagant spending during the reconstruction period after the Civil War. Cities and towns went heavily in debt during that period, and local tax rates increased sharply. In order to prevent such extravagance in the future, the framers of the 1876 Texas Constitution felt that tight restrictions were needed on the permissible rates and purposes of local as well as state taxes. Accordingly, Article XI, Sections 4 and 5, were enacted, which provide in their present form that cities and towns with a population of 5,000 or less may levy ad valorem taxes for authorized purposes at a rate not to exceed 1-1/2 percent of the value of taxable property in the city or town, and cities having a population of more than 5,000 may levy taxes at a rate not to exceed 2-1/2 percent of the value of taxable property in the city. These rates are aggregate rates which apply to the total of taxes for general obligations and taxes for other authorized purposes.

In addition, Article VIII, Section 9, was enacted to restrict the purposes for which governmental units, including cities and towns, could levy ad valorem taxes, and that section provides rate limitations for the different taxes authorized by that section.

ARGUMENTS

For:

1. The proposed amendment would allow cities and towns to live up to their contractual obligations on the bonds they issue after voter approval (subject to any restrictions on excessive indebtedness proposed by the legislature), without depleting their funds from other sources, such as operating expenses or funds for future improvements.
2. The proposed amendment would exchange an inflexible constitutional restriction on total tax rate for a more flexible one with respect to general obligations, which would be subject to such restrictions as the legislature may deem appropriate to meet the needs of the particular situation or particular city. This would enable cities and towns to become more desirable contracting partners and thus able to obtain a higher quality of services for their residents.
3. The total permissible tax rates have not changed since 1876 for larger cities and 1920 for smaller cities and towns, and the proposed amendment would allow the legislature to design general or special laws to authorize different rates for principal and interest on general obligations for those cities and towns which desire or need to provide additional services to their residents. The new rates would apply only to those obligations approved by the voters of the city or town. In this way, only the cities and towns which need additional services, as evidenced by the votes of their residents, would utilize the new rates.

Against:

1. Taxpayers of Texas cities and towns are already overburdened, and the proposed amendment creates the possibility of more taxes. Although an election would still be required before general obligations are issued,

voters might not be given information as to how much their taxes will be raised under the new laws as a result of the passage of a general obligations proposal.

2. Texas has used a system of rate limitations on total tax rates during most of its history, and the limitations are easy to understand and determine. Changing the limitation from a limit on total taxes to a limit on principal and interest and making that limit subject to the will of an individual session of the legislature could create uncertainty and confusion for the taxpayer and is an unnecessary deviation from the system that has worked for many years.
3. The proposed amendment would change the rate limitation for general obligations of cities and towns from a constitutional limitation to a statutory one which is easily changed and is initially tied to limitations set on the principal amount of bonds issued by independent school districts. The interests and needs of school districts are quite different from those of cities and towns, and a change in the law that is desirable for schools might be quite inappropriate for cities and towns, which, without additional legislation, would be affected by such change.

AMENDMENT NO. 9-S.J.R. No. 25

[Amending Article VIII of the Texas Constitution by adding a Section 2C authorizing the legislature to exempt certain water supply corporations and cooperatives from the property tax on certain facilities.]

The proposed amendment adds a new Section 2C to Article VIII, of the Texas Constitution, and gives the legislature the authority to exempt from property taxation certain personal and real property of nonprofit corporations and nonprofit cooperatives which supply water in the state. The exemption is limited to the property of the corporation or cooperative which is reasonably necessary for, and used in, the acquisition, storage, transportation, sale, and distribution of water. The amendment, if passed, would have to be implemented by a statute allowing the exemption. The exemption applies only to property taxes and includes both state and local property taxes.

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

Background Article VIII, Section 2, of the Texas Constitution, specifies the kinds of property that the legislature is authorized to exempt from property taxes and also provides that any other exemptions not authorized by the constitution are void. In 1969, the legislature attempted to exempt water supply corporations from property taxes, but because the exemption was not authorized in the constitution, the Texas Supreme Court, in a 1972 case, held that the act was unconstitutional.

In other cases the supreme court has held that the property of similar kinds of corporations may not be exempted because it is not property of an institution of purely public charity or public property used for a public purpose. In order for the legislature to grant an exemption, the authority must be clearly given in the constitution.

A similar proposed amendment failed approval by the voters in 1969.

ARGUMENTS

For:

1. Nonprofit water supply corporations perform a vital function in many parts of the state that might not otherwise have adequate water supplies. The amendment would encourage the formation of such corporations or cooperatives and thus help develop water resources.
2. In many ways nonprofit water supply corporations and water supply cooperatives are similar to public water utilities which are tax exempt. The amendment would equalize the tax burden between these similar kinds of organizations.
3. In many areas water supply corporations are required to have miles of pipelines in order to supply their customers, and these pipelines are laid at great expense. The collection of property taxes on these pipelines only increases the cost of water to customers who are far from the water source and who often need it the most.

Against:

1. There are many privately owned water supply corporations which are operated for profit and which are in competition with nonprofit supply corporations and cooperatives. The passage of the amendment would give the nonprofit corporations and cooperatives a competitive advantage since they would be relieved from paying property taxes.
2. Only four years ago the voters rejected a similar constitutional amendment and there has been no significant change affecting water supply corporations since that disapproval.
3. Costs of government and dwindling sources of revenue require the maintenance of a complete tax base. Further special tax breaks are not in order at this time.

APPENDIX

Amendment No. 1

By: Gammage, Brooks, Wallace

S.J.R. No. 8

SENATE JOINT RESOLUTION

proposing an amendment to Article III, Sections 5, 24, and 49a,
and Article VIII, Section 6, of the Texas Constitution, as
amended, to provide for annual regular sessions of the
legislature, and to provide an annual salary and per
diem for the members of the legislature.

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

Section 1. That Article III, Section 5, of the Texas Constitution, be amended to read as follows:

“Section 5. The Legislature shall meet in regular session each year [~~every two years~~] at such time as may be provided by law and at other times when convened by the Governor; provided, however, that the regular session to be held in each odd-numbered year shall meet for a period not to exceed 180 days duration; and that the regular session to be held in each even-numbered year shall meet for a period not to exceed 60 days duration and shall be limited to the consideration of fiscal matters and such emergency matters as may be submitted by the Governor; provided further that the even-numbered-year session may be extended by the Governor for an additional period not to exceed thirty days. [~~When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four fifths of its membership.~~]”

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

“Section 24. Members of the Legislature shall receive from the Public

Treasury an annual salary of not exceeding Fifteen Thousand Dollars (\$15,000) [~~Four Thousand, Eight Hundred Dollars (\$4,800)~~] per year and a per diem of not exceeding Eighteen Dollars (\$18) [~~Twelve Dollars (\$12)~~] per day for [~~the first one hundred and twenty (120) days only of~~] each Regular Session and for [~~thirty (30) days of~~] each Special Session of the Legislature. [~~No Regular Session shall be of longer duration than one hundred and forty (140) days.~~]

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

Sec. 3. That Article III, Section 49a, of the Texas Constitution, be amended to read as follows:

"Section 49a. It shall be the duty of the Comptroller of Public Accounts in advance of each Regular Session of the Legislature to prepare and submit to the Governor and to the Legislature upon its convening a statement under oath showing fully the financial condition of the State Treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. There shall also be contained in said statement an itemized estimate of the anticipated revenue based on the laws then in effect that will be received by and for the State from all sources showing the fund accounts to be credited during the succeeding year [~~biennium~~] and said statement shall contain such other information as may be required by law. Supplemental statements shall be submitted at any Special Session of the Legislature and at such other times as may be necessary to show probable changes.

"From and after January 1, 1945, save in the case of emergency and imperative public necessity and with a four-fifths vote of the total membership of each House, no appropriation in excess of the cash and anticipated revenue of the funds from which such appropriation is to be made shall be valid. From and after January 1, 1945, no bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds. When the Comptroller finds an appropriation bill exceeds the estimated revenue he shall endorse such finding thereon and return to the House in which same originated. Such information shall be immediately made known to both the House of Representatives and the Senate and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional

revenue or reducing the appropriation.

~~"[For the purpose of financing the outstanding obligations of the General Revenue Fund of the State and placing its current accounts on a cash basis the Legislature of the State of Texas is hereby authorized to provide for the issuance, sale, and retirement of serial bonds, equal in principal to the total outstanding, valid, and approved obligations owing by said fund on September 1, 1943, provided such bonds shall not draw interest in excess of two (2) per cent per annum and shall mature within twenty (20) years from date.]"~~

Sec. 4. That Article VIII, Section 6, of the Texas Constitution, be amended to read as follows:

~~"Section 6. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than one [two] years. [, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth Legislature.]"~~

Sec. 5. This amendment takes effect with the convening of the 64th Legislature.

Sec. 6. 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, November 6, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual regular sessions of the legislature; and to provide an annual salary of \$15,000 and per diem for the members of the legislature, effective in January, 1975."

Amendment No. 2

By: Miller

H.J.R. No. 7

HOUSE JOINT RESOLUTION

proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses.

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

Section 1. That Article XVI, Section 50, of the Texas Constitution, be amended to read as follows:

"Section 50. The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of both spouses, in the case of a family homestead, [~~the wife~~] given in the same manner as is required in making a sale and conveyance of the homestead; nor may [~~shall~~] the owner or claimant of the property claimed as homestead, if [~~a~~] married [~~man~~], sell or abandon the homestead without the consent of the other spouse [~~wife~~], given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien, shall have been created by the owner [~~husband~~] alone, or together with his or her spouse, in case the owner is married. All [~~wife; and all~~] pretended sales of the homestead involving any condition of defeasance shall be void. This amendment shall become effective upon its adoption."

Sec. 2. That Article XVI, Section 51, of the Texas Constitution, be amended to read as follows:

"Section 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with

the improvements thereon; the homestead in a city, town or village, shall consist of lot, or lots, not to exceed in value Ten Thousand Dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the homestead claimant, whether a single adult person, or the head of a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired. This amendment shall become effective upon its adoption."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses."

Amendment No. 3

By: Jones

S.J.R. No. 13

SENATE JOINT RESOLUTION

proposing amendments to Article VIII, Sections 1-a and 1-b, of the Texas Constitution, to extend the \$3,000 ad valorem tax exemption to the homesteads of unmarried adults.

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

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

“Section 1-a. From and after January 1, 1951, no State ad valorem tax shall be levied upon any property within this State for general revenue purposes. From and after January 1, 1951, the several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first Three Thousand Dollars (\$3,000) value of residential homesteads of married or unmarried adults, male or female, including those living alone, not to exceed thirty cents (\$.30) on each One Hundred Dollars (\$100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control, except as herein otherwise provided.

“Provided that in those counties or political subdivisions or areas of the State from which tax donations have heretofore been granted, the State Automatic Tax Board shall continue to levy the full amount of the State ad valorem tax for the duration of such donation, or until all legal obligations heretofore authorized by the law granting such donation or donations shall have been fully discharged, whichever shall first occur; provided that if such donation to any such county or political subdivision is for less than the full amount of State ad valorem taxes so levied, the portion of such taxes remaining over and above such donation shall be retained by said county or subdivision.”

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

“Section 1-b. (a) Three Thousand Dollars (\$3,000) of the assessed taxable value of all residence homesteads of married or unmarried adults, male or female, including those living alone, [~~as now defined by law~~] shall be exempt from all

taxation for all State purposes.

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

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment to extend the \$3,000 ad valorem tax exemption to the homesteads of unmarried adults.”

Amendment No. 4

By: Schwartz

S.J.R. No. 1

SENATE JOINT RESOLUTION

proposing an amendment to Article XVI, Section 59, of the Texas Constitution,
establishing certain requirements relative to the enactment of laws
creating certain conservation and reclamation districts.

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

Section 1. That Article XVI, Section 59, of the Texas Constitution, as amended, be amended by adding a new Subsection (e) to read as follows:

“(e) No law creating a conservation and reclamation district shall be passed unless, at the time notice of the intention to introduce a bill is published as provided in Subsection (d) of this section, a copy of the proposed bill is delivered to the commissioners court of each county in which said district or any part thereof is or will be located and to the governing body of each incorporated city or town in whose jurisdiction said district or any part thereof is or will be located. Each such commissioners court and governing body may file its written consent or opposition to the creation of the proposed district with the governor, lieutenant governor, and speaker of the house of representatives. Each special law creating a conservation and reclamation district shall comply with the provisions of the general laws then in effect relating to consent by political subdivisions to the creation of conservation and reclamation districts and to the inclusion of land within 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, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment establishing certain requirements relative to the enactment of laws creating certain conservation and reclamation districts.”

Amendment No. 5

By: Schwartz

S.J.R. No. 12

SENATE JOINT RESOLUTION

proposing an amendment to Section 7, Article XI of the Constitution of the State of Texas; amending Section 7 to provide that certain counties and cities bordering on the Gulf of Mexico may levy a tax to pay for bonds issued for the construction of sea walls and breakwaters upon the vote of the majority of the resident property taxpayers voting in an election.

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

Section 1. That Section 7, Article XI of the Constitution of the State of Texas be amended to read as follows:

“Section 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized upon a vote of the [~~a two-thirds~~] majority of the resident property taxpayers voting thereon at an election called for such purpose to levy and collect such tax for construction of sea walls, breakwaters, or sanitary purposes, as may now or may hereafter be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay tthe interest thereon and provide at least two per cent (2%) as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.”

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, 1973, at which election all ballots shall be printed to provide for voting for or against the proposition: “The constitutional amendment authorizing counties and cities bordering on the Gulf of Mexico to issue bonds for the construction of sea walls and breakwaters upon a vote of the resident property taxpayers.”

Amendment No. 6

By: Wallace

S.J.R. No. 26

SENATE JOINT RESOLUTION

proposing a constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals.

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

Section 1. That Article V, Section 8, Constitution of the State of Texas, be amended by adding a paragraph to read as follows:

“The district court, concurrently with the county court, shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of

Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals."

Amendment No. 7

By: Williams, Salem, Willis, Edwards

H.J.R. No. 6

HOUSE JOINT RESOLUTION

proposing an amendment to Article III, Section 49-b, of the Texas Constitution,
as amended, to provide for an additional \$100 million in bonds or
obligations of the State of Texas for the Veterans' Land Fund.

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

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

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

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

"The Veterans' Land Board may provide for, issue and sell not to exceed Five Hundred Million Dollars (\$500,000,000) [~~Four Hundred Million Dollars~~

(~~\$400,000,000~~) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Four Hundred Million Dollars (\$400,000,000) [~~Two Hundred Million Dollars (\$200,000,000)~~] of which have heretofore been issued and sold. Such bonds or obligations shall be sold for not less than par value and accrued interest; shall be issued in such forms, denominations, and upon such terms as are now or may hereafter be provided by law; shall be issued and sold at such times, at such places, and in such installments as may be determined by said Board; and shall bear a rate or rates of interest as may be fixed by said Board but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed the rate specified in Section 65 of this Article [~~four and one half percent (4 1/2%)~~]. All bonds or obligations issued and sold hereunder shall, after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all bonds heretofore issued and sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

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

"Said Veterans' Land Fund shall consist of any lands heretofore or hereafter purchased by said Board, until the sale price therefor, together with any interest and penalties due, have been received by said Board (although nothing herein shall be construed to prevent said Board from accepting full payment for a portion of any tract), and of the moneys attributable to any bonds heretofore or hereafter issued and sold by said Board which moneys so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; the moneys received from the sale or resale of any lands, or rights therein, purchased with such proceeds; the moneys received from the sale or resale of any lands, or rights therein, purchased with other moneys attributable to such bonds; the interest and penalties received from the sale or resale of such lands, or rights therein; the bonuses, income, rents, royalties, and any other pecuniary benefit received by said Board from any such lands; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds or for the failure of any bidder for the purchase of any lands comprising a part of said Fund to comply

with his bid and accept and pay for any such lands; and interest received from investments of any such moneys. The principal and interest on the bonds heretofore and hereafter issued by said Board shall be paid out of the moneys of said Fund in conformance with the Constitutional provisions authorizing such bonds; but the moneys of said Fund which are not immediately committed to the payment of principal and interest on such bonds, the purchase of lands as herein provided, or the payment of expenses as herein provided may be invested in bonds or obligations of the United States until such funds are needed for such purposes.

“All moneys comprising a part of said Fund and not expended for the purposes herein provided shall be a part of said Fund until there are sufficient moneys therein to retire fully all of the bonds heretofore or hereafter issued and sold by said Board, at which time all such moneys remaining in said Fund, except such portion thereof as may be necessary to retire all such bonds which portion shall be set aside and retained in said Fund for the purpose of retiring all such bonds, shall be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. All moneys becoming a part of said Fund thereafter shall likewise be deposited to the credit of the General Revenue Fund.

“When a Division of said Fund (each Division consisting of the moneys attributable to the bonds issued and sold pursuant to a single Constitutional authorization and the lands purchased therewith) contains sufficient moneys to retire all of the bonds secured by such Division, the moneys thereof, except such portion as may be needed to retire all of the bonds secured by such Division which portion shall be set aside and remain a part of such Division for the purpose of retiring all such bonds, may be used for the purpose of paying the principal and the interest thereon, together with the expenses herein authorized, of any other bonds heretofore or hereafter issued and sold by said Board. Such use shall be a matter for the discretion and direction of said Board; but there may be no such use of any such moneys contrary to the rights of any holder of any of the bonds issued and sold by said Board or violative of any contract to which said Board is a party.

“The Veterans' Land Fund shall be used by said Board for the purpose of purchasing lands situated in the State of Texas owned by the United States or any governmental agency thereof, owned by the Texas Prison System or any other governmental agency of the State of Texas, or owned by any person, firm, or corporation. All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of said Fund. Such lands heretofore or hereafter purchased and comprising a part of said Fund are hereby declared to be held for a governmental purpose, although the individual

purchasers thereof shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent Free Public School Fund.

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

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

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a 'series of bonds' being all of the bonds issued and sold in a single transaction as a single installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein provided, for a period

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

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

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

"This Amendment shall become effective upon its adoption."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for an additional \$100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund."

Amendment No. 8

By: Traeger

S.J.R. No. 29

SENATE JOINT RESOLUTION

proposing an amendment to Article XI of the Constitution of the State of Texas by adding a new Section 5(a) to said Article XI, to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of and interest on their general obligations as defined herein hereafter lawfully issued; placing limitations on the amount of such general obligations; and providing for the submission of said constitutional amendment to a vote.

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

Section 1. That Article XI of the Constitution of the State of Texas be amended by adding a new Section 5(a) to said Article XI, to read as follows:

"Section 5(a). Notwithstanding any other provisions of this Constitution or any home rule city charter to the contrary, each incorporated city, town, and village (hereinafter called 'municipal corporation') in this State, regardless of population, is authorized to levy and shall levy, and cause to be assessed and collected, on all taxable property within its boundaries, annual ad valorem taxes at such rate and in such amount (in addition, if required, to all other taxes authorized or permitted to be levied by municipal corporations under this Constitution), as will be sufficient to pay when due the principal of and interest on all of its bonds and other interest bearing obligations payable from ad valorem taxes (hereinafter called 'general obligations') issued after the effective date of this amendment; provided that no general obligations may be issued by a municipal corporation in an aggregate principal amount exceeding such limitations as may be established by the Legislature, and the Legislature is hereby authorized to enact such general or special laws, or both, as it shall deem appropriate to provide and establish such limitations. However, unless other or

different limitations are provided by the Legislature for municipal corporations by either general or special law, or both, the limitations established by law with respect to the aggregate principal amount of bonds which may be issued by independent school districts in this State shall apply as the limitation applicable to the amount of general obligations that may be issued by municipal corporations hereunder. This amendment is self enacting."

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, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of and interest on their general obligations hereafter issued subject to the restrictions provided by law."

Amendment No. 9

By Traeger

S.J.R. No. 25

SENATE JOINT RESOLUTION

proposing an amendment to Article VIII of the Texas Constitution
by adding a Section 2C authorizing the legislature to
exempt certain water supply corporations and
cooperatives from the property tax on
certain facilities.

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

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

"Section 2C. The Legislature may by general law exempt from all property taxes imposed in this State all real and personal property used by a nonprofit water supply corporation or a nonprofit water supply cooperative which is reasonably necessary for, and used in, the operation of the corporation or cooperative in the acquisition, storage, transportation, sale, and distribution of water."

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 following the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the legislature to exempt from property taxes certain property used by a nonprofit water supply corporation or a nonprofit water supply cooperative."

