

A SUMMARY

*Accomplishments of the
60th Legislature--Regular Session*

Prepared by the Staff

TEXAS LEGISLATIVE COUNCIL

DRAWER D, CAPITOL STATION
AUSTIN, TEXAS 78711

A C C O M P L I S H M E N T S
of the
60TH LEGISLATURE

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of the
TEXAS LEGISLATIVE COUNCIL
June 1967

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ACCOMPLISHMENTS OF THE REGULAR SESSION OF THE 60TH LEGISLATURE
(Summary by the Staff of the Texas Legislative Council)

June 1967

Major issues of the Regular Session of the 60th Legislature resembled those of the past six or eight years in centering around problems of reapportionment, education and teachers' salary increases, water supply, water rights and water quality, and the allocation of available funds to meet the ever-growing responsibilities of state government. Welfare measures were again necessary to keep Texas in step with federal programs. Further difficulties were posed in trying to cope with the financial needs of metropolitan areas, the growing incidence of traffic fatalities on Texas highways and streets, industrial safety, and needed improvements in the Code of Criminal Procedure, which was enacted by the 59th Legislature just two years ago.

When the session was adjourned on May 29, 1967, however, surprising progress had been made in solving these complexities and others included among the 3,600 pieces of legislation considered during the 140 days.

The redistricting measures of two years ago, which had attempted to comply with the "one man, one vote" standard set forth by the federal courts, had proved unacceptable to the courts with respect to Texas congressional districts and some of the legislative districts; so the task had to be done over. New multimember and single-member legislative districts were created to reduce the population variance between the highest and lowest districts. The 23 congressional seats were apportioned into single-member districts with a reduction in the deviation from ideal population.

A total of 77 different measures relating to schools, school districts and school employees, and colleges and universities found approval by the Legislature before session's end, among them the heatedly debated \$60 million teachers' salary increase.

The volume of legislation on water quality and water rights and other areas affecting this vital resource was second only to that on education. The significant accomplishments in water legislation will receive full discussion in a section of this report devoted entirely to that subject.

It has been nearly 90 years since the Texas Legislature last adopted an appropriations bill to meet budget requirements for a single fiscal year, but the 60th Legislature, at the Governor's instigation, apparently decided that this was the most logical way--without a tax bill--to make ends meet, to comply with the "pay-as-you-go" provision which has been a

part of the Texas Constitution since 1942. A ^{2.3}~~\$3.2~~ billion appropriation to cover state spending in the fiscal year ending August 31, 1968, was made, an increase of 14 percent over the current fiscal year.

With two out of every three Texans now living in the 23 metropolitan statistical areas of Texas--and we have more cities with population in excess of 50,000, so classified by the U.S. Bureau of the Census, than any other state in the Union--taxing powers of the cities have not been adequate to meet needs for expansion and new services. To provide an avenue of assistance, the 60th Legislature gave cities the option of collecting a 1 percent sales tax, if the electorate of each city proposing such a plan agrees.

An entire packet of safety legislation was enacted in an effort to reduce the number of tragic deaths and maimings by vehicle accidents of citizens and visitors to our state using Texas highways and streets. New and tighter provisions were included in the drivers' license law and additions were made to the vehicle inspection requirements.

The 59th Legislature made new strides forward in the treatment and care of the mentally ill and mentally retarded, and the 60th Legislature added further improvements to the program and provided for its expansion.

Perhaps one of the most unique measures enacted by the Regular Session of the 60th Legislature was Senate Bill 598. This measure provides for an expression of public opinion on the question of permitting horse racing with pari-mutuel betting on a local option basis.

A boon to industrial growth and development is expected to result from the enactment of the state's first industrial safety act--House Bill 559--which created a Division of Occupational Safety within the Department of Health.

An effort to improve quality and lengthen tenure of state employees was made with an across-the-board increase in state employee salaries--up nearly 18 percent on the average--with \$3,216 a year the minimum wage in all state agencies except higher education.

Further emphasis on tourism and its importance to the Texas economy was demonstrated by the 60th Legislature's additional appropriation in the amount of \$5.5 million, to be used in expanding the size of the building and grounds to house the State of Texas exhibit and cultural center for San Antonio's HemisFair in 1968. Also, a proposed constitutional amendment to permit a big bond program for state parks development was provided by House Joint Resolution 12.

Major defects in and objections to the Code of Criminal Procedure, which was enacted by the 59th Legislature, were cured by amendments to 38 articles included in Senate Bill 145.

The sheer volume of the 1,995 bills introduced during the Regular Session of the 60th Legislature, plus increases in total bills introduced during the 59th Legislature, raised the 15-year average of bills considered from 1,450 per session to 1,740. Fewer joint resolutions proposing constitutional amendments were considered by the 60th Legislature than by the 59th, however. Two years ago, 84 House Joint Resolutions were introduced, as compared to 64 during the recent Regular Session; Senate Joint Resolutions in 1965 numbered 48, while the 60th Legislature considered only 41. Of the amendments proposed by the 60th Legislature, six will go before the electorate on November 11, 1967, and the 14 remaining of the 20 which passed will be voted on November 5, 1968.

One pronounced development of the 60th Legislature is the great increase in the number of interim study committees created. Authorized by both simple and concurrent resolutions, 55 interim study committees were provided for with subjects of interest ranging from commissioning a portrait of General William C. Westmoreland to reviewing faculty compensation in Texas state colleges and universities.

For legislation other than simple and concurrent resolutions, ratios of measures passed to those introduced were as follows: House bills--passed, 571; introduced, 1,367; or 41 percent. Senate bills--passed, 254; introduced, 628; or 40 percent. House Joint Resolutions--passed, 12; introduced, 64; or 18 percent. Senate Joint Resolutions--passed, 9; introduced, 41; or 22 percent.

On June 19, Governor Connally announced the veto of several measures passed and appropriations made by the 60th Legislature. Notable among the vetoes was the \$325,000 appropriated to the Department of Agriculture for expanding marketing outlets. In justification, the Governor explained that the State of Texas cannot "afford to expend state funds or resources on programs or efforts which duplicate each other." He said, further, that the appropriation of \$325,000 duplicates in purpose a major portion of the \$500,000 "special program" appropriation for marketing and market outlet research, quality research, statistical reporting, and other programs relating to agriculture. Also vetoed was the rider provision in Senate Bill 15 (the general appropriations bill), which would prevent the Health Department and the Air Control Board from controlling the polluting activities of cotton gins or the cotton ginning industry. The Governor explained that, according to the Health Department, more complaints are registered at the state level concerning air

pollution by cotton ginning than any other major industry in this state.

In all, the Governor trimmed some \$3.2 million from the \$2.3 billion allocated by the general appropriations bill to carry on the business of state government during the coming year. Vetoes of nine additional measures involving the commitment of state funds effective September 1, 1968, accounted for another \$12,819,760. A full list of measures vetoed is included in an appendix to this report.

Outstanding legislation enacted and signed by the Governor is reviewed under appropriate headings. Obviously, it is virtually impossible to deal with all legislation or to give full discussion to each measure presented in this report.

The Legislature and Reapportionment

The
Legislature

With the Speaker in his second term as speaker and the Lieutenant Governor beginning his third term in that office, and presiding over the House of Representatives and the Senate, respectively, the 60th Legislature completed its organization almost by the time it convened on Tuesday, January 10, 1967. Then began, according to senior members of the Legislature and others long familiar with the legislative process, one of the most trying sessions in history. The Legislature, itself, was concerned in a number of measures.

Two constitutional amendments were proposed relating directly to the Legislature. Both will be considered by the electorate on November 5, 1968. House Joint Resolution 22 fixes the time for eligibility of members of the Legislature to hold other office. This proposed amendment would terminate ineligibility to hold other office because of membership in the Legislature on December 31 of the last full calendar year of the term for which the member was elected. Thus, the few days in January before the convening of a Regular Session would no longer be counted as a part of a legislator's term when he has been elected or appointed to another office with a term overlapping the first few days of that calendar year.

Under House Joint Resolution 61, members of the Legislature would be permitted to receive an annual salary up to \$8,400 a year instead of the \$4,800 now allowed by the constitution. In addition, the per diem of \$12 during each Regular Session and each Special Session now permitted would be allowed, but the Regular Session allowance would continue for the full 140 days of the session rather than the 120 days in the present provision. Members would also be entitled to mileage

for one round trip a month going to and from the seat of government instead of the single round trip for the entire session now authorized. The mileage rate of \$2.50 for every 25 miles would remain the same.

An increase in retirement benefits for legislators was included in Senate Bill 63, which related to the Employees Retirement System of Texas. This bill, however, was among those vetoed by the Governor on June 18, 1967.

Judging from the number of study committees created with membership drawn from the House of Representatives and the Senate, the legislative work load of members during the interim following the Regular Session will be almost as heavy as it was during the session. A total of 55 special committees, created by concurrent and simple resolution, provided for special studies with legislative members participating.

Three Senate Concurrent Resolutions created committees on Faculty Compensation, studies of Texas Beaches, and Emergency Hospital Treatment. The 10 House Concurrent Resolutions adopted provided for studies on Land Uses and Environment Control, Law Enforcement and Administration of Justice, Oyster and Shellfish, State and Local Tax Policy, Preservation of Governor's Mansion, Uninsured Motorists, Parking and Traffic, Highway Safety, commissioning a portrait of General William C. Westmoreland, and Charitable Immunity. Senate Resolutions, numbering 10, established a Senate General Investigating Committee, Lieutenant Governor's Portraits Committee, Return of the Flag of the Alamo Committee, Vocational-Technical Education Study Committee, Economy in State Government Committee, Hospital and Accident Insurance Committee, Committee to Study Governmental Immunity, Committee to Study Poverty in Texas, Senate Rules Study Committee, and Committee to Study the Slum Problem. The 32 House Simple Resolutions provided for a House General Investigating Committee, House Committee to Investigate Unethical Practice of Issuance and Sale of Insurance, State Agency-State Library Distribution and Exchange of Printed Information, Natural Fiber Study Committee, House Committee on Juvenile Crime and Delinquency, Committee on State Parks System, Special Aviation Committee, Committee on Marketing and Pricing Practices, Importation and Grading of Eggs, Dairy Marketing Committee, Commission on Law Enforcement, Tort Claims Act Committee, Recreational Water Safety Committee, Committee on Texas Beaches, Economics of Small Business and Agriculture Study Committee, Committee on School Bus Safety Regulations, Learning Reading Study Committee, Methods of Child Learning Study Committee, Home Improvement Contractors Study Committee, Entertainment Industry Committee, Interim County Government Committee, Interim Committee on Accuracy of Population Studies, Increasing

Boundaries and Jurisdiction of Upper Colorado River Authority, the Agribusiness Interim Committee, Special Interim Committee on Professional Ranking for Teachers, Interim Committee to Study Housing and Physical Care of Criminally Insane Persons, House Water Committee, Constitutional Revision Commission, Criminal Law Study Committee, Feasibility of Construction of Porticoes on East and West Wings of Capitol, House Office Committee, and Committee on Relationship between Architecture, Engineering, and Landscape Architecture.

Standing interim committees will also require the attention of a great number of members of the Legislature. Among them are the Legislative Audit Committee, Legislative Budget Board, Legislative Council, and Interstate Cooperation Commission. In addition, the present and immediate past chairmen of Senate and House Civil Judiciary committees are automatically members of the Civil Judicial Council.

Legislative
and Congress-
sional Reap-
portionment

When the 59th Legislature completed its reapportionment legislation in 1965, there was hope that the nagging issue of complying with the Supreme Court's famous "one man, one vote"

decision had been resolved. The approval of Texas reapportionment legislation by the federal district court at Houston was still conditional in several respects: (1) the court noted that several congressional districts were not fairly drawn as to population, and called for correction of these conditions at the next regular session of the legislature in 1967; (2) the court was critical of flatorial districts included in the reapportionment measure for the House of Representatives, and suggested reapportionment of these seats or, in the alternative, the requirement that candidates for all seats in flatorial districts of the House of Representatives run at large.

When the 60th Legislature convened, this was one of the most pressing problems before it--to enact legislation meeting the conditions set forth by the Houston federal district court.

Senate Bill 335 was the vehicle for congressional redistricting. The 23 congressional seats were apportioned into single-member districts with a reduction in the deviation from ideal population. The 150 districts of the House of Representatives were reapportioned by House Bill 911 into single-member and multimember districts to reduce the population variance between the highest and lowest districts. All flatorial districts were abolished, and many districts were brought closer to the ideal district population. Senatorial districts remained as created by the 59th Legislature, since the federal district court did not require changes in them.

Elections and Voting

A substantial revision of the Texas Election Code of 1951 and related statutes was accomplished with the passage of Senate Bill 58. The last such revision had been made in 1963. Many conflicts, ambiguities, and gaps in the Election Code were mended. Among other things, the bill provided for electronic voting systems and established 50 as the minimum population for voting precincts, based on registered voters at the last presidential general election. To facilitate election efficiency and integrity, schools of instruction were authorized for election officials. The Secretary of State was officially designated as the chief election officer of the state. Other changes included procedures for voting by new and former residents, a uniform order of offices on election ballots, and recount in close elections without the necessity of alleging fraud. Write-in votes, under the measure, are prohibited in party primaries except for party offices. In counties containing part or all of more than one state senatorial district, senatorial district conventions rather than county conventions are required. Instead of the tax assessor furnishing a voter list for bond elections, the code was changed by Senate Bill 58 to require signing of affidavits by voters, specifying property rendered for taxation or placed on the tax rolls. All references to the poll tax were eliminated from the code.

The method of marking ballots was altered by House Bill 181. Under this measure, a voter is permitted to show his preference for a candidate or proposition by marking an appropriate square. However, voters who enjoy scratching candidates or propositions they oppose may do so, and a ballot so cast is valid.

Voter registration was modified slightly by House Bill 89. The bill requires registration of all voters, regardless of age of voter or size of city or town of residence. Other changes relate to registration and absentee voting by military personnel and method of voter registration. Registrars are permitted to take applications in person and mail registration certificates at a later date, and a penalty is included for making a forged or fictitious application for a registration certificate.

House Bill 226 made some revisions in the canvassing of votes and issuing certificates of election for legislative candidates. These changes were necessitated by the term of legislative office specified in Amendment 16 to the Texas Constitution, which was adopted on November 8, 1966.

State Officials, State Departments and Agencies, State Employees, and Examining and Licensing Agencies

State
Officials

State officials and their duties are affected by two of the 20 constitutional amendments proposed by the 60th Legislature. House Joint Resolution 27, to be voted on November 11, 1967, amends Section 35, Article XVI, of the Constitution, now prohibiting dual officeholding by public officials, to permit nonelective state officers and employees to serve in other nonelective offices or positions, federal or state, until September 1, 1969, if such service will benefit the state or is required by state or federal law, and thereafter if the Legislature gives authorization. In effect, this makes officials highly qualified in particular fields available for state service in additional capacities which are compatible. The other proposed amendment, House Joint Resolution 49, applies only to the Governor, Secretary of State, and Comptroller, and has the effect of relieving those officials of their present responsibility in approving state expenditures for stationery and public printing. Contract purchases of these services and supplies are already fully regulated by the State Board of Control, the state's official purchasing agency.

Perennially, measures have been introduced in the Texas Legislature to provide for open meetings of all state governmental departments and agencies, their boards and commissions. The courts and public information media have long stressed the right of the public to "know what public business is being considered and by whom and to what extent it is being discussed." By enacting Senate Bill 94, the 60th Legislature opened to the public all meetings of all governing bodies, with the exception of those dealing with dismissals of public employees, the acquisition of property and security matters and, of course, actions of the grand jury.

To give relief to members of the Board of Mental Health and Mental Retardation, who have been limited to per diem and expenses only when actually attending meetings of the Board, House Bill 514 was enacted to permit payment of per diem and expenses at any time members perform duties of office.

State
Departments
and Agencies

Several departments were reorganized and divisions of a number of state agencies were affected by legislation of the 60th Legislature. The Texas Fine Arts Commission, which was created by the 59th Legislature on only a six-year basis, was given permanent status by Senate Bill 21, and the name of the agency was changed to the Texas Arts Commission. The requirement that the commission maintain an Austin office and hold at least one meeting

a year in Austin was deleted by the new Act. The commission serves as a much-needed vehicle for developing and maintaining the cultural climate demanded by the state's rapid growth, and is expected to be an invaluable aid to state participation in HemisFair.

The Air Pollution Law, which created the Texas Air Pollution Board, was rewritten by Senate Bill 237 to strengthen portions of the original Act. Changes in the Act will be discussed at greater length in the Public Health section of this report. Other legislation affecting the State Department of Health includes the creation, by House Bill 559, of a Division of Occupational Safety within that department to administer the state's first industrial safety act.

The law regulating the rental of office space by state departments and agencies was amended to permit rental contracts for four years instead of the two previously provided. With the assurance of longer state tenancy, it should be possible to obtain better lease or rental terms.

Less rental space will be required after the new State Finance Building is constructed, and House Bill 876 appropriated an additional \$830,000 to make possible its early completion. Rising costs of labor and materials affecting all building construction made the supplemental appropriation necessary. Funds for the purpose were transferred from the Land Acquisition Program to the State Building Commission.

The addition of May 30, Memorial Day, to the list of official state holidays, as provided in House Bill 225, should be noted by those who conduct business with state departments and agencies.

One new department, which will be discussed more fully in the section of this report concerning cities and counties, is the Public Employees Retirement System of Texas, which was created by House Bill 85. The measure implemented the constitutional amendment approved by the electorate on November 8, 1966, authorizing the Legislature to provide a system of retirement, disability, and death benefits for officers and employees of a county, political subdivision of a county, or other political subdivision of the state.

The designation of the Governor as chief planning officer of the state, as provided by House Bill 286, also provides for interagency planning councils and establishes a state division of planning coordination. The Governor's Office was allocated \$250,000 for this purpose in the general appropriations bill.

Selection and qualification of depositories of all agencies and political subdivisions of the state were affected by

House Bill 749. Under the Act, banks are permitted to become the depository even if one of the agency's officers or employees is connected with the bank, a practice hitherto forbidden under common law. Majority approval by the selecting body is necessary, however. House Bill 1157 makes available to all state agencies and boards the privilege of investing funds in securities issued by federal agencies, an authorization already provided for some state agencies by specific legislation. Generally, these federal agency securities offer better investment yield than do direct U.S. governmental obligations.

State Employees The Employees Retirement System of Texas for state employees was reorganized by Senate Bill 63 to expand coverage of various categories of state employees and to increase retirement compensation, but this measure was among those vetoed by the Governor.

Senate Joint Resolution 39, which amends Section 62, Article XVI, of the Constitution, will be submitted to the Texas electorate on November 5, 1968. It, too, relates to the state employees retirement system. Outstanding among its provisions is the power granted the board of trustees to invest assets of the system and the authorized increase of the maximum amount to be paid into the fund from 5 to 6 percent of the compensation paid to each person by the state. The proposed amendment stipulates that not less than 25 percent of investments of the fund shall be in government and municipal securities.

A number of other measures affecting the state employee either directly or indirectly received approval by the 60th Legislature. Still in the area of retirement benefits, Senate Bill 281 added district attorneys to classes of persons who may become members of the state employees retirement system. House Bill 12 provided for payment of assistance by the state to surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections, and full-paid firemen suffering violent death in performance of duty.

Discrimination in employment against persons because of race, color, religion, or national origin was prohibited by Senate Bill 185.

To help meet the manpower shortage of the Department of Public Safety, the requirement that only residents of Texas for a year or more are eligible for employment as officers was struck from the present law by Senate Bill 127.

The Texas Insurance Code was amended by Senate Bill 294 to permit the expenditure of state funds to pay all or any portion of premiums for certain group insurance contracts covering employees of the state.

The method of computing travel distances for official state travel by employees and officials was changed by House Bill 795, permitting the Comptroller to use the shortest distance necessary to travel between two points with whatever mileage references are the most accurate. Under existing law, the Comptroller was required to use the latest official State Highway map for these computations. House Bill 1118 amended travel regulations further to permit official state travel, without prior approval by the Governor, "in and from the several states, U.S. possessions, Mexico and Canada." The measure also authorized the granting of blanket authority by the Governor to the Department of Public Safety for travel by law enforcement personnel.

Improved security in the Capitol building and on the grounds is provided by House Bill 1333, which empowers State Capitol guards to carry firearms under certain circumstances-- (1) after approval by the Director of the Department of Public Safety, and (2) if directed to carry firearms by the Chief of the Capitol Security Force.

Examining and
Licensing
Agencies

Most of the legislation relating to examining and licensing agencies concerned increases in various fees collected by them. Charges for

annual renewal of licenses by pharmacists, chiropractors, and podiatrists were increased by Senate Bill 83, House Bill 127, and Senate Bill 80, respectively. The bill relating to podiatrists also included a change in the name of the licensing board from State Board of Chiropody Examiners to State Board of Podiatry Examiners.

Fees for examination before the Board of Vocational Nurse Examiners were increased by House Bill 1238.

Senate Bill 184 amends the veterinary medical regulatory law to provide for revocation or suspension of a license to practice if the veterinarian has been convicted of a felony.

Nursing laws were revised by Senate Bill 242 in an attempt to alleviate the critical shortage of nurses. The new law defines professional nursing, provides license revocation procedure, and authorizes a fine (penalty) for violation of specified prohibitions.

Membership requirements on the Board of Medical Examiners were changed slightly by Senate Bill 301, which removed the prohibition that no medical school have a majority representation on the board. The law also provides for probation under license suspension and revocation. To meet the problem presented in the recent supreme court decision of the Texas Board of Medical Examiners v. Mann, the Act allows for substantial evidence rule rather than de novo.

The maximum fee charged by the Board of Legal Examiners for any examination given a candidate for the State Bar was increased from \$20 to \$40 by Senate Bill 114.

Senate Bill 215 reorganizes and amends the provisions of the law regulating the licensing of real estate salesmen and brokers. The Act requires members of the Texas Real Estate Commission to be bonded and to take a constitutional oath of office. The requirements for application for a license as a broker or salesman or for renewal of a license as a real estate salesman are stiffened. Courses relating to real estate sales and brokerage are among the new requirements. Fees are raised on all licenses issued under the Act.

Water

The state's two most pressing water-related problems--water rights and water quality--received concentrated attention during the recent session, and important steps were taken toward solving them. Significant water legislation in several other areas was also enacted.

Water Quality--Texas Senate Bill 204 reorganized and
Water Quality Board strengthened the state water pollution control agency. The bill was, in large measure, the product of the report of the Pollution-Multiple Use Study Committee, Texas Waters, an interim committee of the 59th Legislature. The committee held hearings all over the state and conducted extensive research and investigation into the problem of protecting the quality of water in Texas. Senate Bill 204 recognizes that control of the quality of the state's water is a problem which justifies the full-time efforts of a fully powered, separately staffed state agency to be known as the "Texas Water Quality Board." The bill provides for extensive local government involvement in recommending water quality criteria and standards and in enforcing standards once they are set by the Water Quality Board. It establishes a framework for making state grants to local governments for quality control purposes and provides a civil penalty for violation.

Senate Bill 148 increases the maximum duration of a temporary permit for water appropriation from three months to three years.

House Bills 56, 57, 136, 139, 140, 167, 170, 174, 176, 177, 178, and 186 were also recommended by the House Interim Water Committee as a result of its study during the interim between the 59th and 60th Legislatures. The effect of the bills is to modernize a body of law that has grown piecemeal since the first major piece of water legislation was enacted in 1859.

General Laws Relating to Conservation and Reclamation Districts House Bill 52 provides that all directors of water districts and river authorities who are required to be bonded must file copies of their bonds with the Secretary of State.

Senate Bill 599 provides an optional "commissioners precinct" method for the election of directors of water control and improvement districts in counties where the boundaries of the district are coterminous with the boundaries of the county.

House Bill 446 (the effect of which is contingent on the adoption of Senate Joint Resolution 14 in November 1968) would give navigation districts the power to issue bonds for industrial development purposes.

Soil and Water Conservation Board and Districts Senate Bill 152 provides that the remaining directors of Soil and Water Conservation Districts are to appoint a person to fill an unexpired term on the board of directors of those districts (the law previously required an election); and provides that if the State Soil and Water Conservation Board approves a petition signed by a majority of the members of the Board of Supervisors of each district affected, the State Board may change the boundaries of the district (the law previously required an expensive and cumbersome election process).

Senate Bill 153 provides for a biennial rather than an annual audit, and provides that all officers and certain employees of soil and water conservation districts are to be bonded in accordance with the State Employees Bonding Act.

Water Development-- The two basic purposes of Senate
Water Development Bill 444 are to authorize the
Board establishment of a centralized
hydrological bank at the Texas
Water Development Board, and to specifically move the func-
tions originally performed by the State Reclamation Engineer
into the Water Development Board.

In addition to a local sponsor, Senate Bill 445 allows the
Texas Water Development Board to be cooperating sponsor in
water development projects in which it is interested.

Senate Bill 446 prescribes the interest rate on bonds pur-
chased by the board and allows the board to purchase or retire
outstanding prior lien bonds previously issued by a political
subdivision of the state.

Senate Bill 458, the "Weather Modification Act," provides that
the Texas Water Development Board may conduct extensive
research and development in the field of weather modification.
The bill also gives the board the duty to license persons who
enter into the field of weather modification. A permit is
then to be issued for each weather modification operation.
Penalties for violation are contained in the Act.

House Bill 171 clears up any possible ambiguities in Arti-
cle 7537a, Vernon's Texas Civil Statutes. The functions in
that article (relating to study of underground water supply)
were intended to be transferred to the Texas Water Develop-
ment Board by the 59th Legislature.

Interim Committees House Concurrent Resolution 24 con-
of the 60th Legislature tinues the Pollution-Multiple Use
Study Committee, Texas Waters, as
the Committee for the Study of Land Uses and Environmental
Control. The committee is to continue its study and research
into the problems of water quality and multiple usage of
water, and, as the committee's new name indicates, is to
expand its endeavors into the fields of air pollution, noise
control, and land usage. The committee consists of three
Representatives appointed by the Speaker of the House; three
Senators appointed by the Lieutenant Governor; and five pub-
lic members appointed by the Governor.

House Simple Resolution 362 creates a Recreational Water
Safety Committee consisting of five members of the House,
appointed by the Speaker.

House Simple Resolution 394 creates a Committee on Texas
Beaches to study the problems peculiar to the beaches of
Texas and their use for recreation, and to study the problem
of fish supply.

(6) repealing the prohibition against paying assistance to inmates in public institutions and repealing the provision prohibiting payment to Aid to the Permanently and Totally Disabled recipients who could receive care in one of the state hospitals for mental diseases, mental retardation, or tuberculosis; (7) providing for grants and/or medical assistance for individuals 65 or older in public institutions for mental diseases and tuberculosis and providing for medical assistance for individuals in the hospital or nursing sections of institutions for the mentally retarded if such persons would be eligible for assistance were they not in the institutions; (8) authorizing the Welfare Department, the Department of Mental Health and Mental Retardation, and the State Health Department to enter into agreements as required to make possible payment of medical assistance on behalf of patients in state institutions; and (9) lowering the residence requirement for the three adult categories from five out of nine years, including the one year immediately preceding the date of application, to one year immediately preceding the date of application.

Another measure affecting the state's welfare program, but administered by the State Health Department, is Senate Bill 455. The Act provides for standard-setting and approval of state hospitals for tuberculosis, for mental diseases, and for the hospital and nursing sections of the institutions for the mentally retarded in order that they may qualify for medical assistance under Title XIX.

A supplemental appropriation of \$127,500 is provided by House Bill 1049 for the State Welfare Department for the period from June 1, 1967, through August 31, 1967, so that the department may employ necessary staff and cover other expenses necessary for implementation of Title XIX, Medical Assistance Program.

Further relating to operations of the department, House Bill 1047 sets up two funds, subject to internal auditing procedures approved by the State Auditor, for the purpose of increasing efficiency and economy in operation of programs the department administers. The funds will be set up beginning with the new fiscal year on September 1, 1967.

Another constitutional amendment to be considered by the electorate in November 1968, is proposed by Senate Joint Resolution 41. It would amend Article III, Section 51a, to increase the ceiling on expenditures for assistance grants from \$60 million to \$75 million per year out of state funds.

Finally, the general departmental appropriations bill (Senate Bill 15) for the fiscal year beginning September 1, 1967, adds

one new item, the \$3,302,900 allocated for medical assistance for patients in state hospitals and special schools. A number of other items in the appropriation show increases over the preceding fiscal year: Old Age Assistance--increase from \$41,700,000 to \$48,200,000; Aid to Families with Dependent Children--increase from \$5,650,000 to \$6,150,000; Aid to Permanently and Totally Disabled--increase from \$3,250,000 to \$4,250,000; medical assistance--increase from \$12,054,000 to \$22,419,459. The appropriation in Aid to Needy Blind is exactly the same as that for the preceding fiscal year--\$1,400,000.

Traffic Safety and Motor Vehicles

Traffic Regulation The Regular Session of the 60th Legislature took a hard look at state traffic regulatory laws in order to take constructive steps towards reducing the loss of lives and property on Texas highways and streets. Major legislation pointed towards this goal includes House Bill 354, the backbone of the Governor's traffic safety program. This Act provides for a motorcycle operator's license, driver rehabilitation schools, examination of license applicants in the types of vehicles which they will be licensed to operate, provisional licenses, duplicate licenses, learners' licenses, and temporary licenses. With certain limited exceptions, the minimum age for issuance of an operator's license is raised from 16 to 18, unless the applicant is not less than 16 and has passed an approved course in driver training. The minimum age for obtaining a commercial operator's or chauffeur's license is raised from 16 to 18, unless the applicant is not less than 17 and has passed an approved course in driver training. The department may not issue licenses to persons receiving assistance as needy blind and is required to suspend the licenses of the needy blind. Licenses will expire every four years on the anniversary of the applicant's birthdate and the license certificate shall bear a color photograph of the licensee. Penalties are increased for driving without a valid license or for driving while the license has been suspended or revoked. Forging or counterfeiting of a driver's license is made a felony punishable on conviction by not less than two nor more than five years in the penitentiary.

House Bill 353 establishes a statewide traffic safety program under the aegis of the Governor. The program is concerned primarily with fostering driver education programs, improving driver licensing, and attempting to reduce traffic accidents and the resulting deaths, injuries, and property damage.

Juvenile traffic offenders are required to appear in open court before the judge with one or both parents or the guardian having legal custody of the minor, under the provisions of House Bill 788.

House Bill 568 provides for licensing of commercial driver-training schools, supervisory driver-training instructors, and driver-training instructors by the Department of Public Safety. Operating without a license or violating any of the provisions of the Act is punishable upon conviction by a fine of not less than \$100 nor more than \$1,000.

The State Department of Health is required by House Bill 356 to continuously study and investigate medical aspects of driver licensing, traffic safety, and accident investigation, and present its findings periodically to the Department of Public Safety. To further study traffic safety, a Joint Interim Highway Safety Committee, to consist of five members of the House, appointed by the Speaker, and five members of the Senate, appointed by the Lieutenant Governor, was created by House Concurrent Resolution 143. Duties of the committee include the study of safety aspects of the planning, design, construction and maintenance of the state's streets and highways, with an evaluation to be made of the need for greater emphasis on new approaches to safety.

House Bill 301 clarifies the law relating to precautionary requirements in crossing railroad tracks by drivers of vehicles carrying explosive substances or flammable liquids. With certain exceptions, the Act requires the drivers of such vehicles operating within city limits to stop not more than 50 feet nor less than 15 feet from the nearest rail of a railroad and to take precautions before proceeding.

All motorcycle operators and their passengers are required to wear protective headgear approved by the Department of Public Safety by House Bill 355. The Act takes effect January 1, 1968. Violators are subject to a fine of not less than \$10 nor more than \$50.

To protect blind and incapacitated pedestrians, Senate Bill 521 provides that drivers of all vehicles take precautions necessary to avoid injuring or endangering the pedestrian and, if the only possible way to avoid an injury is to bring the vehicle to a complete stop, this must be done. The Act also prohibits anyone, unless totally or partially blind or otherwise incapacitated, to carry on a public street or roadway in a raised or extended position a cane or walking stick which is metallic or white, or white, tipped in red.

Motor Vehicles

A number of new safety regulations have been incorporated in existing statutes relating to motor vehicles and their inspection. In addition to items previously listed for inspection, House Bill 357 requires state-appointed inspection stations to inspect front seat belts in vehicles where seat belt anchorages are part of the manufacturer's original equipment on the vehicle, the steering, and the wheels and rims. The certificate fee required of all inspection stations is increased from \$5 to \$10 and the motor vehicle inspection fee is increased from \$1 to \$1.75.

A further safety measure is incorporated in House Bill 441, which requires that all license plates issued after the calendar year 1969 be made with reflectorized material.

Changes have also been made in certain registration requirements and fees. The fee for registering a motor vehicle which has been operated on streets or highways of this state for any time less than the registration year may not be prorated to less than \$5, under the provisions of House Bill 300. The Act lowers the annual registration fee for motorcycles from \$5.50 to \$5 and sets the minimum license fee for motor vehicles at \$12.

House Bill 271 repeals the law requiring that purchasers of motor vehicles demand the registration receipt and certificate of title from the seller. House Bill 173 prescribes a penalty of not less than \$50 nor more than \$200 for transporting a motor vehicle for compensation or hire without a permit or certificate from the Railroad Commission of Texas, if a permit is required by statute.

Under House Bill 134, owners of motor vehicles registered out of state who apply for a certificate of title in Texas are required to present to the designated agent a certificate from a peace officer certifying that the motor number, serial number, or permanent identification number of the motor vehicle has been examined. The designated agent may not accept the application for registration if the identification numbers on the peace officer's certification and the owner's identification papers do not agree.

House Bill 771 lowers the minimum age for ambulance drivers with chauffeurs' licenses from 21 to 19.

Highways and Public Roads

Although a number of measures relating to highways and public roads were enacted by the recent Regular Session, no single measure could be classified as major legislation.

Among the bills enacted, House Bill 553, relating to aircraft landing or maneuvering on a public highway is discussed in the section of this report concerned with Airports and Aviation.

The state must provide the grantor with an option to repurchase property acquired by the state for constructing an approach-way to an urban freeway, according to House Bill 716, if the State Highway Commission, not later than 12 months after purchase, determines that the property is no longer needed for highway purposes.

Certain special assessments for street improvements in cities having 1,000 or more inhabitants are validated by the provisions of House Bill 686, in instances where not more than all the costs of curbing nor more than 90 percent of remaining costs were assessed against owners of abutting property.

House Bill 685 provides stricter hearing requirements on special assessments for street and highway improvements. It requires publication in a newspaper at least 21 days before the hearing and extends the time period from 10 to 14 days for additional notice to railway and street railway companies with abutting property.

House Bill 63 authorizes the governing bodies of cities or towns to issue refunding bonds to refund outstanding bonds and warrants secured by revenues from toll bridges acquired by cities. House Bill 47 provides for the authorization, issuance, and sale of bonds to provide funds to pay off outstanding bonds on toll bridges in order to eliminate toll bridges.

House Bill 1316 provides that any person wishing to enter into a contract relating to roads in Harris County must first submit a bid bond of 5 percent of the amount bid, conditioned on performance or, at the discretion of the commissioners court, a bid bond of 5 percent conditioned that a successful bidder will enter into a contract and performance bond equal to the amount of money paid by the county on the contract.

Senate Bill 581 creates the Texas Toll Bridge Authority with authority to administer state toll bridges and toll bridge projects.

Railroads and Buses

House Bill 74 repeals the statute requiring railway companies and other intercity common carriers to provide separate coaches or compartments for white and Negro passengers and requiring that whites and Negroes be segregated on buses.

Civil and Criminal Procedure

Both abused and acclaimed, the Code of Criminal Procedure which was adopted by the 59th Legislature received such a thorough going-over by the 60th Legislature that 38 articles were amended by Senate Bill 145. Major changes deal with: (1) allowing peace officers to require that witnesses to a crime identify themselves; (2) allowing peace officers to arrest, without a warrant, persons found in suspicious places or circumstances; (3) requiring the magistrate to advise an arrested person of his right to retain counsel, to remain silent, to have an attorney present during interrogation, and to terminate the interview at any time; (4) allowing the defendant in a criminal trial to elect to have punishment assessed by the jury at the time he enters his plea rather than after a finding of guilty is returned; (5) increasing the time which must be served by a prisoner before he is eligible for parole from one-fourth to one-third of the maximum sentence imposed; and (6) allowing oral confessions which lead to "fruits of the crime" (corroborative evidence) to be admissible in evidence.

Procedure for appointing interpreters for deaf or mute persons who are parties or witnesses in a civil proceeding is set out in House Bill 36. The bill also sets the amount of payment for interpreters for the deaf in both civil and criminal proceedings at not less than \$15 nor more than \$50 per day.

House Bill 452 repeals the subdivision of the venue statute relating to venue for a married woman which provided "a married woman may be sued in the county in which her husband has his domicile."

City policemen and city marshals may now serve corporation court process not only within the city limits but also throughout the county or counties where the city is located under the terms of House Bill 738.

The juvenile court is given exclusive jurisdiction in cases where children under 15 violate penal laws of the grade of felony by House Bill 780. The bill also provides a procedure for the juvenile court to waive jurisdiction and transfer children for criminal proceedings in cases involving offenses committed by children 15 or older.

Jury commissioners presently are required to summon 20 persons as a grand jury array from which 12 are chosen to serve as grand jurors. House Bill 294 changes the number to be summoned to not less than 15 nor more than 20.

House Bill 428 adds veterinarians and chiropractors to the list of persons exempted from jury service, and repeals the

exemptions for civil officers of the state or the United States, overseers of roads, and persons who have acted as jury commissioners within the preceding 12 months.

The provisions of the Interchangeable Jury Law, which presently apply only to counties having three or more district courts, are made applicable to counties having two district courts and a domestic relations court by House Bill 624.

House Bill 1041 prescribes a method for claiming exemptions from jury service in counties employing the jury wheel system. A number of additional counties are also authorized by bracket legislation to use the jury wheel.

Criminal Law

A person arrested for violating the statute prohibiting the negligent burning of woods, forests, cutover, brush, range, or grassland may sign a written notice to appear in court and be released under the terms of House Bill 310.

House Bill 387 makes it a felony to steal copper wire or copper cable from the premises or right-of-way of a public utility.

House Bill 466 upgrades the offense of turning in a false alarm from a misdemeanor to a felony and provides that on the trial of the offense evidence may be admitted showing that in responding to a false alarm an emergency vehicle suffered or caused damage to property or injury to persons.

House Bill 594 makes it a misdemeanor for a person to enter a boat without the permission of the owner.

Using force or violence to prevent persons from engaging in peaceful picketing is made an offense carrying the same penalty as using force or violence to prevent persons from engaging in any lawful vocation by House Bill 710.

It is a misdemeanor to deface or damage caves and caverns under the terms of House Bill 1111.

House Bill 1306 provides that persons who commit acts calculated to produce a clear, present, and immediate danger to the property, well-being, or life of another are guilty of a misdemeanor, and in cases where such actions are threatened the state may seek injunctive relief.

Illegal entry is no longer an element of the offense of burglary by concealment by the provisions of House Bill 1343.

A Criminal Law Study Committee was created by House Simple Resolution 446. Five members will comprise the committee, all of whom are to be knowledgeable in the field of criminal law and appointed by the Speaker of the House of Representatives. Three members are to be appointed from the House membership and the other two are to be lay members--one a defense lawyer and one a district attorney. The committee is directed to study the Code of Criminal Procedure and the Penal Code and assist the State Bar Association and The University of Texas Law School in drafting a revision of the Penal Code. Hearings will be held throughout the state, where problems of crime prevention and detection will be explained and proposals for solutions considered by those in attendance. Legislation of the 60th Legislature affecting the Code of Criminal Procedure and the Penal Code are to be reviewed by the committee, which will submit findings and recommendations to the 61st Legislature.

Family Law

Marriage
and
Divorce

Either parent of a minor may consent to the marriage of his child under the provisions of House Bill 760, which repeals the

Act authorizing consent by the father alone.

Under the provisions of House Bill 40, beginning January 1, 1968, the clerk of any district court which has granted a final judgment for a divorce or annulment is required to report this information to the State Bureau of Vital Statistics. The bureau is required to establish and maintain an alphabetical index of these reports.

House Bill 278 shortens from seven to three years the period of living apart without cohabitation as a ground for divorce.

Senate Bill 33 seeks to equalize the rights, responsibilities, and liabilities of both the husband and wife, particularly with regard to the control and distribution of separate and community property.

Juveniles and Juvenile Delinquency

Senate Bill 587 authorizes counties having a population of not less than 900,000 to issue certificates

of indebtedness for the purpose of constructing and renovating buildings to provide homes and schools for delinquent boys and girls.

House Bill 780 gives the juvenile court exclusive jurisdiction in all cases where children 14 years of age or under

September 1, 1967, and the Governor is to appoint three justices to serve until justices elected at the next general election have qualified.

Senate Bills 612, 617, and 622 create additional courts of domestic relations in Dallas, Harris, and Tarrant counties, and provide for judges and other court personnel. Probate Court No. 2 of Harris County was created by House Bill 1144, which also designated the existing Probate Court of Harris County as Probate Court No. 1.

Senate Bill 510, House Bill 863, and House Bill 1163 created new county courts at law in Bell County, Guadalupe County and Harrison County, respectively, in every instance to become effective at such time as the commissioners court of the appropriate county appoints a judge.

House Bill 1277 changed the names of the six existing Criminal Judicial Districts of Harris County, renaming them the 174th and the 176th-180th Judicial Districts. The Act also provided that judges of the respective criminal district courts shall continue to serve for the term to which elected but shall be known as district judges for their respective courts.

Senate Bill 468 reapportions the 155th Judicial District to include Austin, Fayette, and Waller counties. Prior composition consisted of Austin, Fayette, Caldwell, Comal, and Hays counties.

Under House Bill 266, concurrent jurisdiction with district courts in the county is conferred on courts of domestic relations and juvenile courts in causes involving matters set out in detail concerning family relations and minors, including the adjustment of property rights, and in some counties, suits for trial of title to land and related matters of property rights.

House Bill 95 provides for uniformity in the numbering system, terms and practice of the criminal district courts of Tarrant County, for transfer of causes among all such courts, and for free exchange of benches among all district judges of the county. Provision is also made for the appointment of bailiffs for all criminal district courts and county criminal courts of Tarrant County.

Senate Bills 466 and 467 provide for uniformity in the rights, duties, method of selection, and compensation of judges of the Courts of Domestic Relations No. 1 and No. 2 of Tarrant County, and in the jurisdiction and practice of the two courts.

Cities with populations in excess of 350,000 in certain counties are authorized to establish two or more corporation courts under House Bill 109.

Senate Bill 523 provides that in all counties where county courts at law or district courts are given exclusive or concurrent jurisdiction in eminent domain causes, each special commissioner may be paid a fee of at least \$10, with the fee taxed as court costs.

House Bill 315 permits a defendant in a trespass to try title suit to plead as an alternative remedy that he has made permanent and valuable improvements on the land without the intent to defraud; if he is found not to be the owner of the land, then the court may allow him to remove the improvements after giving bond, conditioned that the land will not be thereby damaged and provided he has satisfied any money judgment due the plaintiff in the cause.

House Bill 784 provides that each school district shall appoint at least one counsellor or teacher to act as a liaison officer for court-related children who are scholastics of the district. The liaison officer shall provide counselling and services for each such child and his parents with the objective of establishing or reestablishing normal attendance and progress of the child in school. Also affecting children is House Bill 974, which requires a county in which a state training school for delinquent children is located to pay from its general fund the first \$250 in fees awarded for court-appointed counsel under Article 26.05 of the Code of Criminal Procedure, 1965, toward defending a child committed from another county. This applies when the child is being prosecuted for a felony or misdemeanor in the county where the school is located. The state pays the remainder of the fees upon certification of the amount by the court to the Comptroller.

Statutes regulating travel and other necessary expenses of district judges and district attorneys paid by the state are changed by Senate Bill 78. Judges of district courts other than those in Dallas County are to be compensated when sitting in a juvenile court or court of domestic relations in Dallas County in the same manner as provided by law for district judges sitting for other district courts under Senate Bill 91.

Judicial retirement is affected by House Bill 570 and Senate Bill 397. House Bill 570 provides for increasing the retirement pay of retired judges from 50 to 60 percent of base salary, conditioned on their retiring at or before age 70, immediately upon becoming eligible for retirement if not eligible by age 70, or at the end of their current term if 70

on the effective date of the Act or to attain 70 during their current term. Retirement pay of judges already retired is not affected. The measure also gives judges retiring after the effective date of the Act the option to accept a reduced annuity or a fixed term annuity for the benefit of spouse or other specified dependent. Judges already retired may elect a similar annuity if they pay to the state the difference between the reduced amount and retirement payments already received. Senate Bill 397 makes changes in provisions for repayment of contributions and clarifies official status of retired judges and their eligibility for assignment to duty.

House Bill 378 is an enabling Act to implement Article 5, Section 1-a, Texas Constitution, the constitutional amendment approved in November 1965, which provides for a State Judicial Qualifications Commission with power to remove a judge for misconduct and also to require retirement of a judge for reason of physical or mental disability.

House Bill 602 provides for compensation not to exceed \$2,000 per year to be paid the presiding judge of each administrative district, the amount in each case to be fixed by the Texas Civil Judicial Council and to be paid by the counties composing the district. Payment is to be in addition to all other compensation and expenses authorized by law for that official.

Education

Of the approximately \$2.4 billion Texas will spend during the fiscal year 1968, about \$1.13 billion--over 47 percent of the total--will go for education. Public schools, vocational and technical education, and our colleges and universities all received significant boosts in funds to make possible expanded and new programs. In addition, salary increases were provided to bring remuneration more nearly in keeping with professional qualifications and work load of Texas educators. In all, some 125 education measures were enacted.

Public
Schools

Of course, as far as the public school teachers of Texas are concerned, the big bill of the session was Senate Bill 16, the teachers' pay raise bill. With a goal of attracting new teachers to the profession, the minimum base salary for beginning teachers was increased \$225 for those without a degree and \$630 for those with bachelor's or master's degrees. The same rates of increase were authorized for each year up through 10 of teaching experience for teachers with bachelor's degrees, but for those

with 11 and 12+ years the amounts were somewhat less. The \$630 increase for teachers with master's degrees continued through 16 years of experience and then tapered off. For teachers with no degree, the lower increase began with 10 years' experience. In all, the state funds required to provide the increases total \$48 million. Another measure, House Bill 794, equates a bachelor of laws degree with a master's degree in computing teacher pay.

One of the interim committees created by the 60th Legislature is expected to look further into salary schedules for teachers. House Simple Resolution 425 provides for a Study Committee on Professional Ranking of Teachers.

A number of measures to expand or create new programs for the preschool child were enacted, but were vetoed by the Governor. Among these were House Bill 1137, to increase from three to four-and-a-half months the program for non-English speaking preschool children; Senate Bill 28, to establish a special pilot program for preschool children with language disorders; and Senate Bill 394, authorizing the Central Education Agency to establish a special program for mentally retarded preschool children.

A 12-month, four-quarter system, rather than the usual nine-month, two-semester system was authorized as a limited pilot program by House Bill 1020. School districts eligible to participate in the program may not exceed 100,000 in average daily attendance determined on the basis of prior year attendance. Funds from the Minimum Foundation Program may be allocated to not more than 10 participating districts, which share costs on the same percentage basis as the district and state share in financing the Foundation Program.

A 10-month school year program, limited to a statewide total of 50,000 pupils, was authorized by House Bill 999, which was vetoed.

Under Senate Bill 313, the State Board of Education was authorized to establish Regional Education Service Centers to provide educational services to school districts and coordinate educational planning in each region.

The Advisory Council for Language-Handicapped Children, to function from September 1, 1968, until August 31, 1970, was created by House Bill 156. The Texas Education Agency, under the measure, is directed to establish at least three regional experimental diagnostic facilities.

Among other new public school laws was the validation of all school districts, including college districts, by Senate Bill 186; the tightening of requirements to be satisfied before

land may be detached from one school district and annexed to another, as provided in House Bill 889; the use of school buses by local school boards for field trips and other extracurricular activities under regulations of the State Commissioner of Education, as set out in House Bill 1142. Governmental units are permitted to build and operate joint recreational facilities under House Bill 149; and House Bill 501 permits certain school districts to contract for the use of athletic facilities of colleges or cities.

The State of Texas is authorized to participate in the interstate Compact for Education, which will provide a way to exchange information and discuss policies, under House Bill 755.

Further legislation relating to teacher qualifications is found in House Bill 229, which permits out-of-state teachers to satisfy Texas requirements of college courses emphasizing the Texas and United States Constitutions by taking tests administered by the Central Education Agency on one or both subjects.

Under House Bill 298, independent school districts are authorized to provide workmen's compensation insurance, and House Bill 81 permits them to pay premiums on group insurance for school employees.

About the usual number of bills abolishing the office of county superintendent were enacted, as were measures affecting the compensation or election of school trustees, increasing the maximum school taxes, and relating to annexation in certain school districts.

To insure that future teachers, social workers, and others in deaf education will be prepared to teach and communicate with the deaf, House Bill 30 authorizes state colleges and universities offering a fully accredited program for teachers of the deaf to offer a three-hour elective course in dactylogy. This is the art of communicating ideas by the language of signs and finger spelling and will help insure complete communication between teacher and pupil.

To assure the greatest possible communication between teacher and pupil, House Bill 283 authorizes teachers to use any approved method of instruction in teaching the deaf. Methods include oral, manual, Rochester (combination), and the language of signs. All are satisfactory under the law, which assigns no priority to any one method of instruction.

The name of the Texas Blind and Deaf School (formerly known as the Texas Blind, Deaf and Orphan School) was again changed to the Texas School for the Deaf, with the school combined in and constituted a part of the existing Texas School for the Deaf and of the Texas School for the Deaf Independent School District. House Bill 959 accomplishes these changes.

House Bill 1183 relates to education of qualified blind and deaf individuals beyond the high school level. It defines procedures to be used in obtaining exemptions from the payment of tuition at state-supported colleges and universities. "Resident," "blind person," "deaf person," and "tuition fees" are defined in the Act along with certain criteria needed to qualify--high school diploma, proof of good moral character, certification by the appropriate state vocational rehabilitation agency, and proof that the student meets all other entrance requirements of the institution.

Colleges and
Universities,
Technical Training

The greatest departure from usual procedure in providing for the educational needs of Texas citizens by the 60th Legislature was the emphasis

placed on vocational-technical education. Since about 60 percent of young Texans of college age, for one reason or another, will not have the benefit of a college education, there has been a great need for educational resources to fill this void, vocational and technical training which will give to these citizens the opportunity of attaining their greatest potential through the training and development of specific skills.

The James Connally Technical Institute at Waco was created by the 59th Legislature as a division of the Texas A&M University System to provide a training and learning ground for the technicians of modern industry. The first class was graduated on March 16, 1967, and jobs were waiting for every member. Doubtless, these results influenced the decision of the 60th Legislature to increase the appropriation for this newest state educational institution from \$400,000 in the current fiscal year to \$7,043,352 for the year ending August 31, 1968. Some \$5 million of this amount is allocated to the purchase of land and facilities. State aid for public junior colleges was also increased, so that libraries could be improved, research promoted, and facilities expanded to take care of the growing numbers of students entering them. The number of public supported junior colleges will increase from 32 to 38 this year, with expenditures increasing about 58 percent.

Funds allocated to higher education amounted to about 28 percent more than 1967 spending--almost a \$71 million increase. Overall appropriations in support of Texas colleges and universities total almost \$390 million for the fiscal year ending August 31, 1968.

Realizing that the quality of higher education is dependent on the quality of college and university faculties, the 60th Legislature, in Senate Bill 292, created an optional retirement program for faculty members which, it is hoped, will be an incentive

for top scholars and college teachers to locate in Texas. The Teacher Retirement System has been the only program hitherto available to higher education personnel.

The organization of the state's college and university system was affected by the enactment of Senate Bill 14, which changed the name of the Board of Regents of The University of Texas to the "Board of Regents of The University of Texas System." The bill also authorized the board to change specific college names--the "Main University of Texas at Austin" to "The University of Texas at Austin"; "Arlington State College at Arlington" to "The University of Texas at Arlington"; and "Texas Western College" to "The University of Texas at El Paso." In a separate measure, Senate Bill 533, the name of Texas College of Arts and Industries, at Kingsville, was changed to "Texas A&I University."

The Texas higher education system profited by the addition of a number of new divisions and research branches. Under the jurisdiction of Texas A&M University, a Texas Veterinary Medical Diagnostic Laboratory was created by Senate Bill 101. The boards of regents of The University of Texas and The University of Houston were directed by Senate Bill 464 to establish two institutes of Urban Studies in the Dallas-Fort Worth and Houston areas, respectively. Texas Technological College was authorized by House Bill 1283 to establish a research area on campus, to subdivide it, and to lease tracts for research. The Western Information Network Association was created by House Bill 692, for the purpose of promoting interchange of ideas, talents, faculties, libraries, and data processing, through electronic communication facilities. The bill is also intended to provide means of using instructional television.

Certain Cold War veterans are exempted from tuition and fees at state colleges and universities by Senate Bill 18. Senate Bill 431 also deals with exemptions from tuition and fees, but this measure applies to Texas citizens under 25 with a family income of \$4,800 or less, who are in the top 25 percent of their high school graduation class or in the top 20 percent of grades on a standardized college admission examination.

House Bill 935 makes several changes in the requirement that state-assisted colleges teach American history and American and Texas government. One provision permits students to partially fulfill this graduation requirement by satisfactorily completing advanced standing tests. Similar changes in the measure are applicable to requirements for a teacher's certificate.

To make possible greater returns on investments, Senate Bill 31 makes public junior college bonds authorized investments for certain regulated businesses. A proposed constitutional amendment, House Joint Resolution 20, expands the types of bonds in which the Permanent University Fund may be invested--U.S. government bonds and bonds of corporations which have paid dividends

for five consecutive years, instead of the 10 years now required. The proposed amendment would also remove the limitation that only 50 percent of the fund may be invested in corporate stocks and bonds.

Cities and Counties

A great volume of legislation was introduced during the recent session, and much of it passed, pertaining to local government entities, some of it bracket legislation directed toward a particular city and other laws more general in character.

Under existing law, only counties with a population of 350,000 or more had the privilege of creating the office of county fire marshal and providing personnel, salaries, and equipment for countywide fire prevention facilities. Since the danger of fire is not peculiar to large counties, Senate Bill 306 was enacted to remove the population limitation and permit all counties in Texas to create the office of county fire marshall.

House Bill 455 allows justices of the peace of the same county to exchange benches when it is deemed expedient by them to do so.

Prior to enactment of Senate Bill 371, there was no penalty for failure to make reports to the county auditor as required by law for certain officials. The new law, however, makes it a misdemeanor to wilfully refuse to make these reports, and upon conviction a violator may be fined from \$25 to \$200 or be removed from office, or both.

Voters in 1966 approved a constitutional amendment adding Section 62-c to Article XVI of the Texas Constitution. This amendment authorized the Legislature to provide for a system of retirement, disability, and death benefits for officers and employees of counties and political subdivisions. House Bill 85 is the enabling legislation to establish the statewide retirement system to be known as the Texas County and District Retirement System. Any county or political subdivision wishing to join the system may do so by action of its governing body. The governing body determines the amount of earnings to be paid into the system, and county pension funds are authorized to be merged with the state system on a voluntary basis.

House Bills 685 and 1292 require notice to be given of certain public hearings. A decision of the Supreme Court in February declaring that notice to property owners of paving assessment hearings did not meet due process requirements under the Federal Constitution led to passage of House Bill 685, which provides for notice by letter to each abutting property owner of hearings to be held for making paving assessments. House Bill 1292

requires commissioners courts, school boards, equalization boards, and city governing boards to publish notice of certain public hearings and regular and special elections.

Senate Bill 509 provides for abolition of the corporate existence of cities and towns. A certain number of resident qualified voters of a city or town wishing to abolish its corporate existence may petition the mayor to order an election for such purpose. If a majority of the resident voters vote for abolition, the corporate existence will terminate.

House Bill 160 authorizes cities of more than 10,000 inhabitants to adopt a program whereby upon consent of any municipal employee, a stipulated amount may be withheld from his salary and forwarded to his employee's association in payment of membership dues. Since the plan is voluntary, an employee may withdraw the authorization at any time. The governing body of the city is authorized to collect a reasonable amount from each employee to cover the cost in handling the deductions.

Counties are authorized to procure group insurance for their officials and employees under House Bill 838. Premiums for the insurance may be paid by the counties or by the employees. In addition, the new law authorizes officials of all public bodies to be covered by group insurance.

Senate Bill 411 amends the Urban Renewal Law to include in the definitions of "slum area" and "urban renewal project," open land areas which can be replatted and planned for predominately residential purposes.

In Nueces County v. King, 350 S.W.2d 385 (1961, writ ref'd.), the court of civil appeals held the enactment of Article 1577 unconstitutional because of a defective caption. House Bill 193 reenacts the bill with an adequate caption. Article 1577 provides for sale of county properties. House Bill 1247 amends the same Article 1577 to provide for compensating the commissioner appointed to sell and dispose of county real estate.

The rights of many property owners are being infringed upon by persons who park vehicles on private property. To remedy this situation, House Bill 105 authorizes cities to pass ordinances regulating the parking of motor vehicles on private property and sets penalties for violators.

Although cities are authorized by law to police various areas within their city limits, they have had no power to police lakes and land contiguous thereto. House Bill 341 amends Article 1175 to authorize home-rule cities to police lakes and land contiguous to the lakes.

Many political subdivisions of the state have had authority to issue securities only in denominations of \$1,000, even though there is usually a better market with lower interest rates on bonds of larger denominations. House Bill 413 authorizes issuance of public securities in any denomination determined by the governing body.

Frequently, the amount of a contract let by a county is so small that requiring a surety bond adds materially to the expense of work to be done. A substantial saving will be realized under provisions of House Bill 611, which authorizes counties of less than 350,000 inhabitants to provide in lieu of bond a requirement that no payment will be made on a contract until work has been completed and accepted.

Until the enactment of House Bill 743, in any city which acted as tax assessor, board of equalization, and tax collector for other districts or municipalities, taxpayers had the option of paying taxes semiannually. House Bill 743 authorizes cities to require collection of taxes in these districts and municipalities on an annual basis, either in installments or in one annual payment, whichever the city prefers.

In sparsely populated areas of the state, the cost of maintaining a countywide juvenile probation service is prohibitive. House Bill 790 enables counties to provide jointly for juvenile delinquents, better probation services, and detention and diagnostic facilities through cooperative agreements.

House Bill 875 deletes the 15,000-population limitation heretofore in the law to give all cities with freeways and interstate highways within their limits the privilege of setting building lines on their streets.

House Bill 207 provides for the local option city sales tax. Costs of municipal services, the limited scope of city taxation, and the necessity to spread the tax load over a broader base with more equitable distribution led to the adoption of this law. Cities are authorized to levy a 1 percent sales and use tax on certain tangible personal property, but before a city can exercise the taxing power it must have the approval of a majority of the qualified voters. The Comptroller of Public Accounts will collect the city sales tax along with the state sales tax and will redistribute tax funds to the cities having the local tax after deducting a small fee to cover the cost of collection.

Among other legislation affecting cities and counties, three constitutional amendments were proposed by the 60th Legislature for presentation to the voters within the next two years. Senate Joint Resolution 6 proposes to amend the constitution to authorize each county to pay medical expenses, doctors' bills, and

hospital bills for various law enforcement officials of the counties and precincts who have been injured in line of duty. Election date on this proposed amendment is November 11, 1967.

The amendment proposed by House Joint Resolution 3 would authorize counties to place in one general fund taxes levied for the four constitutional purposes--general fund, permanent improvement fund, road and bridge fund, and jury fund. Election on the amendment is November 11, 1967.

Another problem of modern local government is the proliferation of duplicate functions. In the more populated counties, there are numerous cities, towns, and political subdivisions performing many of the same functions, such as assessing and collecting taxes, providing library service, and the like. It is more efficient and economical to allow these various public bodies to combine in performing these duplicate functions. House Joint Resolution 60, to go before the electorate on November 5, 1968, authorizes Tarrant and El Paso counties to consolidate some of the offices and functions of the various governing bodies located within the limits of those counties either by contract or by legislative enactment.

In addition to the bills and proposed constitutional amendments specifically mentioned, the 60th Legislature enacted a number of measures of strictly local interest, such as salary increases for various county officials.

Airports and Aviation

Article IX, Section 12, of the Texas Constitution authorizes the Legislature to provide for creation and operation of airport authorities. Pursuant to this authorization, the 60th Legislature provided for creation and operation of the North Central Texas Airport Authority, the Orange County Airport Authority, the Howard County Airport Authority, and the Kerr County Airport Authority. The airport authority acts require elections to be held to approve creation and authorize taxes up to 75 cents on the \$100 valuation.

House Bill 987 authorizes cities having a population over 500,000 to issue city airport revenue bonds. This Act includes home-rule cities. Under the old law, the population limit included cities with a minimum population of 800,000.

Landing, taking off, or maneuvering an aircraft on a public highway, road, or street is prohibited by House Bill 553. There are two exceptions to this prohibition--(1) when it is necessary to prevent serious injury to person or property, and (2) when a pilot must take action during or within a reasonable time after an emergency. Violation constitutes a misdemeanor and, upon

conviction, is punishable by a fine of not less than \$25 nor more than \$200.

A special aviation committee to study the Texas Aeronautics Commission, its procedures, policy-making practices, rules, regulations, and functions, was created by House Simple Resolution 259. The committee will consist of five members of the House of Representatives, to be appointed by the Speaker of the House.

Agriculture

Despite the vast industrial development of Texas during the past several years, the continuing importance of agriculture to the Texas economy was recognized by the 60th Legislature with the enactment of a number of measures--all designed to stimulate production, marketing, or some other facet of agricultural growth and development.

House Bill 457 provides the machinery whereby producers of any agricultural commodity may band together and levy an assessment on themselves to collect funds for research, marketing, and education programs concerning their products. A referendum on either an area or a statewide basis to determine the willingness of producers of a particular commodity to assess themselves is the first step necessary to the program. Amount of levy shall never exceed 1 percent of the market value of the commodity being assessed. Participation in the program is strictly voluntary, and assessments will not be collected from any producer who has not filed a participation certificate. A method for refunding assessments is also provided in the bill.

Procedure to be used in obtaining a depredation permit from the Parks and Wildlife Department, where crops are being destroyed by wildlife, is set out in House Bill 740. House Bill 1286 authorizes the Texas Department of Agriculture to test agricultural products for aflatoxins--chemicals secreted by certain blue molds on peanuts, rice and other grains which have been found to produce cancer in rats. Tests for aflatoxins are already required by the U.S. Department of Agriculture on all peanuts going into the commodity loan program.

Packaging of agricultural commodities received attention in Senate Bill 590, which empowers the Commissioner of Agriculture to issue stop-sale orders to any owner or vender of a commodity being sold in violation of Article 1037, Texas Penal Code. This article prohibits packages deceptive or misleading as to weight, volume, or the general nature of contents. Procedure of appeal for the owner or vendor from the decision of the commissioner is spelled out in the Act.

The Department of Agriculture received more than a million dollars in excess of the appropriation for the 1967 fiscal year. The old appropriation was \$1,655,573, and that of the new appropriations bill is \$3,019,498. Deducting the \$325,000 for marketing research which was vetoed, the balance is \$2,694,498.

Mental Health and Mental Retardation

All 14 of the measures requested by the Department of Mental Health and Mental Retardation were enacted by the 60th Legislature, and appropriations allocated to this important area of state services were increased by \$18.6 million over 1967. The sum of \$3 million was set aside to finance the mental health community centers authorized by the 59th Legislature. Patients have the advantage of staying closer to their homes while undergoing treatment. To assist in the collection of fees for those persons able to pay, Senate Bill 369 amended the existing statute on the subject to provide that county attorneys of counties where community centers are located shall file suits on behalf of the community center to collect from non-indigent persons.

Also relating to the community centers, county and probate courts are authorized by House Bill 511 to commit mentally ill and mentally retarded persons to these centers with the prior consent of the center director. The original population requirement of 100,000 for eligibility by a community center for state grants-in-aid was lowered to 75,000 or more by House Bill 563, subject to the condition that the commissioner shall determine whether the purposes of the Mental Health and Mental Retardation Act would be served by its establishment. Alternate methods for selecting and appointing boards of trustees for the community centers are provided by House Bill 578. The measure also prescribes terms of office and qualifications of board members.

House Bill 509 listed all facilities and institutions now under the control and management of the Texas Department of Mental Health and Mental Retardation, and also gave the department authority to operate halfway houses and community centers for the mentally ill and mentally retarded.

To remedy a difficulty frequently faced by the heads of state mental hospitals when patients are placed there in protective custody pending a hearing on Application for Temporary Hospitalization or Petition for Indefinite Commitment, Senate Bill 234 was enacted. It authorizes the head of the hospital to discharge the patient if the final court order has not been entered after 14 days, in the case of temporary hospitalization, and after 30 days, in the case of an indefinite commitment.

The Department of Mental Health and Mental Retardation is authorized to make contracts for the provision of mental health and mental retardation services under Senate Bill 236. Licensed full-time private hospitals, city and county hospitals, licensed nursing homes, foster homes, sheltered care homes, licensed private care facilities, community mental health and mental retardation centers, hospital districts, private physicians and other persons deemed capable by the department of providing such services may be partner to such contracts.

House Bill 652 provides that a mentally retarded person admitted voluntarily to a state school may not be detained more than 96 hours after the superintendent has received written notice from the person who applied for his admission to have the student removed. If the superintendent feels the student cannot be discharged with safety to himself or others, he may file an application for judicial admission. House Bill 753 provides that the Department of Mental Health and Mental Retardation may return a nonresident mentally retarded person committed to a facility for the mentally retarded in this state to the state of his residence, and a reciprocal arrangement applies for Texans committed to a facility in another state. Senate Bill 85 provides that parents of a mentally retarded person in a state school operated by the Department of Mental Health and Mental Retardation shall pay, if able to do so, a portion of the cost and support and maintenance of the student. A schedule of monthly payments based on annual income of parents ranges from \$5 per month, when the income is less than \$4,000 a year, to \$170 per month, when income is \$20,000 or more annually.

Among other changes in the mental health laws was a name change in the Houston State Psychiatric Institute for Research and Training. Under Senate Bill 246, the new name will be "Texas Research Institute of Mental Sciences."

Widows of Confederate soldiers and sailors on pension rolls, who make application for care in the Texas Confederate Women's Home, may be placed in licensed nursing homes according to provisions of Senate Bill 379. Authority to license private mental hospitals is transferred from the Department of Health to the Department of Mental Health and Mental Retardation by House Bill 632. The Department of Health, however, is authorized by Senate Bill 455 to set standards as to physical safety of buildings and adequacy of staff in number and quality as necessary to assure adequate medical, psychiatric, nursing, and social work services to patients of state tuberculosis hospitals, mental hospitals, and schools for the retarded.

Authority to commit persons adjudged insane in connection with a criminal proceeding to a Veterans' Administration or other federal hospital is given under terms of House Bill 955.

Public Health and Hospitals

Public Health The first air pollution control program in Texas, which was enacted by the 59th Legislature and known as the "Clean Air Act of Texas," was rewritten by Senate Bill 237 to remedy certain weaknesses in the law discovered by its application during the past two years. Primarily, the new Act puts a higher degree of control upon local officials. The Texas Air Control Board, however, is the main authority for setting air standards and emission limits, and also for defining similar authority for local air pollution control officers.

The Division of Occupational Safety established within the State Department of Health by House Bill 559 is the first industrial safety act for Texas. With the growing industrialization of Texas, it was essential that steps be taken in order to reduce the steadily increasing industrial accidents. In keeping with the policy of the State of Texas to protect the health and welfare of its people, the Occupational Safety Board was created. It is to be comprised of the Commissioner of Labor Statistics, the Commissioner of Health, and a public member, appointed by the Governor for a two-year term, to serve as chairman of the board. The measure provides that the new board shall employ a State Safety Engineer, who shall "be the director of the Division of Occupational Safety," within the State Department of Health. One section of the law provides for cooperation by the board and engineer and its General Advisory Committee with the State Board of Insurance, the Industrial Accident Board, and the Commissioner of Health, as well as other agencies capable of providing assistance. The law specifically states that there is no intention of the Act to involve the Division of Occupational Safety in any labor dispute.

It is essential to find and treat deaf children as early as possible if any residual hearing is to be preserved, but many areas in Texas lack facilities to determine the amount of hearing loss and to assess the psychological factors involved. House Bill 478, therefore, designates the State Department of Health to develop a statewide program to provide audiological and psychological testing services to the deaf and hard of hearing in areas where these services are not otherwise available. The department may contract with private doctors to provide these services, and the agency is responsible for determining criteria and standards as to

doctors' qualifications and the degree of hearing loss which would make a person eligible for testing under this law.

Hospital Districts The Texas Constitution, in Article IX, Section 9, authorizes the Legislature to provide for creation, establishment, maintenance, and operation of hospital districts. Pursuant to this provision, the 60th Legislature authorized creation of 28 new hospital districts in various parts of the state, contingent on a majority vote of the qualified property taxpaying voters of each district. Once a hospital district is created, the directors of the district may levy taxes, construct medical facilities, and offer medical services for the people living there.

Local legislation was enacted relating to specific hospital districts for the purpose of authorizing revenue bonds, increasing the tax rate, outpatient care and nursing home facilities, disposition of surplus land, providing for a new fiscal year and a new system for electing directors.

Another piece of local legislation of importance is Senate Bill 362. This measure authorizes the commissioners court in Bexar County to raise assessments on property within the San Antonio hospital district. This may be accomplished on the court's own motion or upon a vote of the people. Revenues from increased assessments will be used to build a teaching hospital for the new University of Texas medical school located in San Antonio.

Senate Bill 553 authorizes all hospital districts created under provisions of Article IX, Section 9, to issue and refund revenue bonds for hospital purposes.

Although hospital districts are authorized to care for indigent persons residing outside the district, there has been no existing authority for the district to seek reimbursement. House Bill 808 remedies this situation by authorizing the hospital providing treatment for out-of-district patients to seek reimbursement from the governing body of the patient's resident county.

Most acts creating hospital districts authorize the district to create its own tax collecting office or, in the alternative, to use the services of the county tax assessor-collector. The second procedure is more economical and also less complicated. Those districts not heretofore given the authority to make use of the county assessor-collector now have that power under Senate Bill 553.

Business and Business Regulation

Business & Commerce Code The first of 26 proposed recodifications of Texas statute law will take effect September 1, 1967, in the form of the Business & Commerce Code. The code, which represents the first major product of the Texas Legislative Council's continuing statutory revision program, formally revises or codifies approximately 125 statutes of a commercial nature. Title 1 of the code contains the recently enacted Uniform Commercial Code: Titles 2, 3, and 4 codify, respectively, statutes relating to competition and trade practices; insolvency, fraudulent transfers, and fraud; and miscellaneous commercial provisions. The statutes in the Business & Commerce Code have been extensively reorganized; rid of repealed, unconstitutional, duplicative, and other ineffective provisions; rearranged into a uniform format facilitating future expansion; and restated in modern American English. Although the code makes no change in the substance of the statutes it revises, the revised law is easier to find, read, and amend.

Uniform Commercial Code Senate Bill 459, which took effect June 18, 1967, amends several sections in Articles 9 and 10 of the Uniform Commercial Code, enacted at the Regular Session of the 59th Legislature. In general, the amendments clarify and correct several technical provisions relating to perfection of a security interest under the code. For example, the name of the record owner of the real estate on which fixture collateral is located must now be included on the financing statement. Moreover, filing officers must now index financing statements describing fixture collateral in a separate record book. In certain cases where a security interest was perfected when the Uniform Commercial Code took effect, the security interest will remain perfected until July 1, 1971.

Senate Bill 459 also amended the utility company mortgage act to include within its provisions utilities supplying sewer service.

The amendments made by Senate Bill 459 will be incorporated in the Business & Commerce Code.

Interest, Banks and Banking The 60th Legislature's Regular Session is also distinguished for an outstanding accomplishment in business regulation with the enactment of House Bill 452, which rearranged, reorganized, revised, and amended provisions

of Title 79, "Interest-Consumer Credit-Consumer Protection." This was a comprehensive revision of the law concerning loans and lenders and usurious practices. The new title includes the 1963 Texas Regulatory Loan Act and regulations of motor vehicle credit sales transactions. An Office of Consumer Credit Commissioner, as an arm of the Finance Commission, is created.

In further legislation pertaining to the Finance Commission, qualifications of members of the Building and Loan Section are changed by Senate Bill 122 to make eligible persons who had been executives of associations having gross assets up to \$20 million. This sum was formerly \$7.5 million.

Senate Bill 133 places trust companies under the supervision of the Banking Commissioner. A number of changes in the rules regulating state banks are made by Senate Bill 41: perpetual corporate existence is allowed; stock option plans are authorized with prior approval of the owners of two-thirds of the capital stock; notice must be given to the Banking Commissioner of the transfer of title to more than 10 percent of the total number of shares of stock outstanding; a majority of the full board of directors may increase the number of directors and appoint persons to fill resulting vacancies, limited to two additions per year and the legal maximum; time allowed for repayment of real estate loans is extended from 240 months to 300 months; investment in or loans on the security of savings accounts of Texas savings and loan associations is allowed; the Mondays following New Year's Day, San Jacinto Day, the Fourth of July, and Christmas Day are made legal bank holidays whenever those days fall on Sunday; the section of Title 72, Legal Holidays, which concerns bank holidays, is transferred and made a part of the Banking Code.

The Banking Code is amended by Senate Bill 546 in the same way and in the identical language used in Senate Bill 41 with respect to provisions granting perpetual existence and stock option plans for state banks.

The rules requiring cash reserves of state banks are clarified by House Bill 697, which adds the stipulation that items in the process of clearing through a clearing house association shall be considered as reserves.

House Bill 749 relates to the selection and qualification of depositories of all agencies and political subdivisions of the state. It provides that a bank may be such a depository, even though officers of the bank are also officers of the agency or subdivision. A similar provision is added to the law concerning depositories for funds of water control and improvement districts under the control of city water boards by House Bill 1215.

Insurance

Insurance Code

The 60th Legislature made extensive changes in the Insurance Code.

Senate Bill 174 added a new Article 3.40-1, which authorizes life insurance companies to invest their funds in any income-producing real estate except agricultural, horticultural, farm and ranch property, residential property, single or multiunit family dwelling property, and to exercise all powers of ownership and management over that type of property. A life insurance company may invest up to 3 percent of its total assets in a single piece of income-producing real estate, or up to 10 percent of its total assets in several pieces of property. Any property so acquired is "Texas Securities" for the purposes of the Insurance Code.

Article 3.70-2 which prescribes the form of policy of accident and sickness insurance was amended by Senate Bill 19 to provide that payment of proceeds of these insurance policies may be made contingent upon treatment or examination by a particular practitioner of the healing arts, only if the policy specifically states those practitioners whose treatment or examination will and will not be recognized by the insurer.

Senate Bill 199 amended Article 11.19 and added Article 11.20 to the Insurance Code to permit domestic mutual life insurance companies with \$100,000 in capital stock and \$100,000 surplus to merge or consolidate with any other domestic or foreign mutual life insurance company, subject to approval by the commissioner of insurance and policyholders of the merging or consolidated companies. The addition of Article 11.21 in the same measure allows domestic mutual life insurance companies to enter into a total direct reinsurance agreement with any other domestic or foreign life insurance company if the reinsurance agreement is approved by the commissioner of insurance.

The Insolvency Protection Act (Senate Bill 478) was added to the Insurance Code as Article 21.28B. This new article gives a person with a loss claim under fire or casualty insurance policy a preference against an insurance carrier undergoing insolvency, liquidation, or bankruptcy. The only claims excluded from the provisions of this article are those based on a policy issued by a foreign insurance carrier to a nonresident of Texas to cover a risk outside the State of Texas. Preference given is on an equal plane with preference given a claim for wages. Insurance companies organized under enumerated articles of the Insurance Code are required to maintain insolvency claims and related administrative expenses which are not paid out of the receivership estate. To build up these reserves, an insurance carrier is required to credit one-third of 1 percent of the net direct premiums received

each month to these reserves accounts. An insurance carrier may not be dissolved until demands on these reserves for loss claims are met. Failure by the insurance carrier to pay a valid claim results in revocation or suspension of its charter, and the liquidator-receiver of trustee in bankruptcy may bring a civil suit to collect the claim.

Policyholders, purchasers, and creditors are given further protection by Senate Bill 477, which adds a new Article 21.28-A to the Insurance Code. It provides for supervision of insurers by the State Board of Insurance to aid in rehabilitation and conservation of insurers in financial difficulty, to protect assets of insurers, and to forestall the necessity for receivership by preventing and correcting insurer misconduct, ineptness, or misfortune.

House Bill 440 amends Article 6.16 of the Insurance Code to provide that credit for reserves for unearned premium liability and loss are to be taken by the assuming insurer if it meets certain conditions set forth in the bill.

Extensive revision and amendment of Chapter 9 of the Insurance Code, relating to title insurance companies, was accomplished by House Bill 581, the Texas Title Insurance Act. Article 21.07-1, as amended by House Bill 676, provides that the appointment of an agent for a legal reserve life insurance company must be renewed on or before April 1st of each year. If a certificate of appointment is not filed with the Commissioner of Insurance, the agency is deemed terminated.

House Bill 838 amends Article 3.51 of the Insurance Code to allow the State of Texas and all of its political, governmental and administrative subdivisions, agencies, departments, etc., to procure group life insurance contracts for their officials and employees.

A new Article 3.48-3 is added to the Insurance Code by House Bill 901, which allows proceeds of a life insurance policy to be paid a beneficiary named as trustee of a trust set up by the insured during his life, or to a beneficiary of a trust established by will.

Under new Section 17(c) of Article 1.10 of the Insurance Code, which is added by House Bill 990, the surviving insurance company in a merger, consolidation, or total reinsurance contract may withdraw funds from certain accounts in which, as a result of the merger, the surviving company has duplicate deposits. The measure also adds a new Subsection (e) to Section 17 of Article 1.10, which provides that an insurance company may deposit approved stock or securities with the State Treasurer to be held as capital stock investment of the company. If, upon merger, consolidation or entry into

insurance coverage carried by the corporation. Heretofore, coverage of executive officers was possible only by specifically including them in the insurance contract.

Senate Bill 396 provides that associations of teachers incorporated in Texas may procure insurance coverage for classes of its members and their dependents under group policies of life, health, accident, accidental death or dismemberment, and hospital and surgical expenses insurance. The policy must cover at least 25 members of the association, and premiums may be paid either by the association or from contributions by members.

House Bill 731 requires licensing of managing general agents of certain insurance companies and sets out the procedures required for acquiring such a license, as well as penalties for refusal or failure to comply with the Act.

Article 8308 of the Workmen's Compensation Law is amended by House Bill 712 to permit a notice of renewal of an insurance policy under the workmen's compensation statutes to be signed by the licensed local recording agent through whom the renewal policy was issued.

House Bill 680 amends Article 8308 by adding a new Section 18, which provides that an employer under the workmen's compensation laws may assume liability for a class of employees not previously included within the coverage of the employer's insurance coverage.

Labor and Industrial Safety

Employees of the State of Texas and its political subdivisions who are called to active duty in any branch of the Armed Forces of the United States are assured of reinstatement in their jobs after discharge by House Bill 696. The Act provides further that if a veteran returns so disabled that he is unable to resume his old position, employment is to be found for him in a position he can hold and one that provides, as nearly as possible, the same seniority, status, and pay.

Under existing law before the Regular Session of the 60th Legislature, penal laws described as a felony the offense of preventing a worker, by violent means, from going to work, while the offense of interfering with lawful and peaceful strike activities was classified as a misdemeanor. House Bill 710 amends the Penal Code to make both offenses misdemeanors and thereby equalize the law's attitude toward the seriousness of these two offenses, constituting essentially the same misconduct.

Industrial Development

To further industrial development throughout Texas, Senate Joint Resolution 14 proposes an amendment to the constitution giving the Legislature power to authorize cities and counties to issue revenue bonds for this purpose. The measure will be considered by the electorate on November 5, 1968. Anticipatory enabling legislation is contained in House Bill 446, which authorizes cities, counties, and navigation districts to issue revenue bonds for the purpose of acquiring property for industrial development purposes.

To reduce and, where possible, eliminate the causes for loss of production, reduction of man-hours of work, temporary and permanent disability of working men and women, and increases in casualty insurance rates and production costs is the goal of House Bill 559. It creates a Division of Occupational Safety within the State Department of Health, an Occupational Safety Board, and the position of Safety Engineer, as well as an Advisory Occupational Safety Committee, to cope with these problems. Further discussion of the measure is contained in the section of this report on Public Health.

Bracket legislation enacted by the 60th Legislature enables additional counties to empower the county judge to appoint a County Industrial Commission to study, promote, and encourage development of new businesses and the maintenance and expansion of existing businesses.

Tourism, Recreation, Parks

Parks and Recreation The 60th Legislature enacted a number of measures authorizing the Parks and Wildlife Commission to create, develop, and maintain additional state parks, among them parks in Calhoun, Dallas, Somervell, and Stephens counties. Senate Bill 597 authorizes the Parks and Wildlife Commission to rehabilitate the Copano Bay Causeway as a public fishing pier and recreational area.

Under terms of House Bill 58, historic structures and sites relating to prehistoric animal or plant life will be acquired, restored, and maintained by the Parks and Wildlife Department.

Of perhaps the greatest potential in the program of expanding and improving Texas parks and recreational sites is the proposed amendment to the constitution, House Joint Resolution 12, which would provide for issuance and sale of bonds up to \$75 million to create the Texas Parks Development Fund. The fund is to be used to acquire and develop state park sites.

House Bill 688 provides for enforceability of ad valorem tax liens encumbering interests in a mineral estate severed from a surface estate. When a mineral estate is severed from a surface estate owned by another person, the lien resulting from ad valorem taxes assessed against each interest in the mineral estate is valid and enforceable only for the duration of the interest it encumbers. After an interest in the mineral estate terminates, the ad valorem tax encumbering it expires and is not enforceable.

Under present law, all payments of oil and gas royalties on public lands are to be made to the state by the 20th day of each succeeding month for the preceding month. This provision caused confusion in requiring payments during a month, rather than at the end of the next month. House Bill 1156 amends several articles of law under which royalty payments are made to the state by requiring all payments to be made at the end of each month for the preceding month.

State Finances--Taxing and Spending

Taxing

Although no major tax legislation was enacted by the 60th Legislature, a number of existing statutes were amended with respect to such things as exemptions, assessments and assessment procedures, clarification of certain provisions, reports of payment, and the like. Perhaps the most unusual tax measure was that already discussed in the section of this report on Cities and Counties, the authority granted incorporated cities by House Bill 207 to impose, under local option elections, a 1 percent local sales and use tax.

Senate Bill 105 exempts from taxation the property of fraternal organizations if used exclusively for charitable, benevolent, religious, or educational purposes, but organizations which pay insurance benefits of any kind are not eligible for the exemption. Senate Bill 209 relates to property includable as "actual places of religious worship" for purposes of exemption from taxation. Property of certain nonprofit corporations organized to promote the teaching and study of the art of theatrics is exempted from ad valorem taxation by Senate Bill 475. Senate Bill 528 exempts from the inheritance tax the value of certain annuities. Senate Joint Resolution 24 provides for submission of a constitutional amendment to the electorate on November 5, 1968, which would permit the Legislature to exempt from taxation by the state and its political subdivisions certain property used to abate air or water pollution. House Bill 2 provides an exemption from the sales tax for certain pipe and equipment used for exploration and production of oil, gas, sulphur, and other minerals offshore and outside

the territorial limits of the state. Similarly, House Bill 512 exempts from the sales tax property used in exploration for oil, gas, sulphur, and other minerals offshore and outside territorial limits of the state, permits delivery by facilities of the purchaser or lessee or any other means, and exempts property brought into the state temporarily for further fabrication or assembly. This is also discussed in the Oil and Gas section of this report. House Bill 372 adds a new section to Article 7150, exempting from taxation certain property owned by nonprofit corporations.

House Bill 143 provides for refund by the state of overpayments made through mistake on taxes administered by the Comptroller but does not apply to ad valorem taxes or to refunds for nontaxable use of motor fuel or special fuel. House Bill 144 fixes time limits within which the Comptroller may assess any tax imposed under Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, or may refund any tax collected under that title. House Bill 147 adds to the provision in Title 122A authorizing the Comptroller to examine books of account to determine any tax liability a prohibition against his making any charge for auditing the books.

Senate Joint Resolution 32 proposes a constitutional amendment designed to phase out and eventually prohibit certain state ad valorem taxes. It is scheduled for election on November 5, 1968. Another phasing out operation is provided by House Bill 162, which relates to the corporation franchise tax and will phase out that part of the tax heretofore collected on the debt of the corporation.

House Bill 365 adopts the Multistate Tax Compact, and provides for appointment of a member of the Multistate Tax Commission and for creation of a local government council and Multistate Tax Compact Advisory Committee.

The permissible school tax rate for common school districts located in certain counties with a population of 1,000 or less is the subject of House Bill 398. House Bill 1360 authorizes the levy of additional taxes for common school districts in counties having a population of 14,550 to 14,850.

House Bill 475 amends the statute permitting suppliers who deliver liquefied gas in vehicle tanks to make certain deductions from the tax payable by such suppliers. Certain sections of the Motor Fuel Tax Law, relating to definitions, computation of tax, refunds of tax paid in error, permits, exemptions from permit and reporting requirements, certain lessors as deemed distributors, nonforfeiture where erroneous claims for refund are involved, and credit for fuel exported in supply tanks, are amended by House Bill 524. House

Bill 525 amends certain sections of the Special Fuels Tax Law relating to lessors as users, lessors' permits, computation of tax on miles-per-gallon basis, trip permits, and credit where tax paid fuel is exported.

The Cigarette Tax Law is amended by House Bill 599 to allow a distributor who has in his possession the requisite stamps a period of 96 hours, instead of the formerly allowed 48 hours, within which to affix the stamps. House Bill 858 amends the statute imposing a tax on the first sale of cigars. House Joint Resolution 50, for which the enabling legislation (House Bill 807) was vetoed by the Governor, submits a constitutional amendment to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

The Cigarette Tax Law is also amended by House Bill 7 to permit a warehouseman to be licensed as a "distributing agent" and in that capacity to store unstamped cigarettes for delivery only upon order received from without the state. This puts the law concerning distributing agents in the same form that it was prior to an amendment provided by the 59th Legislature, under which the state contended that the agents must stamp the cigarettes in their warehouses.

House Bill 620 permits the commissioners court in a county of over 900,000 population to levy a tax to further secure bonds issued to build a parking facility. House Bill 688, discussed in the Oil and Gas section of this report, relates to the validity and termination of a tax lien against a mineral estate severed from the surface estate.

House Bill 743, reviewed under Cities and Counties, empowers cities acting as tax assessor-collector for other taxing entities to permit payment in installments or to require that the full tax be payable in one payment with penalties for late payment.

House Bill 773 amends the Texas Liquor Control Act to change the method of collecting the tax on ale and malt liquor to a reporting system under bond instead of a stamp system now in use.

The county tax assessor-collector is authorized by House Bill 830 to assess and collect taxes for a rural fire prevention district at a percentage of market value different from the percentage used by the county if voters of the district approve.

House Bill 832 specifies conditions under which reports or payments required by Title 122A to be made to the Comptroller

shall be deemed to have been timely filed. If the report is filed within 10 days after the due date and as originally filed shows the correct amount of taxes due, no assessment for penalties and interest will be made solely on the grounds of late filing after the lapse of 90 days immediately following the date the report was required to be filed. If the due date falls on a Saturday, Sunday, or legal holiday, the next business day thereafter will be considered to be the due date.

The Attorney General is authorized by House Bill 836 to bring suit to prohibit any person continuing in business if he has received, collected, or withheld money as a tax imposed by the state and has not made the proper report and payment to the state. It also authorizes the Comptroller to require a cash bond as a condition of issuing a permit to do business when the Comptroller determines that tax collections are otherwise insecure.

The sales tax act is amended by House Bill 1161 to permit a taxpayer whose business is solely manufacturing and who derives less than 2 percent of his receipts from taxable sales to file his report and pay the tax annually instead of quarterly.

House Bill 1226 amends the franchise tax act to add to those organizations exempt certain nonprofit corporations organized to furnish public utility service for the benefit of cities and towns or their residents.

House Bill 1331 provides that county clerks shall file certificates of redemption issued by the United States evidencing the redemption of real property from judicial or nonjudicial sale.

House Joint Resolution 16 proposes a constitutional amendment to provide for exemption from ad valorem taxation of certain property in the temporary custody of a public warehouseman. The proposal will be considered by the electorate on November 5, 1968.

Senate Bill 47 relates to the duty of persons who come into possession of property of an estate, when the decedent has no personal representative, to file a report. The Act also relates to the lien on the estate of a decedent to secure payment of any inheritance tax.

House Bill 494 repeals the occupation tax on ninepin and tenpin alleys, and the statute imposing an occupation tax on the operation of a billiard table is amended by House Bill 776.

Game and Fish

Prior to this session, all or a part of the wildlife resources of 183 counties were under the regulatory authority of the Parks and Wildlife Department. In those counties the department is required by statute to fix the open seasons and bag limits and to regulate the methods of hunting and fishing, all with a view toward proper conservation of fish and wildlife. During the session, 29 more counties were added to the department's regulatory responsibility, making the total now 212 counties--plus certain water areas in 10 other counties--where the department exercises rule-making power over hunting and fishing. Senate Bill 295 consolidates into one law, called the "Uniform Wildlife Regulatory Act," the approximately 70 prior laws dealing with this regulatory function of the department.

As usual, the Legislature passed many local and special laws affecting hunting and fishing in particular counties.

Several general laws relating to fish and wildlife were also enacted. Newly protected species are the horned toad (saved from commercial exploitation by Senate Bill 331); the Texas Tortoise (saved from commercial exploitation by Senate Bill 386); and the pelican and the duck hawk (removed from the list of unprotected birds by House Bill 82).

Sport hunting and fishing licenses are the subject of a new enactment. House Bill 244 eliminates license forfeiture as part of the penalty for game and fish violations. This will allow prosecution for most offenses in the justice court instead of the county court.

House Bill 824 makes it illegal until September 1, 1972, to retain any redfish less than 14 inches in length.

Senate Bill 507 is a measure intended to protect game fish and other wildlife from certain flesh-eating tropical fish. The Parks and Wildlife Department is directed to publish a list of harmful tropical fish, and the bill makes it a misdemeanor to import, possess, sell, or release any such fish or their eggs without the written permission of the department.

House Bill 740 establishes more careful control over the killing of game birds and animals found to be destroying crops. The bill revises Article 888 of the Penal Code to increase the procedural safeguards, provide for public notice, and more particularly define the responsibilities of the county judge and the Parks and Wildlife Department.

House Bill 917 provides relief to local units of government where land is acquired by the state for wildlife management areas. Since the land is taken off the tax rolls, this bill authorizes the Parks and Wildlife Department to expend special funds to compensate local units of government for the revenue loss. This reimbursement is limited to \$1 for every \$2 devoted to the purpose by the federal government.

The Legislature passed three general laws affecting commercial fishermen. House Bill 617 raises the commercial fishermen's license fee from \$3 to \$5 and also raises wholesale dealer's and shrimp house operators' license fees. The increase is to be used by the Parks and Wildlife Department to finance a seafood market promotion program.

House Bill 1078 requires that at least 50 percent of the shrimp on a commercial bait-shrimp boat be kept alive, that the boats have adequate facilities to keep half the shrimp alive, and that frozen bait shrimp held by a bait dealer be packaged and marked as bait shrimp.

House Bill 320 authorizes the use of one-volt electro-trawls by commercial gulf shrimp boats in Gulf waters at least seven fathoms deep.

Indian Affairs

Although this is the 20th Century, Texas still has a number of Indians within the state who are the responsibility of the Commission for Indian Affairs. Three amendatory bills were passed by the 60th Legislature to improve the health, welfare, and economic condition of these Indians.

House Bill 654 amends the law relating to the Commission for Indian Affairs by adding three members to the commission who are to be from the western section of the state. Previously, the commission was composed of members from only the eastern part of the state. The bill also adds the Tigua Indian community to the responsibilities of the Commission for Indian Affairs. In effect, the Act recognizes the Tigua Indians as an independent tribe or "community," making it possible for the Tigua Indians to acquire land by gift or purchase in order to improve their economic self-sufficiency.

House Bill 1207 allows the commission to use convict labor on the Alabama-Coushatta Indian Reservation.

House Bill 1223 increases the length of time for maturity of bonds issued by the Tribal Council of the Alabama-Coushatta Indian Reservation from 25 to 40 years.

House Bill 888 provides for transfer of the trust responsibility of Tigua Indians from the federal government to the State of Texas, if the federal government decides to relinquish this responsibility. Legislation to accomplish this purpose was also introduced in the 90th Congress. In assuming this responsibility, Texas is following the pattern established in 1953, when the legislation was enacted for the state to assume trust responsibility for the Alabama-Coushatta Indian Tribe.

Veterans Benefits and Military Affairs

Senate Bill 18 grants veterans of the Cold War the same rights and privileges previously conferred on other war veterans with respect to exemption from fees and charges at state colleges and universities. Those eligible include any person who has served in the United States Armed Forces on active military duty for more than 180 days and the child or children of a serviceman who was killed in action or died while on active military duty during the Cold War.

Certain financial benefits to members of the Armed Forces of Texas who become casualties in protection of the state in case of riot, breach of the peace, invasion, or other imminent danger are provided by House Bill 108. Hospitalization costs, medical and surgical care, transportation costs, and base pay during the period of disability are included. Permanent disability is also compensated.

House Bill 674 empowers the State of Texas to award the Lone Star Medal of Valor to any member of the state military forces who distinguishes himself by specific acts of bravery or outstanding courage. This award is in addition to the Lone Star Distinguished Service Medal and the Texas Legislative Medal of Honor, which is considered the highest military honor accorded by the State of Texas.

Qualifications of the Veterans County Service Officer and the Assistant Veterans County Service Officer are established by House Bill 694. Salaries of the Executive Director and Assistant Directors of the Veterans Affairs Commission are also provided by the Act. House Bill 695 provides that veterans of the United States Armed Forces receive preferential consideration for appointment or employment in state offices and positions. This preferential consideration is not applicable to persons who were conscientious objectors at the time of their discharge.

Already discussed in the section of this report pertaining to state employees is House Bill 696, which provides that an employee of the state who leaves his position to enter the

Armed Forces of the United States is entitled, upon honorable discharge, to be restored to employment in the same position or to a position of like seniority, status, and pay.

The veterans' land program would be reactivated by the adoption of House Joint Resolution 17, proposing an amendment to the constitution, which authorizes an increase in the total amount of bonds that may be issued by the Veterans' Land Board to \$400 million. Appropriately, the amendment will be voted on by the people of Texas on November 11, 1967. The proposed amendment makes men and women in service during the present armed conflict in Viet Nam eligible for the program's benefits. Enabling legislation, provided by House Bill 306, becomes effective only if the proposed amendment is adopted. The maximum amount which may be borrowed by qualified veterans is increased from \$7,500 to \$10,000.

One other measure relating to the Texas military is House Bill 641, which authorizes the Texas National Guard Armory Board to convey land at Camp Maxey to the U.S. Army Corps of Engineers in order to facilitate formation of the Pat Mays Reservoir.

Constitutional Amendments

Although the 60th Legislature approved fewer proposed amendments to the Texas Constitution than its predecessor, 20 proposed amendments will be subject to adoption by the electorate on two separate dates, as follows:

November 11, 1967--6 amendments

<u>No. on Ballot</u>	<u>Resolution</u>	<u>Subject</u>
1	H.J.R. 3	Providing counties may put county taxes into one general fund.
2	H.J.R. 37	Allowing municipalities and state-supported entities within hospital districts to participate in public health services.
3	H.J.R. 17	Increasing Veterans' Land Bonds to \$400 million to reactivate Veterans' Land Program.

<u>No. on Ballot</u>	<u>Resolution</u>	<u>Subject</u>
4	S.J.R. 6	Authorizing each county to pay medical expenses, doctor and hospital bills of certain law officers injured in line of duty.
5	H.J.R. 12	To create the Texas Park Development Fund.
6	H.J.R. 27	Allowing state officers and employees to hold other positions.

November 5, 1968

(Numbers not drawn)

H.J.R. 16	Exemption from ad valorem tax of certain property in custody of public warehouseman.
H.J.R. 20	Providing for investment of Permanent University Fund.
H.J.R. 22	Fixing time in which members of Legislature are ineligible to hold other offices.
H.J.R. 49	Removing requirement for approval by Governor, Secretary of State and Comptroller in certain materials and services purchase contracts.
H.J.R. 50	Empowering Legislature to provide for refund of tax on cigars and tobacco products under certain circumstances.
H.J.R. 60	Providing for abolishing or consolidating offices and functions of government.
H.J.R. 61	Providing members of Legislature to receive salary in an amount not exceeding \$8,400 a year.

<u>No. on Ballot</u>	<u>Resolution</u>	<u>Subject</u>
S.J.R. 4		Contributions to the Teacher Retirement System.
S.J.R. 14		Giving legislative power to authorize cities and counties to issue bonds for industrial development.
S.J.R. 24		Authorizing Legislature to provide system for exempting certain property from ad valorem taxation.
S.J.R. 32		Providing for gradual abolition of property tax levied by Article VII, Section 3, and 2¢ and 10¢ ad valorem tax levied by Article VIII, Section 17.
S.J.R. 37		To give Dallas County power to issue bonds for construction, maintenance, and operation of certain roads and turnpikes.
S.J.R. 39		Relating to the Employees Retirement System of Texas.
S.J.R. 41		Increasing amount of money which may be spent for old age assistance and other welfare programs.

APPENDIX

Measures Vetoed by the Governor

The Governor vetoed the following items in Senate Bill 15, the general appropriations bill:

(1)	part-time help for the Board of Law Examiners	\$	500
(2)	rider to prevent control of pollution by the cotton ginning industry		
(3)	appropriation to lease space and operate a 100-bed acute intensive treatment hospital (Texas Research Institute of Mental Sciences)		600,000
(4)	to the Department of Agriculture to expand market outlets for Texas agricultural commodities		325,000
(5)	position of Assistant Executive Director for the Commission on Alcoholism		10,000
(6)	position of Director of Alcoholic Counseling for the Commission on Alcoholism		7,812
(7)	vocational education and rehabilitation of alcoholics (to match federal and state funds granted to the T.E.A.)		10,000
(8)	construction at the Corpus Christi State School (Department of Mental Health and Mental Retardation)		300,000
(9)	repairs and renovation of space in the Capitol		136,000
(10)	rider to provide overtime compensation for employees of the Board of Control		
(11)	Employees Retirement System (primarily to cover costs of higher benefits for retired legislators: Senate Bill 63)		95,000
(12)	Board of Insurance: to investigate insurance claims pertaining to health, accident, or hospitalization insurance		50,000

(13)	Parks and Wildlife Department: to study feasibility of developing a park at Croton Breaks in Dickens County	\$ 50,000
(14)	Parks and Wildlife: study, acquisition, and development of Mountain Creek State Park: House Bill 486	500,000
(15)	rider to provide that the Department of Public Safety not be reimbursed for policing the turnpike	
(16)	Water Rights Commission to pay salaries and expenses of the Red River Authority	40,000
(17)	Blinn College: for operation of Washington-on-the-Brazos Museum (House Bill 939 transferred custody of the museum from the Parks and Wildlife Department)	22,000
(18)	The University of Texas Medical School at San Antonio: furnishings and equip- ment, including books	800,000
(19)	Texas A&M University for research in swine	40,000
(20)	Texas Woman's University for the Office of Government-Sponsored Research	19,330
(21)	construction of a storm sewer at Stephen F. Austin State College	80,000
(22)	The University of Texas at Austin for operation of the Texas Memorial Museum	114,000
(23)	rider which authorizes state agencies purchasing and operating motor vehicles to reimburse employees for costs incurred in purchasing additional insurance to insure against personal liability arising out of the full-time use of state-owned vehicles	
	TOTAL FUNDS VETOED	<hr/> \$ 3,199,642

Bills or Special Items Vetoed

Senate Bill 25	Providing that the beneficiary of a trust created prior to the effective date of the Texas Trust Act could elect to come under its provisions.
Senate Bill 28	Pilot program for preschool children with language disorders.
Senate Bill 29	Redefining the term "exceptional children" to include language-handicapped children and pregnant girls who are residents of licensed maternity homes.
Senate Bill 63	Revising the Employees Retirement System, including an increase in benefits for members of the legislature.
Senate Bill 71	Establishing a minimum sick leave program for public school teachers.
Senate Bill 106	Providing a new formula for allocating special service teacher units.
Senate Bill 163	Authorizing an increase in length of seines for taking shrimp in certain Gulf Coast counties.
Senate Bill 290	Transferring jurisdiction of West Texas State University from the Board of Regents, State Senior Colleges, to Board of Regents, West Texas State University.
Senate Bill 314	Providing additional supervisors for exceptional children.
Senate Bill 394	Special school project for preschool children with mental retardation.
Senate Bill 502	Prescribing necessary inscriptions on state-owned vehicles.
Senate Bill 517	Amending the Lower Colorado River Authority Act.

Senate Bill 581	Creating the Texas Toll Bridge Authority and authorizing the State Highway Commission to expend funds to study the proposed San Antonio Toll Bridge Project.
Senate Bill 617	Creating a fifth court of domestic relations in Harris County.
House Bill 25	Creating a State Commission for the Deaf.
House Bill 83	Crediting time served in the legislature and as a county judge to the length of judicial service required in the Judicial Retirement Act.
House Bill 120	Establishing a minimum salary for school bus drivers.
House Bill 172	Granting additional powers to the State Soil and Water Conservation Board.
House Bill 204	Deleting the requirement that a juror be a freeholder or a householder in a civil case.
House Bill 363	Making an appropriation for miscellaneous claims against the state: the Governor vetoed a specific item.
House Bill 486	Authorizing the creation of Mountain Creek Lake State Park in Dallas County.
House Bill 561	Changing the nature of the state's lien on delinquent taxes and penalties under the taxation statutes in relation to operators of places of amusement.
House Bill 642	Requiring cigarette distributors to make payment of cigarette stamps within 15 days after receiving them rather than immediately upon receipt.
House Bill 757	Authorizing counties to contract with already established Bar association or nonprofit groups to assist courts in providing counsel to indigents accused of crime.

House Bill 781 Amending the Texas Liquor Control Act to prohibit holders of package store or wine only permits from employing minors.

House Bill 786 Requiring certain adults having custody or control of a delinquent child to make restitution for injury to the person or property of another as a condition of probation.

House Bill 807 Enabling legislation for House Joint Resolution 50, which would provide a refund of the tax on cigars and tobacco products sold within Texarkana (Bowie County), Texas.

House Bill 821 Permitting any person to pay the taxes due by another person, and receive an assignment of all the rights, liens, judgments, and remedies of the state to secure and enforce payment.

House Bill 865 Authorizing the Comptroller to direct a sheriff to seize and sell personal property owned by a taxpayer for payment of taxes which the records of the Comptroller show to be delinquent.

House Bill 867 Regulating shorthand court reporters, requiring their certification by a State Board of Shorthand Reporters Examiners.

House Bill 939 Transferring custody of the museum at Washington-on-the-Brazos from the Parks and Wildlife Commission to Blinn College.

House Bill 972 Authorizing the North Texas Municipal Water District to sell water to non-member cities on an interim basis at a price differential.

House Bill 999 Providing for the operation of a 10-month school program for pilot school districts.

House Bill 1013 Delegating to the district courts of Tarrant County the authority to create an office of public defender.

House Bill 1029 Creating the Long Island Utility District in Cameron County as a conservation and reclamation district.

House Bill 1064 Restricting bait shrimp trawling in certain nursery areas of Harris, Chambers, and Galveston counties.

House Bill 1086 Prohibiting certain acts committed on privately owned parking and access ways commonly used by the public.

House Bill 1095 Implementing the provisions of the constitution concerning assessment of agricultural lands.

House Bill 1137 Establishing a formula for salary of classroom teachers for operation of non-English speaking children program.

House Bill 1164 Extending the hours of permissible consumption of liquor and beer in counties of 300,000 or more population.

House Bill 1366 Repealing House Bill 362, which removes the need for an affidavit to accompany each audited complaint that is presented to the Comptroller of Public Accounts for the issuance of a warrant.

The following concurrent resolutions providing for tort actions against the state were vetoed because, based on the doctrine of sovereign immunity, the state would not be liable for torts committed by its agents or employees:

S.C.R. 19	H.C.R. 110	H.C.R. 140
S.C.R. 29	H.C.R. 114	
S.C.R. 47	H.C.R. 118	