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THE
Sixtieth
TEXAS LEGISLATURE
A Review of Its Work



INSTITUTE OF PUBLIC AFFAIRS
THE UNIVERSITY OF TEXAS AT AUSTIN

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*The Sixtieth
Texas Legislature*

A REVIEW OF ITS WORK



INSTITUTE OF PUBLIC AFFAIRS

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Foreword

For the past fifteen years, the Institute of Public Affairs has prepared and published a biennial recapitulation of the work of the Texas Legislature. In view of the continued interest in and use made of these summaries, this has been done again in this volume for the Sixtieth Legislature which met in general session from January 10 to May 29, 1967 and in a special called session during the month of June, 1968.

In line with the methodology and pattern of previous summaries, this monograph includes major laws passed by the Legislature, the most significant measures considered but not passed, gubernatorial vetoes, proposed constitutional amendments, and authorizations for interim studies. Space permits only brief mention of each piece of legislation having statewide interest, and many details must necessarily be omitted. Throughout all sections of the summary, the legislation is analyzed and discussed from an objective point of view, and neither the authors, this Institute, nor The University take any position either for or against the legislative proposals and enactments which are included herein.

Preparation of this study was a joint responsibility of Messrs. Philip W. Barnes and Minor B. Crager, Research Associates on the staff of this Institute. In addition to preparing specific sections as an individual responsibility, both Mr. Barnes and Mr. Crager collaborated on the final revision after their respective contributions were merged. Their work as authors was assisted by the following named persons who are associated with the state government of Texas: Mr. James R. Sanders, Director of Legislative Reference, Texas State Library; Mrs. Dorothy Hallman, Chief Clerk, House of Representatives; Mr. William H. Stoll, Planning Analyst, Division of Planning Coordination, Office of the Governor; Mr. N. David Spurgin, Budget Examiner, Governor's Budget Office; and Mr. William S. Brown, Research Associate, Texas Legislative Council. We are most grateful to each of these officials for contributing pertinent materials, advice, and counsel which have made this study more accurate and useful in its final form. It need hardly be

added, of course, that their participation does not ascribe any responsibility for what appears in print here. This attaches exclusively to the authors and this Institute.

LYNN F. ANDERSON
Acting Director

Austin, Texas
August, 1968

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THE SIXTIETH TEXAS LEGISLATURE: A REVIEW OF ITS WORK

Introduction

THE LEGISLATIVE PROCESSES are fundamental to democratic government, for through them the wants and desires of people find formal expression in law. As the responsibilities of state government increase by virtue of popular demands for more and better governmental services, so also increases the state's legislative business. It could hardly be any other way.

The Sixtieth Legislature enacted and the Governor signed into law a record number of bills which affect a wide spectrum of public affairs. Among its basic responsibilities, the Legislature has the power to tax and to appropriate revenue to operate state government and to finance governmental services such as education, highways, and welfare. In addition, the Legislature has the authority to regulate business and industry, to establish professional standards and require licensing, to define crimes and prescribe punishments, to organize the administration of the court system, even to authorize the creation of new units of government.

The Legislature's task is formidable. And in carrying out its responsibilities, the regular session of the Sixtieth Legislature passed 825 House and Senate Bills, among them many local and special laws. Although none of the local or special bills are individually distinctive, in the aggregate they illustrate the diversity of legislative functions and represent the scope of legislative authority. Local and special bills were enacted to regulate hunting and fishing in particular counties, to set the salaries of court clerks, and to ratify the actions of some subordinate units of governments, among many other things. Much of the legislators' energies are absorbed in tending to these minute details of state government. This study, however, focuses primarily on the laws of a broader nature and of general application. Table I presents the number of bills introduced and enacted by each chamber of the Legislature.

TABLE I

NUMBER OF BILLS AND RESOLUTIONS INTRODUCED AND
ENACTED, SIXTIETH TEXAS LEGISLATURE,
REGULAR SESSION
1967

	Introduced	Enacted ¹
House Bills (H.B.)	1363	571
Senate Bills (S.B.)	628	254
House Concurrent Resolutions (H.C.R.)	171	124
House Joint Resolutions (H.J.R.)	64	12
House Simple Resolutions (H.S.R.)	469 ²
Senate Concurrent Resolutions (S.C.R.)	95	86
Senate Joint Resolutions (S.J.R.)	41	8
Senate Simple Resolutions (S.R.)	776 ²

¹ Includes those vetoed by the Governor.

² Not available.

During the regular session several major accomplishments were recorded. These included a significant state employee pay raise, the adoption of the Business and Commerce Code, the establishment of the County and District Retirement System, the creation of the Water Quality Board, and the passage of the Traffic Safety Act of 1967. Nevertheless, the general tenor of the Sixtieth Legislature—in the regular and first called sessions—reflected the continuing need for new tax revenue.

THE FIRST CALLED SESSION

Before the opening of the regular session it was known that new tax measures would have to be enacted to finance the state's operation for the 1967-69 biennium. The questions remaining to be answered involved the sources of new revenue and the final amounts needed. Governor Connally submitted a tax package to the regular session which would have provided \$144 million in additional revenue. As the session progressed, little agreement was reached on either the source or amount of new revenue. As a result, the Governor addressed a joint session of both houses on April 19, 1967. In an unprecedented request, the Governor proposed (1) that a one-year appropriation bill be enacted instead of the customary biennial appropriation measure, and

(2) that he call a special session to finance state government for the second year of the biennium.

The Governor's proposal was based on two considerations. First, if his plan were adopted, no new tax revenue would be needed during the first year; revenue estimates were adequate to meet essential spending projections.¹ Second, by delaying new tax measures until the second year of the biennium, economic expansion resulting in additional income from existing revenue sources would be more accurately reflected in revenue estimates; therefore, tax requirements for the second year of the biennium might be reduced. In his message to the Legislature, the Governor anticipated that as much as \$50 million in new taxes might be avoided by the adoption of his proposal.

The Legislature adopted the Governor's plan and passed a one-year appropriation bill for fiscal 1967-68 financed entirely without new taxes. Subsequently, on June 4, 1968, the Legislature was called into session to complete unfinished business—appropriations for fiscal 1968-69. The Comptroller's new revenue estimates exceeded the Governor's predictions, and the Governor submitted a tax proposal which would have provided about \$120 million in additional revenue. The Legislature, however, rejected the Governor's tax package and substituted one of its own, a \$153 million tax program.² This was about \$10 million more than the Governor's original \$143 million proposal for the two-year period and approximately \$33 million more than his program which was submitted to the special session.

The tax program sponsored by the Governor proposed new taxes in the following amounts: \$34.5 million from broadening the general sales tax to include selected services and tobacco products now ex-

¹ The Texas Constitution (Art. III, sec. 49a) requires the Comptroller of Public Accounts to "certify" that money will be available to pay every appropriation measure passed by the Legislature. Consequently, the Comptroller must estimate, based on past experiences and projected economic growth, the amount of revenue which will be collected and available to the state for each biennium. His estimates are understandably cautious, and usually there is a surplus of unexpended revenue in the state's Treasury at the end of each fiscal year. The unspent surplus following the end of the 1965-67 biennium was about \$140 million. In the Governor's proposal, new taxes could be avoided during the first year by applying this amount to appropriations for fiscal 1967-68.

² A more detailed discussion of taxes enacted by the Sixtieth Legislature appears in the section entitled "Taxation, Finance, and Administration."

cluded; \$168.1 million from an across-the-board increase in the general sales tax from two to three per cent on the enlarged base; \$1.0 million by the imposition of a realty transfer stamp tax; \$30.6 million from an increase in the Motor Vehicle Sales Tax; and \$14.5 million by a tax on liquor-by-the-drink. The last, of course, involved legalized sale of mixed drinks in some form. The total in proposed new taxes amounted to \$248.6 million. However, the Governor also proposed the repeal of the local option city sales tax which was authorized by the regular session and a rebate of approximately \$125.8 million to the cities from the state general sales tax revenue. In addition, the Governor proposed an equalization of the telephone gross receipts tax which would have resulted in a reduction in revenues of \$3.2 million. After these deductions, the proposed net amount of new revenue totaled approximately \$120 million.

Because the Governor had introduced the liquor measure, the special session had the authority to consider other liquor-related bills. The Governor had supported a bill legalizing liquor-by-the-drink with stringent regulatory controls during the regular session. The issue was widely debated, and all political parties included a referendum on the issue in their primary elections which were held in May, 1968, prior to the call of the special session in June. Although the issue was approved by a small majority, the Legislature in special session again rejected all liquor-by-the-drink proposals.

Nevertheless, one liquor-related measure did become law. H.B. 16 made it illegal to carry weapons in a place where alcoholic beverages are consumed. No other substantial revision of the law regulating the manufacture, sale, or consumption of alcoholic beverages was enacted during the Sixtieth Legislature.

Aside from the liquor issues, the special session of the Sixtieth Legislature was an experiment in annual appropriations. There is little doubt that such a plan permits the Comptroller to make more accurate revenue estimates and, accordingly, results possibly in more efficient use of the public's money. Nevertheless, the appropriation processes involve many imponderables, and political considerations are always more important than factors of economy or efficiency. Whether the plan is repeated will be determined largely by the decisions of future governors and the responses of future legislatures.

Bills and Resolutions Enacted

APPROPRIATIONS

Expenditures by state government have risen considerably in recent years. The Fifty-fifth Texas Legislature appropriated \$2.1 billion to operate state government for the 1957–58 biennium. Ten years later, the Sixtieth Legislature appropriated a total of \$4,949,756,334 to operate state government for a like period of time. Of this amount, \$2,386,083,269 was appropriated by the regular session for fiscal 1967–68 (S.B. 15), and \$2,554,812,109 was appropriated by the first called session for fiscal 1968–69 (H.B. 5). Only \$8,860,956 was appropriated by special bills.

Following adjournment of the regular session, Governor Connally vetoed a number of items in the general appropriation bill which amounted to \$3,214,121; he also vetoed a special appropriation of \$21,800. At the close of the special session, the Governor vetoed items totaling \$1,362,500. After deduction of the \$4,576,621 in vetoes, the general appropriation bills enacted for the 1967–69 biennium totaled \$4,937,318,757. Tables II and III present a breakdown of these proposed expenditures.

Table II is broken down into the five basic appropriation categories that customarily appear in a general appropriation bill. As the Table indicates, Governor Connally's vetoes at the end of the regular session totaled \$3.2 million. Only the appropriations for the Legislature escaped gubernatorial veto.

At the close of the regular session the Governor line item vetoed more measures in Article III—Executive, Legislative, and Administrative Departments and Agencies³—than in any other. Executive department vetoes included appropriations for the Department of Agriculture, \$325 thousand for the development of expanded marketing

³ The term "Legislative" appears in this Article because this section of the bill includes the State Auditor's Office, a full-time legislative agency. The Legislative Council, the Legislative Budget Board, and other legislative agencies are provided for in Article VI.

TABLE II
SUMMARY OF APPROPRIATIONS AND ITEMS VETOED
GENERAL APPROPRIATION BILLS
STATE OF TEXAS
Fiscal Years 1967-68 and 1968-69

Functions/Agencies	Original Appropriations	Amounts Vetoed	Final Appropriations
Fiscal 1967-68: Regular Session			
Judiciary	\$ 7,189,549	\$ 500	\$ 7,189,049
Public Health, Hospitals, Special Schools, and Youth Institutions	119,359,829	600,000	118,759,829
Executive, Legislative, and Administrative Depart- ments and Agencies	1,123,761,654	1,537,312	1,122,224,342
Education	1,131,027,295	1,076,309	1,129,950,986
Legislature	4,744,942		4,744,942
TOTALS	<u>\$2,386,083,269</u>	<u>\$3,214,121</u>	<u>\$2,382,869,148</u>
Fiscal 1968-69: Special Session			
Judiciary	\$ 7,442,737	\$ 91,000	\$ 7,351,737
Public Health, Hospitals, Special Schools, and Youth Institutions	130,523,503		130,523,503
Executive, Legislative, and Administrative Depart- ments and Agencies	1,171,294,823	1,249,500	1,170,045,323
Education	1,237,336,838	22,000	1,237,314,838
Legislature	8,214,208		8,214,208
TOTALS	<u>\$2,554,812,109</u>	<u>\$1,362,500</u>	<u>\$2,553,449,609</u>

outlets;⁴ the Commission on Alcoholism, \$18.3 thousand for new positions and \$10 thousand for vocational rehabilitation; the Building Commission, \$300 thousand for new construction at the Corpus Christi State School and \$136 thousand for Capitol Building renovation and repair; the Employee Retirement System and Judicial Retirement Administration, \$95 thousand to pay increased benefits to retired legis-

⁴ This appropriation also appeared in the general appropriation bill passed by the special session but was isolated from gubernatorial veto by a lump-sum appropriation for the Department of Agriculture.

TABLE III
ALL FUNDS APPROPRIATIONS*
GENERAL APPROPRIATION BILLS
STATE OF TEXAS
 Fiscal Years 1967-68 and 1968-69

Functions/Agencies	1967-68	1968-69
Judiciary	\$ 7,189,049	\$ 7,351,737
Public Health, Hospitals, Special Schools, and Youth Institutions	118,759,829	130,523,503
Executive, Legislative, and Adminis- trative Departments and Agencies	1,122,224,342	1,170,045,323
Education	1,129,950,986	1,237,314,838
Legislature	4,744,942	8,214,208
ANNUAL TOTALS	\$ 2,383,869,148	\$ 2,553,449,609
BIENNIAL TOTAL		\$ 4,937,318,757

* The amounts shown in this table are net after deduction of items vetoed by the Governor.

lators (the bill authorizing the increase was vetoed also); the Board of Insurance, \$50 thousand for insurance investigation; the Liquor Control Board, \$13 thousand for a new position; the Parks and Wildlife Commission, \$550 thousand for a feasibility study, land acquisition, and park development; and the Red River Authority, \$40 thousand for the payment of salaries and other expenses.

All of the vetoes in the education category involved colleges and universities. They were: \$114.9 thousand for the operation of the Memorial Museum at The University of Texas at Austin; \$80 thousand for storm sewer installation at Stephen F. Austin State College; \$19.3 thousand for the establishment of an Office of Government-Sponsored Grants and Contracts at Texas Woman's University; \$40 thousand for research in swine at Texas A&M University; \$800 thousand for furnishings and other equipment for The University of Texas Medical School at San Antonio; and \$22 thousand for the operation of a museum transferred from the state to Blinn College (the bill authorizing the transfer was vetoed also).

The remaining vetoes were an unrequested Article II appropriation of \$600 thousand for additional beds at the Texas Research Institute

of Mental Science and \$500 for part-time help for the Board of Law Examiners. The latter, an Article I item, was vetoed at the request of the Supreme Court.

At the close of the special session, the Governor vetoed amounts totaling \$1.3 million. Again, most of the items vetoed affected executive departments. The largest single item was \$600 thousand for temporary quarters for the office of the Comptroller of Public Accounts; the decision to move the Comptroller was rescinded prior to the end of the session pending the completion of a new state finance building. Other appropriations vetoed included \$275 thousand for automatic elevators in the Capitol Building; \$12.5 thousand for an assistant executive director for the Board of Control; \$50 thousand for insurance investigation; \$30.5 thousand for two new positions for the Liquor Control Board; and \$277.5 thousand for land purchases and park development.

The remaining vetoes following the special session involved the Judiciary and Education Articles. Appropriations of \$91 thousand for briefing clerks for 13 of the state's 14 courts of civil appeal were vetoed. And the Governor vetoed for the second time \$22 thousand for the operation of a state museum at Blinn College.⁵

Total gubernatorial vetoes of 1967-69 appropriations were larger than those of the previous biennium (\$4.6 million compared to \$2.6 million) but substantially smaller than the total amount vetoed following the 1963 session of the Legislature (\$12.4 million). Nonetheless, the reasons given for the vetoes by the Governor in his veto proclamation have been similar from year to year. In some cases, the funds were not requested by the agencies involved. In other instances,

⁵ The Governor also vetoed identical rider provisions which were made a part of the general appropriation act passed by each session. These would have (1) prevented the Health Department and the Air Control Board from spending funds for the control of air pollution caused by cotton gins, and (2) prohibited the Department of Public Safety from being reimbursed by the Texas Turnpike Authority for services performed in policing the turnpike. In addition, the Governor vetoed two rider provisions included in the general act by the special session. These would have (1) required the Parks and Wildlife Department to acquire and restore historical sites according to priorities established in the rider, and (2) restricted aircraft operated by the Department of Public Safety to bases in Austin.

appropriations were not recommended by the Governor or the Legislative Budget Board in their respective budget documents. Frequently, funds were available from other sources. And sometimes, the expenditure in the Governor's judgment simply was not in the best interests of the state. Regardless of the reasons, the item veto of appropriations has remained one of the most important powers available to the Governor in Texas.

Texas lawmakers are constrained in making appropriations by a complex structure of general and special funds maintained by earmarked taxes and fees, federal grants, and priority allocations of certain state revenues by statutory direction. Generally, only the Judiciary and the Legislature are funded wholly from the General Revenue Fund. Of the total general act appropriations for Article II agencies—Public Health, Hospitals, Special Schools, and Youth Institutions—86.9 per cent were from the General Revenue Fund, and only 15.1 per cent were from other special funds. The opposite was true for agencies in Article III: 7.0 per cent of the total appropriations were from the General Revenue Fund, and 93.0 per cent were from a large number of special funds. Appropriations for the education section of the general act were 22.3 per cent from the General Revenue Fund and 77.7 per cent from special funds. The Available School Fund and the Minimum Foundation School Fund support most expenditures for elementary and secondary education. General Revenue Fund appropriations are primarily for colleges and universities. As has been true in the past several years, General Revenue Fund appropriations as a per cent of all fund appropriations increased slightly in the 1967–69 biennial appropriation over that for the previous two-year period: 18.9 per cent compared to 17.5 per cent. Dollar amounts of General Revenue Fund appropriations are given in Table IV.

Normally, the Legislature makes a number of special appropriations in addition to those included in the general appropriation act. The Sixtieth Legislature was no exception, and Table V lists each of these projected expenditures. All of these special appropriations were passed during the regular session. No special appropriations were made during the called session. The largest single item involved \$6.3 million in supplemental appropriations to various state agencies; of this amount, \$5.5 million was for the construction and operation of the Institute of Texas Cultures at HemisFair 1968. Altogether about 10

TABLE IV
 GENERAL REVENUE FUND APPROPRIATIONS*
 GENERAL APPROPRIATION BILLS
 STATE OF TEXAS
 Fiscal Years 1967-68 and 1968-69

Functions/Agencies	1967-68	1968-69
Judiciary	\$ 7,189,049	\$ 7,351,737
Public Health, Hospitals, Special Schools, and Youth Institutions	103,619,818	113,131,599
Executive, Legislative, and Adminis- trative Departments and Agencies	76,104,317	84,574,001
Education	252,711,609	276,213,782
Legislature	4,744,942	8,214,208
ANNUAL TOTALS	\$ 444,369,735	\$ 489,485,327
BIENNIAL TOTAL	\$ 444,369,735	\$ 933,855,062

* The amounts shown in this table are net after deduction of items vetoed by the Governor.

per cent of the total supplementary appropriations went to the state agencies, which enabled them to maintain at least current service levels for the remainder of the biennium. In all probability, these represent permanent increases in expenditures which will be carried over into general appropriation acts by subsequent Legislatures. Most of the remaining items are one-time appropriations which will have no predictable effect on future appropriations.

TAXATION, FINANCE, AND ADMINISTRATION

Under the Governor's annual appropriation plan, no new state revenue measures were enacted during the regular session, although several adjustments were made in the state tax laws. The first called session was left the responsibility of creating the new taxes necessary to pay for the state's operations in fiscal 1968-69. And, as mentioned, the Legislature rejected the Governor's tax program and substituted one of its own. The new tax bill (H.B. 2) increased the state sales tax to three per cent. Thus, in areas where the city sales tax has been adopted, residents pay a total of four per cent in general sales taxes.

Faced with a total pending revenue deficit of approximately \$150

TABLE V
 APPROPRIATIONS OTHER THAN GENERAL
 APPROPRIATION BILL
 Regular Session

Bill Number	Purpose	Amount
H.B. 876	For completion of the State Finance Building	\$ 830,000.00
H.B. 1049	Supplementary appropriations to the Department of Public Welfare	175,000.00
H.B. 363	Miscellaneous claims and judgments	367,278.46
S.B. 628	Operating expenses for the Senate	200,000.00
H.B. 1	Operating expenses for the Senate and House	760,000.00
H.B. 87	Supplemental appropriations to various state agencies for the biennium ending August 31, 1967	6,384,444.00
S.B. 200	Payment of witness fees	25,800.00
S.B. 261	Operating expenses of the 14th Supreme Judicial District for fiscal year ending August 31, 1968	96,632.00
	TOTAL	\$8,839,156.46

million, the Legislature had to look elsewhere for remaining revenue. Accordingly, the motor vehicle sales tax was raised to three per cent, and the corporate franchise tax was increased to \$2.75 per \$1000 of assessed valuation. The new tax measures, plus the sales tax increase, will bring in about \$153 million in new revenues during fiscal year 1968-69.

In addition, H.B. 25 authorized fund transfers of \$3.0 million from the Operator's and Chauffeur's License Fund to the General Fund. While the measure did not increase the total appropriations or raise new revenues, it did free the money from its earmarked status and provide the Legislature with greater flexibility in making appropriations. Another bill (H.B. 22) authorized fund transfers between items of appropriation previously made to the Comptroller by S.B. 15.

Since the Legislature rejected the Governor's proposal to repeal the local option sales and use tax, the local option tax remains the most significant tax bill passed during the regular session. The bill (H.B. 207) authorizes cities to adopt by election a sales tax of one per cent.

The tax schedules must coincide with that used in the application of the state sales tax levy. The taxes are collected, as are the state sales taxes, by the state comptroller and redistributed to the cities.

As previously indicated, measures passed by the regular session which directly affect the state's income were limited to bills which make minor changes in existing law. Eight bills extended franchise, property, or sales tax exemptions to certain organizations. H.B. 1226 extended exemptions from the franchise tax to any non-profit organization providing gas utility services to cities. Other non-profit organizations were exempted from the state property tax: certain educational institutions teaching the performing arts (S.B. 475); organizations formed to prevent cruelty to animals (S.B. 50); fraternal organizations (S.B. 105); and the property of non-profit organizations (H.B. 372) when that property is used for libraries, zoos, preservation of historic houses or landmarks, symphony orchestras, and theatres of the dramatic arts. S.B. 209 gave a more precise definition to "actual places of religious worship" for purposes of property tax exemptions for religious organizations.

Two bills provide exemptions from the state sales and use tax. H. B. 512 exempts from the limited sales, excise, and use tax property for use in offshore exploration and production of oil, gas, and other minerals. Similarly, H.B. 2 provides an exemption from the same taxes for casing, drill pipes, tubing, and other pipe used offshore and outside the territorial limits of the state.

Adjustments were also made in other tax statutes. H.B. 776 places an annual limit of \$10 per table on the amount a city may charge for licensing the operation of billiard tables. The occupation tax on nine and ten pin alleys was removed by H.B. 494, and the stock transfer tax placed on the sale of securities was repealed by S.B. 531. H.B. 475 authorizes suppliers of liquified gas to make deductions from taxable gallons to cover fuel used in stationary pumping operations. A lessor of motor vehicles who supplies or pays for the special fuels used by the vehicles may, under the provisions of H.B. 525, be deemed an import user for tax purposes.

H.B. 162 altered the franchise tax on the debt of corporations; the tax is scaled downward and is to be gradually reduced until it is phased-out in 1973. Under the terms of S.B. 527, the state inheritance tax lien will no longer attach to stock in a corporation existing under Texas

law and owned by a non-resident decendant or his estate. And according to S.B. 528, the value of an annuity or other payments received by a named beneficiary which qualifies for exemption from the Federal Estate Tax is exempt from the state inheritance tax.

A method of ascertaining assessable value for tax purposes of the property of trusts, pension plans, disability or death plans, and profit-sharing or stock bonus plans was provided by S.B. 439. In another ad valorem tax measure (H.B. 688), the Legislature made a distinction between property encumbered by ad valorem tax liens and mineral rights which were severed from the surface estate.

Four bills related directly to cigarette, cigar, and liquor taxation. H. B. 773 amended the Texas Liquor Control Act by changing the method of collecting the tax on ale and malt liquor to a reporting system instead of the stamp system. A distributor is permitted to hold cigarettes in his possession for 96 hours instead of the previous 48 hours without attaching the state cigarette tax stamps (H.B. 599). And H.B. 7 reinstated a previous law affecting the licensing of cigarette distributors so as to insure that the distribution shall not constitute the first sale of cigarettes. H.B. 859 defined more precisely the term "cigar" for tax purposes.

The remaining tax-related laws dealt primarily with the overpayment, refund, or collection of taxes. H.B. 147 added a new section to the state tax law providing that the Comptroller can examine books and records to determine whether the state's tax provisions have been violated. Records of the sale of pistols must be kept for 10 years under the terms of H.B. 681. H.B. 836 authorizes the Attorney General to bring suit to enjoin business activity of certain types until reports are filed and taxes are paid. State taxes—including franchise, selective sales, excise, admissions, use taxes, and others—may be assessed within seven years from the date the tax is due and payable by the provisions of H.B. 144. The Comptroller is authorized under H.B. 143 to refund by warrant any overpayment of taxes paid by mistake. And S.B. 47 requires that every person coming into the possession of an estate upon which a tax is payable shall file a preliminary report; previously the provisions applied only to the "personal representative" of the recipient.

Other minor changes in the tax law affect returns filed under the state sales, excise, and use tax provisions (H.B. 1161); relate to reports

filed with the Comptroller (H.B. 832); and amend sections of the Motor Fuel Tax Law (H.B. 524).

Five measures passed by the Sixtieth Legislature affected the financial administration of state government and, in one instance, all governments in the state. H.B. 413 authorized the issuance of public securities in any denomination by the state or its political subdivisions.

H.B. 306 made several significant changes in the operation of the Veterans' Land Board. It removed the \$200 million bond limitation, changed the interest requirement from three per cent to a "weighted average" of four and one-half per cent annually, and altered the provisions relating to the investment of bond revenues. The law also raised the maximum purchase price for veterans' land from \$7,500 to \$10,000.

State agencies and boards are permitted under the terms of H.B. 1157 to invest and reinvest any of their funds in direct obligations as long as the principle and interest of such obligations are guaranteed by the United States government. H.B. 362 required certification in lieu of verification by affidavit to the correctness of claims against the state. And facsimile signatures and seals may be used on certificates of special assessment according to H.B. 374.

Under the provisions of H.B. 749, an employee or officer of a state agency or political subdivision who is an officer or stockholder in a bank but who is not charged with the duty of selecting a bank for the agency's deposits shall not disqualify that bank from serving as the depository. The act also provides that if an official member of a body charged with the selection of depositories for a public agency holds less than 10 per cent of the interest or stock in a bank, that bank is not disqualified from becoming the agency's depository. However, the selection of the bank must be done by a majority vote of the commission or body charged with the bank's selection.

Two measures dealt specifically with Indian affairs. H.B. 1223 extends the period of maturity for bonds issued by the Alabama-Coushatta Indian Reservation from 25 to 40 years. Under the terms of H.B. 888, the Governor is authorized to accept on behalf of the state a transfer of the trust responsibilities of the United States government respecting the Tigua Indian Tribe, providing the Congress so legislates and the Tribe indicates its consent.

Administration. Several laws passed by the Sixtieth Legislature af-

fect the organization or administration of state government. Perhaps the most significant was the general pay increase for state employees which was included in the general appropriations bill (S.B. 15). The badly needed pay increases now permit the state to offer wages more competitive with the federal government and private industry.

One bill affecting all public bodies in the state requires open meetings. S.B. 94 prohibits governmental bodies from holding meetings which are closed to the public except on matters involving personnel questions, the acquisition of real property, and on matters of security. Legislative investigating committees are also excluded from the law's coverage.

H. B. 276 designates the Governor the chief planning officer of the state and provides for the appointment of interagency planning councils. In the absence of an integrated executive branch in Texas government, these planning councils may provide the coordination and communication among state agencies necessary for the efficient administration of the state's major services. The legislation directed the Governor to create a Division of Planning Coordination within his office to coordinate the activity of interagency councils. This legislation was the outgrowth of a similar resolution passed by the Fifty-ninth Legislature in 1965.

S.B. 21 established the Texas Fine Arts Commission on a permanent basis. The Commission has 18 members appointed by the Governor; it is empowered to conduct research, to appoint consultants, and to employ a director and staff.

Certain provisions of the law relating to the Texas National Branch Armory Board were revised and rearranged into a new title to be known as Title 97a, *V.A.C.S.* The Board has three members and has authority for the "acquisition, construction, rental, control, maintenance, and operation of all Texas National or Texas State Guard Armories. . . ." H.B. 641 authorized the Board to convey to the Corps of Engineers all rights, title, and interest in lands at Camp Maxey.

S.B. 182 altered the per diem allowances provided the Library and Historical Commission. And H.B. 654 removed a membership qualification formerly imposed on the Commission on Indian Affairs; no longer do members have to be from the eastern part of the state.

H.B. 365 adopted the Multistate Tax Compact. The Commission that governs the compact is composed of one member from each participat-

ing state. The legislation designates the Comptroller, the Attorney General, two members of the Texas Senate, and two members of the Texas House of Representatives as members of the Multistate Tax Compact Advisory Committee.

Four measures dealt specifically with the Board of Control. H.B. 1276 directed the Board to make known to all state agencies the sale of state property. If surplus property is not transferred among state agencies, the Board is directed to offer the property to the Texas Partners of the Alliance, a registered agency with the U.S. Advisory Committee on Voluntary Foreign Aid. S.B. 504 changed the time limit on leases for rental space which is administered by the Board from two to four years. S.B. 112 eliminated the requirement that a contract bidder file an antitrust affidavit each time he submits a contract bid; bidders are now instructed to file, and renew, the affidavit with their bid list applications. Similarly, S.B. 111 eliminated the requirement that sellers of merchandise to the state file an affidavit with all sales of \$50 or more; a vendor's certification of accurateness is now required.

Under the terms of H.B. 1118, state employees no longer need the approval of the Governor for travel to U.S. possessions, Canada, and Mexico. And H.B. 795 alters the technique used to determine personal car mileage for reimbursing state employees for expenses incurred on state business. May 30 was added to the list of state holidays by H.B. 255, bringing to 12 the number of official holidays for state employees.

The personnel system of the Department of Public Safety was affected by S.B. 127. The legislation requires that all appointments in the Department be based on merit, that all applicants be U.S. citizens, and that hiring practices ignore factors of religion, beliefs, or political affiliations. The act also prohibits Department employees from engaging in political activity or contributing to political causes. The act insures that there will be no discharge without cause and that the employee has the right of appeal to the Commission.

Several other minor measures were passed which also relate to personnel. In S.B. 294, the Legislature permitted the expenditure of state funds for all or any portion of the premiums for certain group insurance contracts covering state employees. H.B. 37 permits deaf persons to have furnished an interpreter when they take examinations which are prerequisite for state employment. H.B. 1333 authorizes watchmen at the state capitol to carry firearms if it is approved by the

Director of the Department of Public Safety and the Chief of the Capitol Security Force. Lastly, the Legislature created by H.B. 674 the Lone Star Distinguished Service Medal; the award is to be made to military personnel who, while serving in the state's service, distinguished themselves by exceptionally outstanding achievement.

One final item of general interest deserves attention. H.B. 558 amended legislation passed by the Fifty-ninth Legislature authorizing the building of the Texas Pavilion at HemisFair 1968. The amendments increased the amount of land for the building from 3½ to 13 acres and increased the building size from 115,000 to 150,000 square feet.

REGULATION OF BUSINESSES AND PROFESSIONS

Business Regulation. The Business and Commerce Code (H.B. 293) represents the first result of the continuing statutory revision program under the direction of the Legislative Council. In 1963 the Legislature authorized a formal classification on a topical basis of all Texas laws of a permanent and general nature. The intent of the Council in this codification, as it will be in all subsequent ones, was to clarify the law by bringing together in one place all statutes concerning a topic of fundamental interest and to restate them, as far as possible, in modern American English while preserving the original meaning and purpose of each act.⁶ In addition, the Council and the Business and Commerce Code Advisory Committee, composed of distinguished authorities in the field of business law, facilitated the elimination of ambiguity by excluding all repealed, duplicative, and unconstitutional provisions.

The Code is an important achievement, for it organizes about 125 Texas commercial laws previously scattered throughout the statute books into four titles divided into 20 chapters—all easily identified with a readily understood format. This arrangement is quite simple: Title 1 contains the nine chapters of the Texas Uniform Commercial Code; Title 2 collects in three chapters statutes relating to competition and trade practices; Title 3 consists of five chapters dealing with in-

⁶ The Code Construction Act (H. B. 292) was also adopted. This act defines general terms and sets forth rules for the construction of codes enacted pursuant to the statutory revision program.

solvency, fraudulent transfers, and fraud; and Title 4 encompasses three chapters of miscellaneous regulatory acts.

Neither the Legislative Council nor its Advisory Committee contemplated making any substantive legal changes, and none were included in the Code as it was originally drafted. But a single substantive alteration did occur through the introduction in the Senate of an amendment to the section re-enacting the Uniform Commercial Code. This deviation from the uniform law is the "bad blood" provision; removing the application of the implied warranties of merchantability and fitness from the furnishing of human blood, blood plasma, tissue, or organs from a blood bank or other source.

Further business adjustments appear in several amendments to the Texas Business Corporation Act. Most of these occurred in S.B. 132, which encompassed numerous changes, none of them basic. The law expands the definition of earned surplus; permits the amendment of the articles of incorporation of a company that has not commenced business; requires two-thirds (previously four-fifths) of the shareholders or the board of directors, respectively, for taking certain important actions; modifies the procedure for stockholder dissent; and alters the provisions for dissolution. Another corporate bill (S.B. 138) states that when shares are registered on the books of a corporation in the names of two or more persons as joint owners with a right of survivorship, a surviving joint owner has the power to transfer title to the shares and to receive dividends on them. Moreover, the corporation shall incur no liability because of such transfer or payment prior to receipt of actual written notice by an adverse claimant. And by S.B. 191 the Legislature forbade voting on amendments to articles of incorporation by means of certain classes of stock which did not authorize voting privileges under the original stock certificates.

The conduct of sales presented another problem of business supervision. H. B. 213 received considerable publicity, for it falls in the rather controversial category of statutes known as "blue laws." This law repeals an exception to the statute prohibiting the sale of certain articles on a consecutive Saturday and Sunday; a purchaser can no longer buy a banned item by signing a certificate that he is making an emergency purchase. An additional selling regulation (H.B. 214) proscribes the fraudulent holding of a "going out of business sale." Relating to a different type of sale, H.B. 752 amends the statute which

governs the regulation and sale of bedding by defining certain key terms and by specifying an exemption from the inspection procedure called for by the law.

Four other measures also pertain to the management of sales: H.B. 727 allows the sale of fresh-cooked poultry by the piece or head rather than entirely by weight; H.B. 434 requires second hand metal dealers to maintain reports relating to certain sales and purchases of copper and brass; H.B. 774 concerns the sale, use, and transportation of herbicides; and S.B. 214, to be administered by the State Banking Department, controls the selling of prepaid funeral services.

The contents of three bills introduced in the regular session deal with the sometimes contentious subject of liquor sales. H.B. 91 shortens by two hours the period of time on a weekday when package stores may retail liquor. The new hours are from 10 a.m. to 9 p.m. instead of from 9 a.m. to 10 p.m., but the store owners may recoup some of the lost business time because of the provision that removes the ban on selling liquor on both primary and general election days. The law also eliminates the requirement that a Brewer's Permit may be issued only to a corporation in which 51 per cent of the stock is owned by citizens who have resided within the state for three years. S.B. 9 preserves to licensed beer distributors the right to continue selling and distributing beer in counties or other political subdivisions where a local option election has prohibited the sale of beer if the sales are made to licensed retail outlets outside of such districts; those holding wholesaler's permits may continue to operate under the same conditions. And H.B. 485 formulates several rules relating to permits by giving the holder of a Brewer's Permit the right to import ale and malt liquor; allowing the holder of a non-resident seller's permit to have an interest in a Brewer's Permit; and authorizing the holder of a manufacturer's permit to import beer.

Six bills explicitly designed to regulate agriculture passed the Sixtieth Legislature. H.B. 457 introduces the principle of self-determination into agricultural governance by authorizing the producers of any agricultural item to conduct a referendum on an area or a statewide basis in regard to levying an assessment to finance programs of research, education, and promotion in order to encourage the production and use of the commodity. H.B. 252 empowers the Department of Agriculture to establish a system for registering the numbers used by

bookkeepers to identify their equipment. H.B. 286 specifies that citrus fruit imported from out of state must be tested by maturity standards applicable to Texas citrus fruit instead of the standards of the producing state. S.B. 590 gives the Commissioner of Agriculture the power to issue a "stop-sale" order to the owner of any merchandise who violates the weights and measures act and to formulate other rules necessary for enforcing the statute. S.B. 438 specifies the powers of the Commissioner in relation to milk production inspection in addition to establishing certain inspection fees. And S.B. 364 relates to the appointment of public weighers.

The Legislature deemed the fishing trade sufficiently important to enact into law a number of bills on the subject. One of these (H.B. 320) permits the use of electro-trawls by "Commercial Gulf Shrimp Boats" only. H.B. 617 regulates fishing by raising the fees for enumerated licenses and by authorizing the program and funds for a market development program to be undertaken by the Parks and Wildlife Department. A final statute on the subject (H.B. 1078) provides that 50 per cent of bait shrimp taken in closed season shall be kept alive on board a commercial vessel and also empowers the Parks and Wildlife Department to inspect in order to insure that adequate facilities exist for this purpose.

Two bills of limited significance passed that deal with oil and gas regulation. The Salt Water Haulers' Permit Act (H.B. 43) forbids anyone from hauling and disposing of salt water produced in connection with the operation of an oil and gas well without first obtaining a permit from the Texas Railroad Commission; the statute sets up a complete procedure for the grant of such permits. H.B. 1156 makes a rather minor adjustment in oil and gas business practices by changing the day on which royalties from public lands must be paid to the state.

The remaining laws promulgated by the Sixtieth Legislature to regulate business activities involve a variety of issues. One measure (H.B. 74) makes Texas law consonant with contemporary Supreme Court interpretations of the U.S. Constitution by repealing all state laws that require or permit railway companies and other intercity common carriers to furnish separate accommodations for white and for Negro passengers. Directed toward a different problem, H.B. 557 sets notice and bonding requirements for non-resident construction contractors. Still another commercial matter was the subject of H.B. 710; the bill

secures equity in the criminal law which prohibits violence in labor disputes by prescribing the same punishments for those who use or threaten violence to prevent peaceful picketing as are prescribed for those who use or threaten force to stop someone from engaging in a lawful vocation. H.B. 742 designates the period of notice for discontinuing a lease when the tenancy is monthly or the rent is paid at intervals of less than a month and no written agreement setting forth a period of notice exists. Another law (H.B. 772) alters in two ways the power of eminent domain possessed by public utilities: it removes the requirement that electric lines must be at least 22 feet above the ground, and it also provides city owned utilities with the power to extend their lines into another incorporated city with the consent of the government of that city. Finally, S.B. 23 increases the rates charged for pilotage.

Two additional bills were passed which deal with non-profit corporations. S.B. 131, among other things, makes a few changes in the procedures for election of and voting by boards of directors, among other things, and H.B. 966 extends the period of charter renewal for certain non-profit cemetery associations.

Professional Regulation. The Legislature passed a number of bills involving the rules governing licensed professions, with the occupations relating to health receiving the most attention. S.B. 301 is probably the most important measure enacted in the field of health; it amends in several basic ways the act providing for the Texas Board of Medical Examiners. Some of the modifications concern the qualifications and terms of members of the Board; the most notable change is the elimination of the prohibition against the graduates of a single medical school constituting a majority of the Board. Moreover, the act includes a major deviation from past practice regarding appeals from Board orders: appeals will no longer entitle the losing party to a trial de novo; instead the district court will uphold the Board's mandate if it can pass the "substantial evidence" test. Another procedural change permits the Board to probate its orders of revocation, suspension, and cancellation.

Some of the legislation involved licensing health practitioners. Among these measures was S.B. 242, which defines the term "professional nursing" and amends the law setting up a disciplinary hearing before the Board of Nurse Examiners. S.B. 80 changed the name of the State Board of Chiropody Examiners to the Texas State Board of

Podiatry Examiners. Furthermore, several other provisions increase the per diem for members on the Board, authorize the Board to enjoin in its own name any violation of the legal regulations of podiatry, and raise the annual renewal fee. An additional bill pertaining to licensing health specialists (H.B. 1117) provides for the appointment of an executive secretary for the State Board of Examiners in the Basic Sciences. S.B. 184 applies to the licensing and practice of veterinary medicine.

The Legislature passed several acts involving the minimum levels of skill required for licensing. H.B. 273 concerns the practice of barbering; H.B. 437 involves the qualifications required of public surveyors; S.B. 318 contains an exception to certification standards for architects; and S.B. 215 amends the criteria for licensing real estate agents. Other bills affect the fees charged by various boards. S.B. 83 increases renewal fees for pharmacists; S.B. 114 sets maximum examination charges to be levied by the Board of Legal Examiners; H.B. 127 raises annual renewal registration costs for chiropractors; and H.B. 1238 increases the fees charged for application and examination before the Board of Vocational Nurse Examiners.

INSURANCE AND SECURITIES

The Sixtieth Legislature revised the Insurance Code and in the process undertook to define, authorize, and control for the first time a variety of coverages. H.B. 328 adds a new article to the Code providing for the issuance of variable annuity contracts and the regulation of these agreements. Another new risk defined in H.B. 347 as "mortgage guaranty insurance," a phrase replacing the term "credit guaranty insurance," refers to protection against loss caused by default on a mortgage or any other first lien. Moreover, the Texas Title Insurance Act (H.B. 581) establishes a complete scheme for supervising title insurance companies. H.B. 1080, in addition, empowers the oversight of surplus and unauthorized lines of insurance and subjects them to proceedings before the State Board of Insurance and the courts of Texas.

H.B. 614 raises the maximum amount of group term life insurance that may be issued to individuals covered by term policies where they work. The maximum was raised to 200 per cent of the employee's annual compensation or \$50,000, whichever is less.

The Sixtieth session also specified changes in insurance contracts now being written. For example, by S.B. 19 no accident or sickness insurance policy can make benefits contingent upon treatment or examination by certain kinds of healing practitioners without precisely designating the type who will be recognized. S.B. 219 effectuates a further modification by requiring uninsured motorist coverage on all automobile policies except when the named insured expressly rejects the protection. And H.B. 901 adds to the Code an article governing the designation of a trustee as beneficiary.

Investments also comprised an area of insurance administration affected by legislation. Thus S.B. 359 repeals section 1A 22.18 of the Insurance Code, which had placed stipulated premium companies under the Code rather than under the Texas Securities Act. Several measures broaden investment opportunities. S.B. 174 entitles life insurance companies to invest in "income producing real estate;" H.B. 1036 permits life insurance companies to invest in bonds issued, assumed, or guaranteed by the Inter-American Development Bank; and H.B. 1048 allows legal reserve companies to purchase outstanding shares of their own capital stock without violating the section of the Insurance Code governing eligible investments.

Another aspect of insurance finance arises from mergers, consolidations, and assumptions of obligations of one company by another. S.B. 199 provides for the merger and consolidation as well as for the procedures to effectuate direct reinsurance of mutual life companies. H.B. 990 amends the Code to permit the withdrawal of duplicate deposits from the State Treasurer when two or more companies merge, consolidate, or enter a total reinsurance contract, and the measure also authorizes the withdrawal of funds no longer required by the state or county. H.B. 440, however, deals with the reserves of "ceding" insurers involved in an assumption.

Some bills were passed relating to insurance agents. The most important of these is the Managing General Agents Licensing Act (H.B. 731) which, as the title indicates, regulates all managing general agents, who are defined as persons supervising local agents. Another measure (H.B. 676) merely terminates the appointment of a legal reserve life insurance agent if the employing company does not file before the Insurance Commissioner, on or before April 1 of any year, a certificate stating that the company desires to continue the appoint-

ment. H.B. 712 permits local recording agents to sign certain notices of renewal of existing insurance policies which are required to be filed with the Industrial Accident Board.

Two statutes produced during the Sixtieth session address the difficulties of insolvency. The first (S.B. 477) completely spells out the new remedy of conservatorship designed to be supplementary to the old one of receivership, a relief that the new law asserts is damaging to public confidence in the insurance corporation affected; and the second (S.B. 478) creates a preference in favor of a loss claimant against an insurance company undergoing an insolvency, liquidation, or bankruptcy.

Only a single law emerged from the Sixtieth session regarding rates. H.B. 1068 obliges the State Board of Insurance to furnish cities and towns, upon request and at a set charge, with a list of fire losses before specifying fire and lightning insurance rates; prescribes the manner in which a city or a town may correct its listing of such damage; and requires insurance carriers, as well as cities and towns, to supply the Board with a list of fire and lightning losses.

And one measure (H.B. 1055) expands the area in which certain insurers may operate by establishing procedures to let any local mutual aid company do business in any county of the state.

Securities. In contrast to insurance, only one enactment predominately pertained to securities. S.B. 459 embodies technical amendments to the Uniform Commercial Code that perfect designated security interests.

BANKING AND CREDIT

The most important law affecting banking and credit is the "Consumer Credit Code" (H.B. 452). This measure replaces the Regulatory Loan Act of 1963 with a more comprehensive scheme of lending regulation. As a consequence, the new code controls the rates and practices of not only finance companies making small loans (less than \$2,500), but it also allows banks and savings and loan associations to make small loans, along with the finance companies, at rates considerably in excess of the former constitutional limitation of 10 per cent simple interest—a new privilege contingent upon submitting to supervision of the newly created Consumer Credit Commissioner. The statute for the first time brings automobile and retail sales transactions

under state regulation. In addition, the law outlines and prohibits certain deceptive credit practices, and it permits the Consumer Credit Commissioner to advise and assist programs of debt counseling and credit education. Because this statute has received relatively extensive treatment elsewhere, a thorough description of its complex provisions will not occur here.⁷

Two laws relate to control of state banks. One (S.B. 41) authorizes stock option plans and concerns the term of existence for state banks. S.B. 546 also deals with these topics and, in addition, declares that no state bank shall change its domicile without the approval of the State Banking Board. Other regulations enacted by S.B. 41 provide for the following: notice to the Banking Commissioner in certain cases involving the stock transfer of state banks, membership on the board of directors of a state bank, regulation of some types of real estate loans, investments in and loans on the security of insured savings accounts of some savings and loan associations, and the requirement that Monday is a bank holiday when certain holidays fall on Sunday. And H.B. 697 makes minor changes modernizing the language regulating capital and reserve requirements for certain state banks.

Besides the foregoing laws, the Sixtieth Legislature passed several miscellaneous banking measures. H.B. 758 permits corporations to borrow money at interest of one and one-half per cent per month if the principal sum exceeds \$5,000 dollars, and the statute expressly exempts this rate from the penalties of usury. Another banking regulation (S.B. 133) places trust companies under the supervision of the Banking Commissioner, and S.B. 550 permits banks that are state depositories to pledge bonds of state hospital districts with the State Treasurer as security for state funds. Moreover, S.B. 122 changes the qualifications for membership in the building and loan section of the State Finance Commission.

COURTS, COURT PROCEDURE, AND CRIMINAL LAW

Courts. The Sixtieth Legislature passed eighty special or local laws that relate to courts and do not have statewide application. Much of the judicial administration of Texas takes place through these statutes,

⁷ Minor B. Crager, "The Texas Consumer Credit Code: Consensus, Conflict, and Change," *Public Affairs Comment*, XIV (January, 1968), 1-4.

and the total body of this legislation outlines the Texas judicial system down to minute details. However, no one of these laws is of great moment, and none is discussed in detail below.

The Legislature passed some significant general bills applying state-wide to courts, and among them were three dealing with judicial retirement. One measure (H.B. 570) liberalizes the formula for determining retirement benefits. Formerly the primary method for computing retirement payments was five per cent of salary multiplied by the number of years served on the courts, but in no event could the total allowance exceed 50 per cent of salary. The new act qualifies a jurist for retirement after a stipulated length of service and gives him 50 per cent of his salary as a minimum. S.B. 397 also alters retirement provisions for judges but makes no major changes. And H.B. 378 elaborates the authority of the State Judicial Qualifications Commission established by a 1965 constitutional amendment to pass upon allegations of judicial disqualification.

Fees and salaries of court officials were an additional legislative concern. H.B. 602 provides for a supplementary compensation of not more than \$2,000 per year for presiding judges of administrative districts, the exact amount to be set biennially by the Texas Civil Judicial Council. S.B. 78 extends the Travel Regulations Act of 1959 to cover travel and other expenses of district attorneys and district judges when engaged in duties outside of the county of their residence. H.B. 1265 raises the salary paid to a district attorney out of state funds from \$7,500 to \$10,000. Another law (H.B. 885) stipulates fees receivable by sheriffs and constables. In a similar manner, three statutes set the fees which may be charged by county clerks and clerks of county courts (H.B. 78), by district and county clerks (H.B. 79), and by county clerks and county recorders (H.B. 80).

Several measures involve the organization of J. P. Courts. S.B. 272 empowers the county judge to appoint a qualified person to serve as temporary J. P. during a disability; H.B. 456 alters the term and bond of a J. P. from 2 years and \$1,000 to 4 years and \$5,000; and H.B. 455 authorizes J.P.s in the same county to hold court for each other.

Finally, S.B. 261 creates the state's Fourteenth Supreme Judicial District and a new Court of Civil Appeals based in Houston, the second such court serving the Houston metropolitan complex. The new Court has a 13 county jurisdiction.

Court Procedure. In court procedure the most significant changes wrought during the Sixtieth Legislature affect criminal hearings. After the Fifty-ninth Legislature adopted the controversial Code of Criminal Procedure of 1965, a number of law enforcement officials continued to debate some of its provisions. To many of these public servants, experience with the legislation seemed to demonstrate the necessity of correcting certain deficiencies that the Legislature could not have foreseen. Moreover, the United States Supreme Court in the *Miranda*⁸ and other far reaching decisions imposed mandates giving greater protection to defendants.

S.B. 145 accordingly effectuates numerous alterations in the Code which are designed to meet both the criticisms of law enforcement officials and the standards of defendant's rights enunciated by the Supreme Court. Consequently, notable modifications occur at each consecutive stage of the criminal administration process.

By broadening the definition of peace officers, the statute enlarges the number of those entrusted with the vital functions of investigation and arrest. To strengthen these activities the act permits a peace officer, whenever he has reasonable grounds to think that a crime has been committed, to stop anyone whom he believes was present and to demand his name and address. If the supposed witness declines to identify himself, he may be taken before a magistrate, who may call for identification and, if refused, may either require a bond or may commit the witness to jail. In addition to this new privilege, a peace officer may arrest without a warrant a person for any offense committed in his presence rather than just for felonies or breaches of the peace, as before. These officials may also arrest without a warrant if someone is in a suspicious place under conditions that reasonably show that he has committed a felony or is about to do so; previously this authority could be extended only by municipalities. A related proviso delineates the procedure to be followed by an arresting officer who does not have a warrant in his possession. And in all circumstances when an arrest takes place, the accused no longer must be taken before a magistrate "immediately" but instead must be produced before a judge "without unnecessary delay."

Article 15.17 of S.B. 145 embodies the rights of defendants after

⁸ *Miranda v. Arizona*, 348 U.S. 346 (1966).

arrest but before trial which were enunciated by the U.S. Supreme Court in the *Miranda* decision. This provision directs the arraigning magistrate to inform the suspect "in clear language" of the accusation against him and of his constitutional rights to remain silent, to retain counsel, or to have one appointed for him if he is indigent, to have counsel present at any time during an interview whenever he wishes. Another section of the statute, however, assists the prosecution by allowing the state to use an oral confession if the spoken words lead either to stolen property or to the instrument employed in the crime.

Several of the amendments extend to both the pretrial and the trial stages. Thus the defendant in a potential capital case may waive a jury trial when he pleads not guilty or *nolo contendere*; the accused may also waive in writing a jury trial for a non-capital felony charge. Besides these modifications, less salient changes relate to procedures for appointing a prosecuting attorney should there be a disqualification in any case, for passing a juror upon challenge in a capital case, for permitting defendants to be tried jointly, and for employing the defense of insanity.

Additional provisions of S.B. 145 change existing sentencing practices. The most important modification lengthens the minimum time which prisoners must serve in order to be eligible for parole from one-fourth of the maximum sentence or 15 years, whichever is shorter, to one-third of the maximum penalty or 20 years, whichever is shorter. The time served is still "calendar time," which shortens the period of imprisonment because of deductions allowed by the state for good behavior. Other changes involve pleadings for the jury to impose punishment, the procedure authorizing the jury to assess the sentence in a separate hearing, credit for time spent in jail between arrest and sentence or pending appeal, and a new fee due from a probationer to defray county probation costs.

The change that is probably of greatest importance in post trial procedures removes the preferential status before the Court of Criminal Appeals of writs of habeas corpus and thereby permits the Court to docket and hear them as ordinary appeals. Another section of S.B. 145 supplies an indigent defendant with a record for appeal at county expense. In addition, some secondary post trial amendments contained in the law govern bills of exceptions, approval of the trial court's rec-

ord, and the duty of the trial court when deciding upon a motion for a new trial.

S.B. 145 also has two provisions concerning the controversial matter of publicizing criminal proceedings. The first extends to the state the general ideal set forth in the Code of securing a fair trial to the defendant without abridging the public's guarantee of a free press. The second amends the procedure of the Court of Inquiry, a special public hearing at which a magistrate investigates to see if sufficient evidence exists to warrant a formal charge.

Not all modifications of criminal procedure stem from S.B. 145. For instance, S.B. 249 augments the Code with a new section making it a felony for someone accused of a felonious act to forfeit bail and to fail to surrender himself within 30 days. If bail was given for a lesser offense, however, the default is a misdemeanor. Another innovation (H.B. 738) empowers city policemen or marshalls to execute corporation court processes in any part of the county or counties where the city is located.

Several bills passed involving juveniles, alcoholics, or mentally ill persons; judicial hearings in these cases are theoretically civil but, nevertheless, have criminal overtones. H.B. 780 accordingly gives the juvenile court exclusive jurisdiction when a child below the age of 15 is charged with a felony, outlines a procedure for the juvenile court to waive jurisdiction and to transfer a child for criminal action if he is fifteen or older, and prevents actions against a child for an offense committed while a juvenile from taking place in both a juvenile and a district court. The measure, moreover, seems to anticipate to some extent the decision of the U.S. Supreme Court in *In re Gault*,⁹ which applies fundamental safeguards of the Bill of Rights to juvenile prosecutions. H.B. 780 requires the juvenile court to appoint counsel for any child who cannot retain legal assistance, and the presence of a defense lawyer at a proceeding may not be avoided or waived. Along the same line, H.B. 974 requires a county where a state training school for delinquent children is located to pay \$250 from its general fund to compensate a court appointed lawyer for defending a delinquent child from a criminal charge; the remainder of the attorney fee is to be paid by the state.

⁹ *In re Gault*, 387 U.S. 1 (1967).

H.B. 1074 relates to the procedure for examination and confinement of dangerous alcoholics. Two other statutes concern the mentally disturbed. One (S.B. 234) permits patients held in protective custody in mental hospitals pending a hearing upon an Application for Temporary Hospitalization or a Petition for Indefinite Commitment to be discharged by the head of the institution if a final court order has not been entered after 14 days from the Application or after 30 days from the Petition. The other (H.B. 955) authorizes the commitment of persons adjudged insane in criminal proceedings to a U.S. mental hospital or a Veterans' Administration hospital, not just to a state hospital, and repeals a section of the Code of Criminal Procedure obliging the court to declare a mistrial on all other issues except present insanity if a jury finds the defendant presently insane but not insane at the time of the offense.

To a somewhat different end, the Sixtieth Legislature formulated a number of statutes affecting the procedures of criminal and civil courts. H.B. 428 restricts exclusions from jury service by omitting exemptions for state and federal civil officers, overseers of roads, and anyone who has been a jury commissioner within the preceding 12 months; however, the law adds exceptions for veterinarians and chiropractors. Supplementary jury regulations are: H.B. 294, permitting jury commissioners to select as few as 15 to serve as grand jurors rather than the previously required 20; H.B. 624, applying the Interchangeable Jury Law to counties with two district courts and a domestic relations court; and H.B. 1041, prescribing a method to claim exemptions in counties employing the jury wheel system.

Several other general procedural bills were passed. H.B. 36 provides for court appointed interpreters at a civil hearing for the deaf or deaf-mutes and fixes the fees for interpreters in criminal cases at \$15 to \$50 a day. S.B. 35 establishes another procedural rule, one that may have constitutional implications: The law specifically empowers a trial judge, if he believes the proper administration of justice so demands, to compel a clergyman to disclose any information confidentially communicated to him in his professional capacity even when such disclosure would violate a sacred or a moral trust. Finally, H.B. 425 repeals the section of the Texas venue statute allowing a married woman to be sued in the county where her husband has his domicile.

The Sixtieth session devoted some attention to court procedure in ex-

clusively civil matters. Three statutes deal with probate. S.B. 57 reduces the age requirement for executing a will from 19 to 18; S.B. 530 requires executors or administrators to pay all claims for funeral expenses from the decedent's estate rather than from the community share of the surviving spouse; and H.B. 714 amends the Probate Code affecting the appointment of appraisers.

Two more civil regulations concern divorce. H.B. 40 authorizes the State Bureau of Vital Statistics to adopt a form for reporting divorces and annulments, the form to be filled out and submitted to the appropriate district clerk before being filed with the Bureau. H.B. 278 shortens the period of living apart without cohabitation as ground for divorce from seven to three years. S.B. 33 does not regulate divorce but instead pertains to equalizing the rights and duties of spouses in the control of separate and community property.

Besides the preceding civil procedures, the Legislature modified processes of adoption. H.B. 844 amends the contents of a petition for adoption, and it also adds sections to provide for issuance of a citation to a non-consenting parent and to limit the time for bringing an action to vacate adoption orders to one year from the time that the complaining party either discovered or should have discovered the existence of an adoption decree. An ancillary law (S.B. 193) for the first time allows a minor who is or has been married to petition to adopt a child. Although H.B. 760 does not control adoption, it does relate to minors by authorizing only one parent, under certain conditions, to give the requisite consent for the marriage of a minor child.

The remaining two statutes enacted on court procedure govern actions involving land. The first of these measures (H.B. 315) alters the "trespass to try title" procedure by permitting a defendant to allege and prove that he had installed permanent improvements to the land in dispute and to remove them under certain conditions. And S.B. 523 empowers district courts and county courts-at-law to specify a fee, not less than \$10, for special commissioners to arbitrate condemnation cases.

Criminal law. The Sixtieth Legislature passed several laws modifying substantive Texas criminal laws. Several are of general interest, and considerable contentious publicity focused on one—the amendment to the "dangerous drug" act making it a misdemeanor to possess and a felony to sell, deliver, or manufacture the so-called "mind expanding" or hallucinatory drugs such as L.S.D. (S.B. 17). After a summer

of unrest, the Legislature responded to another problem of widespread interest with H.B. 1306, a measure to prevent riots through empowering district or county attorneys to secure an injunction forbidding anyone from either knowingly committing an act or urging others to carry out activities tending to cause injury if such incitements occur under circumstances reasonably demonstrating a clear, present, and immediate danger to person or property. Furthermore, the act creates a misdemeanor that stiffly penalizes both rioting and inciting to riot, as defined above, by maximum penalties of \$2,000 and two years in jail.

Other criminal law changes attempt to curb stealing. To illustrate, H.B. 1343 broadens the definition of burglary to encompass a situation where someone enters a house without force and remains concealed while intending to commit a theft or perpetuate a felony. S.B. 48 outlaws possession of mercury with no written evidence of title, a crime replacing the one of illegal transportation of mercury. And a new felony provision is found in H.B. 387, which punishes anyone who enters premises intending to carry off copper wire without consent of the owner. Another measure (H.B. 42) guarantees payment to those who furnish labor or supplies for the improvement of real property by establishing a trust fund from the money paid the contractor. The money is to be secured by a lien on the real estate, and any misapplication of these funds in amounts of \$250 or more is a felony.

Additional criminal laws authored by the Sixtieth Legislature deal with a wide range of topics. One of these statutes (H.B. 173) makes it a misdemeanor to transport anyone by motor vehicle for hire without first obtaining a certificate or a permit from the Texas Railroad Commission. Other misdemeanors result from H.B. 219, which prohibits gaining occupancy of a dwelling place through fraudulent means and forbids stopping payment on a check for an amount not in controversy. H.B. 466 formulates a felony for knowingly and maliciously communicating a false alarm causing an "Authorized Emergency Vehicle" to respond. Two more miscellaneous acts create misdemeanors that penalize entering a boat on the "coastal waters" of the state without permission of the owner (H.B. 594) and defacing or damaging a cave or cavern (H.B. 1111).

ELECTIONS

With S.B. 58 the Sixtieth Legislature brought about far-reaching re-

visions in the Election Code that extend to every aspect of the election process. Evidence of this measure's importance appears in several suffrage modifications. One alteration implements both state and federal constitutional mandates by abolishing all reference to the poll tax. Another change follows a nationwide trend toward removing disabilities to vote for national offices caused by moving from one state to another. Thus, a new resident of Texas who has lived in the state for more than 60 days but less than a year may now vote for President and Vice-President if he was a qualified voter in the state from which he came. Conversely, former Texas residents who have moved to another state may vote for the two top national offices if less than 24 months have elapsed since their departure and if they cannot meet the resident requirements of their new domicile. S.B. 58 further enlarges the suffrage through a procedure allowing registered voters with less than six months residence in a county, who are otherwise fully qualified electors, to vote on statewide questions, although no person in the military can acquire a voting residence under this article. Moreover, the statute clarifies for the first time who may be a member of an organized party for the purposes of voting in a primary or participating in a convention. An unequivocally closed primary system results because no one who now participates in the convention or primary of one party shall be eligible to take part in the primary or convention of any other party during the same voting year.

But S.B. 58 does not institute the only changes in suffrage law; H.B. 89 alters voting eligibility. Thus, persons over 60 are no longer exempt from registration if they live in a city smaller than 10,000 in population or a metropolis of 500,000 inhabitants or more where the commissioner's court has not directed such elderly citizens to register. To permit qualification of those who did not have to register under preexisting law, H.B. 89 authorizes supplemental registration of persons over 60 years old up to March 1, 1963. The law, moreover, empowers registration of members of the armed forces, merchant marines, and civilian employees of the United States government serving outside of the country. Furthermore, in an effort to remove unnecessary voting restrictions, the statute allows any qualified voter not residing in Texas on the first day of the regular registration period but becoming a resident before the beginning of a voting year to register for that voting year up to 30 days before its termination. H.B. 89 facilitates

registration in another way by permitting anyone who is under 21 on the last day of the registration period but who will turn 21 before the end of the voting year to register until 30 days prior to the expiration of the voting year. In addition, the law provides for absentee voting by members of the armed services, and it expressly substitutes the phrase "voter registration certificate" for all references to the term "poll tax" in Texas voting statutes. One other voter registration provision, enacted by S.B. 1, served the temporary purpose of making the voter registration lists for 1966 the controlling lists for the runoff elections of February, 1967.

Another subject of legislation was the form of the ballot which S.B. 58 changes by listing offices in the far left column and extending horizontal lines across the ballot to encompass the names of the candidates for each office. The act established an order in which the offices appear; but at an election where there is no party designation, a drawing by lot determines the positions on the ballot. H.B. 181 also affects significant modifications in the ballot, for this law permits voting for either a party slate or individual candidates by placing a mark in a space at the side of a party's or a candidate's name. In the same way, votes are cast for constitutional amendments, but no ballot is void if the voter indicates his preference in the old manner of marking out the names of the candidates for whom he does not wish to vote. As a result, this statute should eliminate the invalidation of ballots because a voter forgot to scratch out third party candidates and thereby did not make his choice clear.

The Sixtieth Legislature, in S.B. 58, also dealt with eligibility for office by forbidding anyone to be a candidate if he is under any of the disabilities for office set out in Article VI, Section 1 of the Texas Constitution or if he advocates overthrowing by force or changing by unconstitutional means the governmental system of the United States or Texas. The session, moreover, promulgated rules delineating when ineligibility restrictions apply (S.B. 58). The statute allows any party whose state candidates are qualified to be printed on the ballot to nominate electors and to place candidates for President and Vice-President on the ballot. The act further regulates eligibility by establishing a new procedure that any party obtaining less than two per cent of the total vote for governor in the last general election must follow to get the names of the party's candidates on the ballot.

Other sections of S.B. 58 spell out numerous rules governing all aspects of the mechanics of holding an election. Thus the law modifies the qualifications of election judges, clerks, poll watchers, and other election officers. To illustrate, the statute adds the county chairman of each political party to the county election board supervising balloting for regularly elected officials. The measure established for the first time procedures for utilizing electronic voting machines operating from punched cards similar to those of a computer. And the act adds a new section authorizing a recount of paper ballots if the complaining candidate has a vote total within five per cent of the tally for the next highest candidate or if the election judges make an unconditional affidavit declaring that some ballots, numerous enough to affect the result, were miscounted. Furthermore, S.B. 58 contains additional amendments relating to vote counting and some provisions controlling certification of returns. Other regulations of vote counting and certification occur in H.B. 226, which applies only to legislative elections.

Revision and reenactment of criminal penalties comprise another important group of election code amendments enacted by S.B. 58. To comply with the standards set out in *Ex Parte Meyer*,¹⁰ a case deciding that the title of the Election Code did not give adequate notice of its criminal provisions, S.B. 58 reenacts many of the criminal sanctions imposed by the Election Code. Moreover, the statute makes some additions to previous criminal prohibitions. Thus, before any person may vote in a bond election, he must sign an affidavit that he owns property on the tax rolls, and false swearing in this connection is made a felony. Another amendment creates a misdemeanor punishing the operation of a sound truck within 1,000 feet of the polls. S.B. 58 also modifies the Penal Code by making it a misdemeanor for a person to vote in the primary of one party during a voting year if he has in the same year cast his ballot in the primary of a different party. And the law removes the application of the misdemeanor penalizing hiring a vehicle to convey voters to the polls from the situation where a voter pays for a driver or a vehicle to transport him to the polls and lets some other voters ride. In addition, S.B. 58 increases to \$1,000 the sentence for an election official's failure to obtain a loyalty oath from a candidate.

Other regulations implemented by S.B. 58 encompass a variety of

¹⁰ 357 S.W. 2nd 754.

topics. For example, some rules delineated in the law relate to districting; the measure specifies the minimum number of qualified voters in an election precinct as 50 and the maximum number of voters in a precinct with voting machines as 3,000. Besides districting, the statute deals with the expenses of holding an election, and it includes a few sections concerning political party conventions. The law also contains a proviso governing write-in votes, which states that no person can be elected by write-in balloting unless the total write-in vote for the office in question exceeds 50 per cent of the total number of voters participating in the election. In another special provision, S.B. 58 amends the Penal Code's scheme for local option liquor elections. As a consequence, signatures of 25 per cent of the eligible voters are now required to call such an election instead of the previous 10 per cent, and a county will only pay for holding one local option election in any one-year period. Moreover, S.B. 58 clarifies the role of the state in administering election laws by appointing the Secretary of State as the chief election officer of Texas, a capacity that empowers him to issue detailed directives to local officials to help them in enforcing and interpreting the law.

REAPPORTIONMENT

Because of two federal court decisions, the Sixtieth Legislature had to face the difficult problems of reapportioning the state House of Representatives and Texas Congressional districts. The Legislature, in redistricting the House, acted pursuant to the 1966 decision in *Kilgarlin v. Martin*¹¹ by eliminating the 11 flatorial districts contained in the 1965 districting plan. As a result, H.B. 911 rearranges the 150 member House into 80 districts. Eighteen of these contain more than one member, and the law allows a 13.3 per cent maximum deviation from a mean average.

In another 1966 case, *Bush v. Martin*,¹² a federal court ordered the Legislature to correct the more pronounced population disparities among Texas Congressional districts. S.B. 335 was enacted to achieve this end, and it accordingly redraws the 23 Texas Congressional districts so that the maximum deviation from a mean average is only 7.9

¹¹ Summary judgment not reported.

¹² 224 *F. Supp.* 499.

per cent. Maps of both the House and Congressional districts outlined by the Sixtieth Legislature appear in Appendix A.

EDUCATION

Public Education. The Sixtieth Legislature passed several important measures generally affecting public education in Texas. The "Barnes-Wright Study Act," H.B. 156, created an Advisory Council for Language-Handicapped Children. The new Council is charged with advising the Texas Education Agency in the development of programs to diagnose and treat the problems of children handicapped by language inadequacies. Created for consultation and study functions, the Council will assist the TEA in establishing at least three regional experimental diagnostic facilities. Other regional educational centers were authorized by S.B. 313. This bill authorized the State Board of Education to provide for the establishment of Regional Education Service Centers under the provisions of previous legislation which created Regional Education Media Centers. The Service Centers will coordinate educational planning in the region and provide other educational services to member schools.

Some changes were made in the administration of Rehabilitation Districts by H.B. 528. The law now authorizes the Central Education Agency to allot these districts exceptional teacher units and to allocate Foundation School Program funds directly to the districts. Some modification of age requirements was made also.

In another measure, H.B. 664, the State Board of Education was authorized to develop and publicize a program designed to encourage people to enter public school teaching and teacher training programs. The bill provided for the designation of certain of the state's universities as approved teacher training schools. The Board was further directed to prepare publicity materials and to make them available to mass communication forums. Concern for more adequate resource allocation was apparent in H.B. 1020. This act authorized several public school systems to establish pilot 12-month school years in lieu of the regular 9-month plan; however, the attendance of eligible pupils was restricted to a total of 9 months. The experimental programs were limited to 10 in number, involving no more than 100,000 school children. H.B. 755 enabled the state to enter and participate in the Compact for Education,

a national compact designed to serve as a forum for the consideration of educational problems.

Other legislation of general interest includes H.B. 344, which authorizes independent school districts with more than 150 students to adopt an alternate method of selecting depositories. Students from tax supported institutions and from tax exempt institutions provide special problems for some school districts. Previously, local fund assignment charges were reduced for each school district when dependent scholastic enrollment reached five per cent. H.B. 1312 and S.B. 352 reduced the five per cent eligibility figure to three per cent for student enrollment from tax supported and tax exempt institutions, respectively. H.B. 1296 extended the life of the Governor's Committee on Public Education until 1969. The committee was created by the Fifty-ninth Legislature.

As is true in any legislative session, the Sixtieth Legislature enacted several measures relating to teachers and other school personnel. S.B. 16 improved the minimum teachers' salary schedule, raising the minimum classroom teachers' salary base by eight per cent and the maximum classroom teachers' salary by approximately 13 per cent. Since all other salary schedules are based on the classroom scale, subsequent raises are effected for special teachers, counselors, supervisors, principals, and superintendents. S.B. 232 established the salaries of certain assistants to county school superintendents. And H.B. 794 provided that public school teachers in Texas with bachelor of laws degrees shall have their minimum salaries calculated on the basis of a master's degree.

All school districts are required by H.B. 166 to employ teachers on probationary and continuing contracts. The law prescribes the causes for and procedures by which teachers under contract may be discharged. S.B. 72 authorized the board of trustees and their administrators of independent school districts to consult with teachers in respect to matters of educational policy and conditions of employment. The school boards are further authorized to adopt rules governing such consultation.

Texas statutes have long required out-of-state teachers to meet competency requirements in Texas history and knowledge of the Texas Constitution in order to be certified to teach in Texas schools; these requirements can be fulfilled by the completion of college level course work in those areas. H.B. 229 provides that certification requirements

now can be met by passing examinations in the subjects administered by the Central Education Agency.

In order to meet partially the continuing demand for teachers, H.B. 798 permits certain persons receiving service retirement benefits to be employed on a one-third basis in the public schools. The act empowers the Board of Trustees of the Teacher Retirement System to adopt rules and regulations governing the use of retired teachers.

Five pieces of legislation dealt directly with the Teacher Retirement System. H.B. 936 lowers the number of creditable years in the system necessary to maintain retirement benefits regardless of employment status from 25 to 10 years. Veterans of World War II who are now members of the Teacher Retirement System may make deposits to the system of specified amounts for each year of armed forces duty and receive current membership service credit for each year of military service by H.B. 884. Supplemental benefits and survivor benefits were made available by H.B. 245 and S.B. 156 to former teachers and their beneficiaries who were not covered under the effective dates of existing legislation. Lastly, H.B. 1076 alters the amounts the Board of Trustees of the Retirement System may transfer from the Interest to the Expense Fund and the amounts the Board may withdraw from the Interest Fund for payment of its own expenses.

In related personnel matters, the Legislature provided in S.B. 396 that any voluntary association of school teachers or school administrators may contract for the purchase of group insurance. H.B. 81 rendered all independent school districts eligible to pay all or any portion of the premium for group employee insurance from local funds of the school district. This privilege was previously available only to independent school districts in counties of 900,000 or more.

Four acts related to school curriculum or school district responsibilities. In counties of 20,000 or more, any school district may offer one-semester senior level courses in police and fire administration, according to the provisions of H.B. 383. H.B. 283 authorizes teachers of deaf-mute students to employ oral, manual, or sign languages, subject to the approval of the supervising teacher. H.B. 784 requires school districts to appoint liaison officers for court-related children for purposes of counseling both children and parents in order to re-establish normal attendance and school progress. S.B. 302 requires that any

eye injury to student or teacher must be reported to the state department of education.

Numerous legislative pronouncements dealt with the structure, annexation, and procedures used by school districts in the state. S.B. 544 specifically exempts the necessity of elections in independent school districts that are annexing other school districts. S.B. 286 provides that any number of independent school districts and other districts may consolidate as long as one of the independent districts has a scholastic enrollment at least five times the combined total of the other districts. Except where school boards are appointed by city councils, H.B. 684 authorizes the board of trustees of independent school districts to fill any vacancies on the board, effective until the next school board election. H.B. 577 permits school boards in independent school districts to provide for election to the board by the place system, which if adopted may not be rescinded by subsequent school boards. The dates for run-off elections and the assumption of office for school board members were established by S.B. 593. H.B. 501 authorizes any independent school district that has within its boundaries an incorporated city and a state-supported college or university to contract and lease athletic facilities. The act also permits the imposition of a maintenance tax to support the terms of the contract, subject to its approval in a referendum by the property owning residents of the district.

Three laws affect the authority of county school boards. H.B. 1023 authorizes the county board of trustees to annex any independent school district with a scholastic enrollment of 150 students or less for the purpose of operating rural high school districts. Previously, the population requirement was 250 or less for annexation by the county board. H.B. 889 imposes additional restrictions on the authority of a county school board to authorize the annexation of land in one school district by another in an adjacent area. Lastly, under the terms of H.B. 1142, the county school board may use funds from the County School Transportation Fund and the District Transportation Fund for school bus transportation of students on school sponsored extracurricular activities.

A few cities in Texas have assumed the responsibilities of free public education. These cities and towns are authorized by S.B. 393 to extend their city limits for school purposes only on presentation of a petition signed by a majority of the qualified voters of the areas affected.

Colleges and Universities. A cooperative system for communication

and information retrieval and transfer among public colleges and universities was provided for in H.B. 692 which created the Western Information Network Association. The system is to use two-way closed circuit television to permit the exchange of ideas, talents, faculties, library and data processing equipment, and approved programs of instructional television. The Association includes most of the colleges and universities in the western quadrant of the state. The act provides for a board of directors consisting of one member from each participating institution. In addition, the Coordinating Board is authorized to designate other regional communication associations throughout the state.

In other action (S.B. 464), the Legislature provided for the creation of two Institutes for Urban Studies. The Institutes are to be established by the University of Houston in Houston and the University of Texas at the Arlington campus. They will be under the direction of the Chancellor of the University of Texas System and the President of the University of Houston. Based in the two largest urban centers, the Institutes are authorized to provide consultative services, conduct training and instructional programs for those in public service, and engage in applied research into urban problems.

Previous legislation provided for the establishment of senior college districts within the state. S.B. 525 amends these provisions, lowering the scholastic population requirement from 30,000 to 20,000 in the proposed district and lowering county population requirements from 124,000 to 80,000. Consequently, the establishment of regional senior college districts is available to many more areas of the state. The act further alters the procedure for the selection of regents for senior college districts and outlines the procedures to be followed if the vote for the establishment of the senior college fails in all counties except the county in which the junior college is already located. A related measure, S.B. 7, provides for the transfer of assets of senior college districts that have become fully state-supported institutions to the board of trustees of the schools involved, provided that the board meets all obligations incurred by the district and the district continues to levy and collect taxes in support of all tax obligations.

Several acts of the Sixtieth Legislature concerned primarily college and university physical facilities and their financing. H.B. 1162 includes additional colleges in the list of those eligible to charge build-

ing use fees and eliminates any restrictions on the issuance of bonds payable from building fees. Similarly, Pan American and Midwestern Universities were added to the list of college boards eligible to issue revenue bonds for general building purposes. The bill eliminates the section of the original act that limited its provisions to other than classroom buildings. Several colleges and universities are authorized under S.B. 365 to acquire, improve, or equip utility plants and to issue negotiable revenue bonds for these purposes. Lastly, S.B. 162 authorized the various boards of regents to promulgate rules and regulations for peace officers and the policing of university campuses.

Improving the state's recruitment posture in the ever-tightening academic market place, the Legislature enacted H.B. 669, which provides for annual leaves with pay for faculty personnel of the state's colleges and universities. Faculty members are eligible for the leaves after two years of continuous service, subject to the approval of the school's governing board. S.B. 292 created the Optional Retirement Program for faculty and staff of colleges and universities. Under the provisions of the law, faculty members may choose to contribute to the Optional Retirement Program in lieu of participating in the regular retirement program. Under the new program, an additional six per cent of the employee's salary is contributed to the retirement system. The state, of course, will match all employee contributions.

At least two other laws modified university administrative authority or procedures. H.B. 1165 permits certain universities to refinance or refund bonds previously issued. H.B. 868 requires the boards of regents of all state schools to deposit certain institutional receipts in the state treasury within seven days of collection.

Curriculum matters were not overly significant factors during the 1967 session. H.B. 935 specifies that colleges and universities can offer courses in political science in lieu of the required courses in American government. The same law provides that history requirements in Texas schools can be fulfilled by senior R.O.T.C. service. H.B. 30 authorizes state colleges which offer a fully accredited program for teachers of the deaf to provide a three-hour elective course in dactylology, the language of signs.

Five bills dealt with tuition and fee exemptions and the state's college loan fund program. H.B. 484 exempts 35 native born students

from Latin American countries designated by the U.S. State Department from payment of tuition fees. Veteran's fee exemptions are extended (S.B. 18) to include servicemen who served during the Cold War and the children of those killed in action; it does not apply, however, to those who are also eligible for federal educational benefits. The "Connally-Carillo Act" (S.B. 431) provides tuition exemptions for students from families with incomes of less than \$4,800 a year and who were in the upper quarter of their high school graduating classes. S.B. 307 makes minor changes concerning the administration of funds for the student loan program. Finally, H.B. 1183 modifies the procedures by which blind and deaf persons apply for tuition exemptions.

The Texas Veterinary Medical Diagnostic Center was created as a state agency under the jurisdiction of the Board of Regents of Texas A&M University by S.B. 101. S.B. 533 renames the Texas College of Arts and Industries to Texas A&I University at Kingsville; S.B. 246 changes the name of the Houston State Psychiatric Institute for Research and Training to the Texas Research Institute for Mental Sciences. The Board of Regents of the University of Texas is renamed the Board of Regents of the University of Texas System by S.B. 14. The act authorizes the Regents to rename certain institutions within the University's system and, in addition, provides for a new organizational arrangement for the schools affected and for the transfer of appropriations and obligations to the Regents of the University of Texas System.

Legislation affecting junior college districts included S.B. 421, which permits some junior college districts to contract with certain school districts outside their jurisdictions for the provision of college services to the school district's eligible scholastics; the act authorizes the school district to impose a special tax to finance such agreements. S.B. 29 provides for staggered three-year terms for the elected board of regents of a junior college district. And S.B. 425 provides for additional trustees for those districts which have expanded to include at least portions of three counties. H.B. 770 directs that school districts adjoining any junior college district may be annexed to the college district for the purposes of providing junior college services by either contract or election. Finally, S.B. 31 authorizes the bonds issued by junior college districts for securing public funds and lists the organizations for which junior college bonds are eligible investments.

HEALTH AND WELFARE

In the general area of health and welfare, the Sixtieth Legislature enacted a wide variety of bills. Two of the more actively discussed laws involved medical care for the needy and the control of air pollution.

S.B. 2, the Medical Assistance Act of 1967, was spurred by federal requirements imposed by Title XIX of the Federal Social Security Act. Popularly known as "Medicaid," the eventual ends of the program are to provide comprehensive medical care for the needy and indigent. Under S.B. 2, the Department of Welfare is designated the administering agency and is authorized to determine the scope, duration, and amount of medical assistance to be made available. The program covers those people receiving public assistance under existing programs and others as required by the federal law. Payments were scheduled to begin by September 1, 1967.

Engaging the difficult problem of air pollution control, the Legislature passed the Clean Air Act of Texas, 1967, (S.B. 237). This law supercedes a 1965 act by the same name, although the administrative machinery created to administer the 1965 version was left substantially the same. The executive director of the Air Control Board is an employee of the State Health Department. The Board is composed of nine members; three members are state agency heads who serve as ex-officio members. The remaining six are appointed by the Governor. As in the earlier legislation, the Board does not submit a separate appropriation request but is funded by transferred appropriations from agencies with responsibility for air control efforts, subject only to the concurrence of the Governor. The maximum fine imposed for the violation of the Board's rules or regulations is raised from \$50 to \$1,000 per day for the offending activity. As is typical in Texas, review of the Board's rulings are not conducted under administrative appeal proceedings, but require trial de novo.

Public Health. Three bills dealt specifically with the Department of Health. H.B. 478 directs the Department to develop and carry out a program to provide psychological and audiological tests to deaf or hard-of-hearing persons in certain areas of the state. In S.B. 455, the Department is authorized to establish rules and standards regarding the physical safety of buildings and the adequacy of staff in state tubercu-

losis institutions, mental institutions, hospitals, and schools for the retarded. The Crippled Children's Division of the Health Department is authorized by H.B. 29 to extend restoration services to children with ear bone defects.

Public health problems related to agricultural production were subject to legislative attention in four different measures. S.B. 437 changes the definitions of milk and milk products to conform with specifications for grades of milk established by the U.S. Public Health Service Milk Ordinances; the Health Department was authorized to define and fix specifications for Grade A raw milk and pasteurized milk. H.B. 1286 authorizes the Agriculture Department to make tests for aflatoxins and to charge fees for that service. The penalties for the violation of livestock quarantine due to fever tick infection or screwworm infection are raised in H.B. 605. And in H.B. 396 the Texas Animal Health Commission is authorized to restrict the importation of sheep from other states unless the sheep are certified to be free of scabies.

Mental Health. The Department of Mental Health and Mental Retardation is authorized by H.B. 509 to operate half-way houses and community centers. The rationale for these centers involves an attempt to decentralize mental health services, to encourage out-patient care, and to encourage patients to make gradual readjustments to normal living. Similar legislation in 1965 authorized cities, counties, hospital districts, colleges, and state supported medical schools to operate community mental health and/or mental retardation centers; a system of state grants-in-aid was established to help finance their operation. H.B. 563 lowers the population requirement of areas where community centers are located from 100,000 to 75,000 to allow other centers to be eligible for state grants. The law also makes the Commissioner of the Department of Mental Health and Mental Retardation responsible for deciding whether areas with less than 75,000 inhabitants should be eligible for state financial support. H.B. 578 provides an alternative method of selecting the board of trustees selection committee for community centers. S.B. 369 requires the county attorney to file suit on behalf of community centers in his jurisdiction for the collection of delinquent fees. And H.B. 511 outlines the general provisions for the commitment of mentally ill persons by county and probate courts. Commitment to community health centers may be ordered according to regular legal procedures. However, the community center must be

serving the region in which the court is located, and no commitment may be made without the consent of the director of the community center.

Several other bills dealt specifically with the authority of the Department of Mental Health and Mental Retardation. H.B. 753 eliminates the explicit requirement for interstate agreements for the return of the resident of a state who was committed to a mental facility in another state. The act also limits the time a superintendent of a Texas facility may hold a person committed in another state and returned to Texas, pending commitment proceedings in this state. S.B. 85 establishes an ability to pay scale for the financial support by the parents of mentally retarded students in state schools. The scale which is from \$4,000 at \$5.00 a month to \$20,000 (and over) at \$170 a month, is based on net taxable income for the immediately preceding tax year; under the original legislation, the Board of State Hospitals and Special Schools determined the amount of support to be paid. Under the provisions of H.B. 652, when students have been voluntarily admitted to a state school for the mentally handicapped but ordered withdrawn, the superintendent of the school may file for judicial admission of the student if the superintendent believes the student cannot be withdrawn without harm to himself or to the general public; otherwise he must release the student within 96 hours.

S.B. 236 authorizes the Department of Mental Health and Mental Retardation to contract for the provision of mental health services with licensed full-time private hospitals, nursing homes, community mental health centers, and other persons or institutions deemed capable of providing such services. H.B. 632 transfers the authority to license private mental hospitals from the Texas Department of Health to the Department of Mental Health and Mental Retardation. And S.B. 379 authorizes the Department of Mental Health and Mental Retardation to provide services for widows of Confederate soldiers and sailors in licensed nursing homes. Lastly, H.B. 514 provides compensation for members of the Board of Directors of the Department for each day they devote to the business of the office, not simply for each meeting day.

Occupational Health and Welfare. An Occupational Safety Board was created to administer the Division of Occupational Safety in the

State Health Department (H.B. 559). The bill provides for the appointment of a safety engineer as the director of the Division and empowers him to inspect any place of employment when he believes that such place has not complied with any rules or regulations established by the Board. However, no plant is subject to inspection when it is entitled to credit on its workmen's compensation insurance rate; ostensibly, such plants have above average safety records. The Board has the authority to make reasonable rules and regulations for the prevention of accidents and occupational injuries, based on evidence found in public hearings; conviction for rule violation carries penalties of \$50 to \$500. No evidence of rule violation under the act, however, is admissible in civil procedures to determine negligence. Upon discovery of rule violation, the engineer must give written notice of the facts to the appropriate county attorney or district attorney for prosecution. Finally, the act does not apply to a place of employment while it is picketed, struck, or other work stoppage is in effect.

Six bills were passed by the Sixtieth Legislature which dealt with workmen's compensation; most of these extended the coverage of workmen's compensation insurance. S.B. 308 permits, at the option of the company, executives of business corporations to be covered by workmen's compensation insurance providing the company subscribes to the general workmen's compensation law. Under the provisions of H.B. 1190, contractors leasing tractors, trucks, moving or cutting machinery to the state and using the equipment to perform work for the state under a contract with the Texas Highway Department are considered employees of the state for purposes of workmen's compensation; they are required to have workmen's compensation insurance and to provide it for their employees.

H.B. 298 authorizes all independent school districts to provide workmen's compensation coverage. And H.B. 1217 extends workmen's compensation coverage to include employees of drainage districts which have been converted into conservation and reclamation districts. Employers are authorized by H.B. 680 to furnish workmen's compensation to additional employees or classifications of employees by purchasing the appropriate insurance. Further minor adjustments were made by S. B. 166 relating to the provision of artificial appliances to injured employees by the Employers Insurance Association.

H.B. 90 raises the range of benefits under unemployment compensation from a low of \$10 and a high of \$37 to a low of \$15 and a high of \$45 a week.

Public Welfare. In order to meet more easily federal matching requirements for various grants-in-aid programs, the Legislature passed H.B. 1047 which authorizes the state comptroller to create two special funds in the State Treasury to be known as the Department of Public Welfare Administration Operating Fund and the Department of Public Welfare Assistance Operating Fund. The legislation authorizes the spending of such funds within constitutional limitations and legislative appropriations.

S.B. 454 contains measures affecting the administration of various welfare programs. The act lowers the minimum age from 21 to 18 for assistance to the blind, lowers the residence requirement, and removes the restriction denying assistance to inmates of public institutions. Similarly, the residence requirements for assistance to the permanently and totally disabled are lowered; the maximum age is raised from 16 to 18 (or 21, depending on the discretion of the Department of Public Welfare); and students regularly attending a school, college, or vocational training institution are now eligible recipients. The maximum age bracket for aid to families with dependent children is raised from 14 to 18 and, for those children remaining in school, from 18 to 21. Under the terms of S.B. 45, non-citizens who have lived in the United States for 25 years are eligible to receive old age assistance.

Retirement and Pensions. District attorneys paid by the state from the General Revenue Fund are included in the State Retirement System by virtue of S.B. 281. H.B. 584 raises the annual fee for membership in the Teacher Retirement System from \$3.00 to \$5.00. Under the provision of H.B. 12, the Board of Trustees of the Employees Retirement System is to administer financial assistance to the widows and families of law enforcement officers, custodial personnel of the Department of Corrections, and full time firemen who suffer violent deaths in the course of the performance of their duties; the surviving spouse receives \$10,000 and from \$100 to \$200 a month for the support of minor children. Because of the loss of early state records, H.B. 426 was passed to provide pensions for retired Texas Rangers and the widows of retired Texas Rangers who were in service prior to 1922.

Veterans Benefits. Four bills related to veterans. H.B. 694 permits veterans of the period covering 1953 through the Viet Nam conflict to be eligible for positions as county service officers, an office for which veterans' status is required. The act also removes the maximum salary limitations placed on the director and the assistants of the Veteran's Affairs Commission. H.B. 695 extends preference in hiring by the state to the veterans of the Viet Nam conflict and their widows and orphans. Some financial assistance to those military personnel disabled and to the families of those killed in service of the state is provided in H.B. 108. And H.B. 696 guarantees that any employee of the state or its political subdivisions who leaves to serve in the armed forces shall be entitled to be restored to the same job at the same pay when his service obligations are fulfilled.

HIGHWAYS AND MOTOR VEHICLES

The safety-conscious Sixtieth Legislature enacted several bills related to motor vehicles and highway safety. The Texas Traffic Safety Act of 1967 (H.B. 353) granted the Governor responsibility for preparing and administering a statewide traffic safety program. The program must include, among other things, provisions for driver's training and education. The act provides for the development of plans and methods for improving driver licensing, accident records, vehicle registration, traffic engineering, vehicle inspection, police supervision, traffic courts, highway design, and uniform traffic laws. A Traffic Safety Fund was created by the act to provide grants-in-aid to local governments to carry out activities which are part of a statewide traffic safety program. The Legislature may appropriate up to two-thirds of the revenue from Operators and Chauffeurs License fees for the fund.

In another measure (H.B. 354), the Legislature made significant changes in the laws pertaining to the licensing of drivers. The minimum age for licensing is raised from 16 to 18 for all types of licenses. Fees are raised, and the renewal period is extended from two to four years. The Department of Public Safety is given the authority to deny the renewal or issuance of a license, when it seems advisable to do so, based on the licensee's or applicant's driving record. All licenses for those under 21 are termed "provisional" and subjected to suspension if the driver incurs more than two traffic convictions during any 12-

month period. To insure easy identification, the Legislature requires that all licenses have on them a thumb print and a color photograph of the driver.

In related legislation, H.B. 355 stipulates that motorcycle operators wear protective headgear and that the Department of Public Safety establish minimum standards for headgear and approve those meeting its standards. H.B. 568 requires the Department of Public Safety to license schools and instructors involved in the teaching of driver's education or driver's training. H.B. 356 authorizes the State Department of Health to conduct regular studies and investigation of the medical aspects of driver's licensing, including the differentiation between the ill and intoxicated driver, accident investigation, and techniques for examining for alcohol and drugs in the bodies of persons killed. And H.B. 771 permits persons 19 years or older who hold chauffeur's licenses to drive ambulances.

The state's compulsory inspection law is amended by H.B. 357; the law now requires inspection of front seat belts, steering mechanisms, and wheels and rims. H.B. 300 creates a new formula for the assessment of registration fees, the effect of which is to raise the fee for smaller cars; fees are now assessed on the basis of dollar amounts for each of four bracketed weight categories.

Reflectorized material is required on all license plates by H.B. 441. H.B. 1297 limits the number of vehicles that can be towed by a single vehicle on Texas streets and highways. S.B. 323 limits to 90 feet the length of loads of lumber or poles which are transported from forests to mills. Under the provisions of H.B. 301, vehicles carrying flammable or explosive cargo within city limits must stop 50 to 15 feet from railroad tracks. And H.B. 271 repeals the provisions of Texas law which require the purchaser of a motor vehicle to demand of the seller at the time of purchase the vehicle's registration receipt and certificate of title.

Other minor additions to highway and safety laws include several unrelated measures. H.B. 765 extends the provisions relating to accidents and to driving under the influence of drugs or alcohol to privately owned parking areas which are available to the general public without fee. H.B. 788 directs that juvenile traffic offenders when appearing in court must be accompanied by one or both parents or guardian. S.B. 521 makes it unlawful for any one other than blind persons to carry

canes that are either metallic or white with red tips. H.B. 553 prohibits the landing, taking-off, or maneuvering of aircraft on public highways, roads, or streets. Lastly, H.B. 134 declares that no designated agent of the Highway Department can be liable for civil damages which might arise because of his failure to reflect liens on any motor vehicles brought into Texas but registered outside the state.

One provision of the Water Safety Act (H.B. 943), delegates the authority to maintain access roads around water areas to the Texas Highway Department. Other provisions alter the language exempting certain motorboats which are issued marine documents by the Bureau of Customs and authorizes the use of rotating blue beacons on only police vessels and those used by the Parks and Wildlife Department.

NATURAL RESOURCES

Increased concern has been manifest at all levels of government for the preservation of natural resources, including wildlife and plant life as well as water and mineral resources. Such concern occupied some of the time of the Sixtieth Legislature.

Wildlife. Of the many wildlife-related acts passed in the 1967 session, at least 50 were laws regulating the hunting, fishing, and trapping of various forms of wildlife in specific counties of the state. While these actions are important to the areas involved, the most generally significant act was S.B. 295, the Uniform Wildlife Regulatory Act, which confers on the Parks and Wildlife Department regulatory authority over certain forms of wildlife in various counties. Similarly, statutory restrictions on hunting certain wild game animals are removed and the authority to establish hunting seasons and other regulations is given to the Parks and Wildlife Department in H.B. 522. H.B. 82 removes pelicans and duck hawks from the list of unprotected birds, while Texas tortoises and horned toads are protected from commercial exploitation by the provisions of S.B. 386 and 331, respectively. H.B. 689 makes it unlawful to take oysters from the public waters of Galveston and Chambers counties for commercial reasons between May 1 and November 15.

Some animals, although subject to legal protection by hunting seasons or other means, may do damage to certain property or crops. H.B. 740 makes several changes in the law permitting the killing of

protected animals under these circumstances. H.B. 244 repealed the section of the Penal Code which provided for the forfeiture of certain licenses for violation of fish and game laws.

H.B. 741 grants Louisiana residents authority to hunt and fish in selected Texas counties providing Louisiana extends reciprocal privileges to Texas residents. In other interstate matters, the Legislature in S.B. 507 prohibited the importation of any tropical fish which are harmful or potentially harmful to human or animal life, as determined by the Parks and Wildlife Department.

Lands, Forests and Minerals. Texas acquired its third national park when the Guadalupe Mountains National Park bill (S.B. 24) passed the Legislature. The act sets aside certain lands in Culberson and Hudspeth counties to be used for the park and grants to the U.S. government the permission to acquire the land for park purposes.

H.B. 212 is an act to carry into effect the provisions of the proposed constitutional amendment adding Section 49e to Article III of the constitution. The constitutional amendment authorizes the Parks and Wildlife Department to issue \$75 million in state bonds to finance and create the Texas Park Development Fund. If adopted, the \$75 million venture would provide the basis of a coordinated, planned park development program throughout the entire state. The act provides for the administrative procedures to be used in the administration of the Park Fund, for the investment of surplus money, and for the acquisition of lands and their development as parks.

The Parks and Wildlife Department is given the authority to acquire historical sites and structures, particularly those relating to prehistoric animal or plant life and those associated with cultural and geological aspects of aboriginal man, by H.B. 58. Similarly, H.B.220 authorizes the establishment of a state system of scientific areas to be used for education, scientific research, and the preservation of plant life by the Parks and Wildlife Commission. The Parks and Wildlife Department is authorized under H.B. 917 to make payments to school districts and counties in lieu of taxes on wildlife areas purchased with federal grant money. H.B. 1182 permits the Department to receive donated land from the West Central Texas Municipal District for the development of a state park. H.B. 65 changes the name of the Rockport Wildlife Sanctuary to the "Connie Hager Wildlife Sanctuary—Rockport."

H.B. 196 provides for the leasing of coal, lignite, sulphur, and

potash on land once owned by the state to which the mineral rights were retained. Sixty per cent of all bonuses, rents, and royalties will be paid to the state. The Texas Penal Code is amended by H.B. 310 to provide enforcement procedures in cases of arson involving forests or grasslands. Lastly, in S.B. 597, the Legislature authorized the Parks and Wildlife Department to expend no more than \$10,000 on the rehabilitation of the Copano Bay Causeway as a public fishing pier.

Water. Water resource conservation and development and the efficient distribution of water for the state's users are continual problems. Two of the more important pieces of water legislation to emerge from the Sixtieth Legislature were the Water Rights Adjudication Act and the Texas Water Quality Act of 1967.

The Texas Water Quality Act, embodied in the provisions of S.B. 204, establishes the Texas Water Quality Board and prescribes its powers, functions, and procedures. The purpose of the legislation is to provide for the control of the quality of the state's waters and for the prevention and abatement of pollution. The Board is empowered to conduct public hearings, consult with other water-related agencies, publish the criteria of water quality, issue permits for the discharge of waste into the waters of the state, institute legal proceedings to insure compliance with its rules and regulations, conduct investigations, conduct water studies, and develop a general plan for water quality in the state. Further, the Board will administer state funds to municipalities for the construction of treatment and disposal facilities and make grants or loans to planning agencies engaged in developing comprehensive water quality control plans for the state's river basins. H.B. 235, another water quality control measure, authorized the Parks and Wildlife Department to contract for the eradication of noxious vegetation in the state's waters.

Procedures for the adjudication of water rights claims or disputes are provided by S.B. 92, the Water Rights Adjudication Act. The act provides for the administration of water rights by a watermaster and for the recording of water rights claims. Action on the adjudication of water claims may be requested by the Water Development Board, the Water Rights Commission or ten or more claimants to water rights from a specific source. The act permits the Water Rights Commission to divide the state into divisions for the administration of water rights and for the appointment of a watermaster within each area. The water-

master is responsible for dividing the water among the claimants following the settlement of claims. The act also stipulates that the decisions of the Commission may be appealed to a district court.

The Water Development Board is authorized under H.B. 171 to undertake underground water surveys formerly performed by the old Board of Water Engineers. The law specifically authorizes the use of mechanical and electrical technology in water explorations. The Board also is directed by S.B. 444 to develop a centralized data bank for the incorporation of all hydrological data collected by several state agencies. Previous legislation authorized the Board to act as sponsor of federal water resource development projects. S.B. 445 amends the language of the law providing that the Board may act as an additional cooperating sponsor when it has an interest in the project and when no local sponsor can be found. S.B. 446 allows the Board to purchase outstanding prior lien water bonds of political subdivisions of the state. Finally, S.B. 458, the Weather Modification Act, empowered the Water Development Board to contract for research in weather modification efforts. Further, the law directs the Board to establish licensing procedures and to license all individuals or organizations who practice weather modification.

With the establishment of the Water Rights Commission, which has assumed many of the functions performed by the former Board of Water Engineers, a number of substantive and administrative procedural changes have been made. S.B. 148 extends the length of temporary water permits issued by the Water Rights Commission from three months to three years. According to H.B. 136, the time limit for appeals to the court on Commission decisions is reduced from 120 to 30 days, and a one year time limitation is placed on the prosecution of the suit. Appeals from Commission decisions concerning applications for the diversion of water from one watershed to another must conform to the general appeal provisions established in *V.A.C.S.* Article 7477, according to H.B. 136. H.B. 137 provides that modifications in existing improvements of water supply facilities must be approved by the Commission. H.B. 167 relates to the abandonment of actions filed for review of a Commission ruling, order, or failure to act.

The procedures used by the Commission in publishing notices of hearings on water claims is amended by H.B. 56, and H.B. 177 repeals

V.A.C.S. Article 7475 which divided the state into three water divisions for the purpose of the publication of rules.

The fees the Commission charges for the use of the state's water for irrigation, steam, and power purposes and for the impounding or storage of water are substantially raised by H.B. 139. In a related measure, the Commission is ordered by H.B. 168 to transmit all collections of costs arising under the Water Rights Adjudication Act to the State Treasurer for deposit in the Water Rights Administration Fund. From this fund, the Commission is entitled to pay all expenses incurred in the Act's administration. H.B. 170 requires each river authority and water-related district to file a copy with the Water Rights Commission of any audit made of its operations.

A significant number of previous laws or sections thereof were repealed. H.B. 178 repealed *V.A.C.S.* Article 7574, which barred local public agencies or political subdivisions from acquiring water rights or facilities by eminent domain. H.B. 57 repealed Article 7545, which related to the right to appropriate the flow of streams. Similarly, H.B. 140 repealed Article 7546 which permitted public corporations to sell or lease water rights, Article 7552 which permitted water corporations to be created for the purpose of constructing and operating water facilities, and Article 7553 which enumerated the powers of such corporations. H.B. 174 deleted the provisions of Article 7467 which provided owners with the right of prior appropriation of water flowing across their land when the appropriation was for mining purposes. In other action, H.B. 176 repealed Articles 7496 through 7499. These laws related to the presentation of claims for prior water rights to the Commission. Under the Water Rights Adjudication Act, all prior rights not adjudicated before September 1969 were abolished.

COUNTIES

Legislation affecting county personnel and personnel administration was passed by the Sixtieth Legislature. The Texas County and District Retirement System was created by H.B. 85. It provides for retirement, disability, and death benefits for the employees of all political subdivisions except cities, school districts, and junior college districts; these employees are included in previously enacted retirement systems.

The act prescribes the administration of the program by a board appointed by the Governor, creates eight separate funds for holding member deposits, makes membership optional among the counties and districts of the state, and sets four to seven per cent limits on the amount the county or district may decide to withhold from member earnings for deposit with the retirement system. H.B. 838 amends the Insurance Code to permit counties or other political subdivisions to provide group insurance policies for officers and employees and to pay for all or part of the premiums with local funds.

Several laws increased the compensation of various county employees. H.B. 102 specifies by formula the maximum salary increments for constables and justices of the peace that may be authorized by commissioners' courts. Maximum compensation for the tax assessor-collector in counties of 600,000 to 900,000 is set at \$18,000 by S.B. 564. Similarly, in counties of 600,000 to 900,000 the salary of the county road engineer is set at \$15,000 by S.B. 231. S.B. 300 raises the salaries of road engineers employed under the Optional County Road Law from \$12,000 to \$20,000. H.B. 188 provides a mileage allotment of 10¢ per mile for county auditors who use their personal cars in the performance of their duties. Finally, H.B. 397 raises from two to five the maximum number of deputies that may be employed in counties for the enforcement of highway regulations.

Commissioners' courts in counties of 500,000 or more which have issued bonds for the construction of coliseums or auditoriums are authorized by H.B. 375 to construct and operate parking stations in the vicinity of the facilities. The act permits the issuance of revenue and refunding bonds to finance the parking facilities and specifically permits the commissioners' courts to lease them. H.B. 47 affects counties that have issued bonds to pay for bridges and have pledged revenues from the tolls to the retirement of the bonds. Under the law such counties may issue additional bonds to redeem those outstanding and remove the pledge of revenue from the bridges, thus permitting the facility for free public use. The County Fire Marshall Law was amended by S.B. 306 to include all counties within its provisions. Previously, only the commissioners' courts of counties of 350,000 or more were authorized to create the office of county fire marshal.

Several acts concerned minor changes in county procedures and fee schedules. H.B. 1247 specifically declared that the rights of any public

utility or common carrier which had been granted eminent domain or easements by a county will not be affected if the county commissioners' court chooses to sell the land. Previous legislation imposed certain restrictions on the sale of land by commissioners' courts, (particularly the priority of buyers); H.B. 193 amended these provisions to include any other "restrictions, limitations and conditions" the commissioners' courts deem necessary. County Courts-at-Law and District Courts that try condemnation cases are permitted under S.B. 523 to set a minimum fee of \$10 for the special commissioners who act as arbitrators in these cases. In counties with at least seven district and three county courts, S.B. 334 provides for a fee of \$2.50 for each civil case tried to augment the county law library fund. Lastly, persons who knowingly refuse to comply with requests of the county auditor are guilty of a misdemeanor and subject to a fine of \$25 to \$200, according to the provisions of S.B. 371.

Two other unrelated measures merit mention. H.B. 1331 provides for the filing and recording in the county clerk's office of certificates of redemption and other documents issued by the U.S. government evidencing the redemption of property from judicial sales and from non-judicial sales under foreclosure. Second, H.B. 1292 requires commissioners' courts (and school boards, city councils, and boards of equalization) to publish notices 10–30 days before all public hearings related to fiscal budgets, tax equalization, and before general and special elections.

Intergovernmental cooperation among counties and other political subdivisions was the subject of two laws passed by the Sixtieth Legislature. H.B. 790 stipulates that two or more counties may enter into agreements for the acquisition and operation of detention and diagnostic facilities for juvenile delinquents. H.B. 404 permits water supply and hospital districts as well as other political subdivisions to authorize the county tax assessor-collector to act as their assessor-collector.

MUNICIPALITIES

For many cities, the passage of the Local Sales and Use Tax Act by the Sixtieth Legislature was its most important legislative accomplishment. The act (H.B. 207) permits any city to adopt a local retail sales

tax of one per cent after voter approval in a general referendum. The elections for adoption of the tax may be ordered by a majority of the governing body of the city or by a petition of 20 per cent of the qualified voters. The city tax, which applies to the same items as the state tax, is to be collected by retail merchants at the same time the two per cent state sales tax is collected. All revenues will be sent to the State Comptroller of Public Accounts who, in turn, will transmit to the cities their portion of the tax revenues at least twice a year.

One of the most controversial issues to face local and state officials alike involves the sale of revenue bonds for industrial development. Common to other states, the practice permits cities, counties, and other local governments to issue general obligation bonds for securing or improving industrial sites which are then leased to business concerns. The revenue from the leases is used to retire the bonds. Pursuant to the passage of a proposed constitutional amendment (S.J.R. 14) authorizing the sale of industrial development bonds, the Texas Industrial Act (H.B. 446) will become law. This is the enabling legislation and, if the amendment is adopted, will authorize cities, counties, and navigation districts to issue industrial development bonds. The act sets forth the limitations and procedures which will apply.

Other revenue related measures were also passed by the Legislature. Previously, only home rule cities of 800,000 or more population (Houston) were authorized to issue revenue bonds for the establishment, enlargement, and maintenance of municipal airport facilities. H.B. 987 lowers the population requirement to 500,000, thereby including San Antonio and Dallas within the law's provisions. Similarly, S.B. 64 authorizes cities of 600,000 or more to incur total bonded indebtedness equal to 10 per cent of each city's assessed property valuation. H.B. 1215 directs city water boards to determine the depositories for maintenance and waste charges levied by water control and improvement districts which operate under the water board's controls. Cities along the Rio Grande that operate toll bridges between Texas and Mexico are authorized by H.B. 63 to issue refunding bonds for the purpose of retiring any bonds issued to build the bridge and which were secured by revenues from tolls. This will permit the bridges to be open to the public free of charge.

H.B. 133 permits home rule cities of 125,000 or more which operate airport facilities to pledge all or any part of the ad valorem tax

authorized for airport purposes to the maintenance and operating expenses of the airport facility and to the payment of principle and interest on bonds issued for those purposes. The ad valorem revenue may also be used to issue refunding bonds to retire outstanding bonds which were used to improve existing airport facilities in certain cities. Under existing legislation, Houston was the only city in the state with legislative authorization to acquire and operate certain cultural facilities and to impose a hotel room tax to secure and retire bonds used for cultural and recreational facilities. H.B. 1350 amended existing provisions of the law by lowering the population requirement from 900,000 to include all home rule cities of 8,500 or more.

Several legislative measures extended or modified city regulatory authority. Under the Municipal Annexation Act of 1963, cities are able to annex land for limited purposes. S.B. 588 specifies that cities which have annexed land under limited purpose provisions may designate such land as "industrial districts" and contract with the owners of land in the district to guarantee the limited purpose status of the land for a period not to exceed 10 years, although any contract making such guarantees may be extended for successive periods of 10 years each. Under the provisions of H.B. 105 cities are given the authority to regulate by ordinance motor vehicle parking on private property. The regulatory authority of home rule cities is extended to cover lakes and the lands surrounding them for the purpose of refining, prohibiting, and policing nuisances by H.B. 341. Lastly, smaller cities are included in provisions permitting municipal regulation of building lines on city streets; H.B. 875 removes the 15,000 population limitation previously imposed. S.B. 411 redefines "slum areas" for urban renewal purposes to include open land areas for re-platting, planning, and development for residential uses.

Four measures of the Sixtieth Legislature affected various municipal procedures used in the publication of ordinances, the awarding of contracts, and the assessment of property for streets and sewage systems improvements. H.B. 367 directs cities to publish descriptive titles and summaries of new ordinances in lieu of publishing the ordinances entire provisions. If the city does not pay for contracted services of \$2,000 to \$50,000 until the contract is completed, H.B. 611 removes the requirement that the contractors involved have surety bonds in force to guarantee performance. H.B. 685 allows cities to mail notice of

hearings on special assessments for street improvement to the estate of an abutting property owner when the tax rolls show the estate as owner; the act also permits greater flexibility in public notification of assessment hearings than existed under previous legislation. Prior to H.B. 1148, cities over 700,000 population were prohibited the assessment of property for the improvement of water and sewer systems—even if such improvement was requested—unless the property involved had been mapped and platted for at least 10 years. This act lowered the population requirement to include all cities of 100,000 or more population.

Two legislative measures dealt with municipal personnel. S.B. 185 outlaws any form of racial discrimination in hiring or firing in licensing procedures, in the use of public facilities, and in contracting practices; the act applies to all governments in Texas. H.B. 160 permits cities of 10,000 or more to adopt a program in which employees may request that a stipulated amount be withheld from their monthly salary or wages for the payment of membership dues in employee associations.

According to the provisions of H.B.433, general law cities and towns may, 60 days prior to an election, provide by ordinance for the election of the council by the place system, provided the city has been electing the council at large and not by ward or district. S.B. 561 provides that general law cities may stagger the two-year terms of the mayor and aldermen.

In recent years the attention of public officials at all levels of government has been focused on the problems of intergovernmental relations. The Sixtieth Legislature, accordingly, enacted four laws dealing with aspects of municipal intergovernmental relations. H.B. 1189 provides procedures for any local government to request by order or resolution that the Governor of the state or some agency designated by him act for the local government in dealing with the federal government on matters pertaining to grants, loans, and any other action the local government may request. If such a request is made by a local government, all applications for federal grants shall be submitted by the local government to the Governor for his approval or disapproval. The purpose of the act is to provide one form of state technical assistance to local governments and to provide the Governor with some responsibility for coordinating relationships between local governmental units and federal agencies.

The Regional Waste Disposal Act (S.B. 263) was enacted to encourage local cooperation by public agencies in regional waste treatment and disposal in order to curtail water pollution. The act authorizes water districts and river authorities to provide for the collection and treatment of wastes, and permits cities and towns or other political subdivisions of the state to contract with the districts or authorities for waste treatment and disposal services.

H.B. 149 specifically grants permission to any unit of local government—city, town, school, or special district—to operate jointly any recreational facilities in the same or adjoining counties. Under existing law, a city may act as the tax assessor, the board of equalization, or the tax collector for any political subdivision as long as the latter is within or partly within the boundaries of the city; H.B. 743 requires that when a city is providing these services, it may demand uniformity in the dates, times, and manner of payment of taxes. In other action, the Legislature authorized the City of Houston to contract with conservation and reclamation districts in regard to the sale and repurchase of water.

Finally, the Legislature altered the methods of abolishing general law towns and cities. Under S.B. 509, 400 or three-fourths of the resident voters (if the town's population is less than 400) may petition for an election on the question of abolition. If the vote is to abolish, the mayor notifies the commissioners' court and notice is taken in the court's minutes.

SPECIAL DISTRICTS

Special district legislation is always important in Texas. The Sixtieth Legislature approved the creation of 28 hospital districts, 51 water-related districts, and five public authorities. Of the last, four airport authorities were authorized, and one pollution control authority was established. (See Appendix B). H.B. 1122 authorizes navigation districts to issue revenue bonds for the operation and improvement of the districts, including land acquisition. The bonds are to be secured by revenues derived from the use of the improvements. Water districts whose plans for improvements were approved by the Water Rights Commission are prohibited by H.B. 186 from making substantial changes in the plans or their specifications.

Bills affecting other water-related districts included S.B. 235 which permits the boards of directors of water supply or sewer service corporations to hold their annual meetings any time between January 1 and May 1. S.B. 599 authorizes the commissioners' court of counties where water control and improvement districts have boundaries coterminous with those of the county, to provide for the selection of directors in two ways: first, under existing law and second, by the election of two directors from each commissioner's precinct and one director from the county at large.

H.B. 803 establishes procedures for drainage districts to annex territory in which no persons reside. Bonded officials of conservation and reclamation districts were directed by H.B. 52 to file copies of their bonds with the Secretary of State. S.B. 153 requires the directors of soil and water conservation districts to require all employees who handle funds or property to be bonded in accordance with the State Employee Bonding Act. In addition, the directors of soil and water conservation districts are authorized by S.B. 152 to fill vacancies on the board by appointment, subject to the approval of the State Soil and Water Conservation Board. The law also provides procedures for the state Board to approve the merger of two or more districts or exchanges of land between them.

All hospital districts in the state are authorized to issue bonds in accordance with the County Hospital Authority Act by S.B. 553. H.B. 808 directed counties whose indigent residents are treated in other hospital districts to pay for the cost of treatment upon presentation by the hospital district of a certified statement that the treatment was absolutely necessary.

Rural Fire Prevention District directors are empowered by H.B. 830 to call an election to set the percentage of market value for assessment purposes at a rate other than that used by the county. Further, the act sets one per cent per year of taxes collected as the maximum charge for extra expenses incurred by the county tax collector in his work for the district. Finally, three special districts were abolished by the Sixtieth Legislature: McLennan County Water Control and Improvement District—Bosqueville Hills by S.B. 73, the Lomax Municipal Utility District by S.B. 602, and the Williamson County Water Supply District by S.B. 499.

Constitutional Amendments

The Sixtieth Legislature proposed 21 amendments to the Texas Constitution, and the voters approved all six that were submitted at the election held in November, 1967. Pursuant to the directions of the Legislature, the remaining proposals will go before the electorate at the general election in November, 1968.

House Joint Resolution 3 occupied the first position on the ballot in November, 1967, and this measure passed by the relatively close margin of 135,939 to 134,068. It authorizes counties to place all county taxes into one general fund without regard to the source or purpose of each tax.

H.J.R. 12 empowers the state to issue and sell \$75 million in bonds to create the Texas Park Development Fund in order to acquire land for state park sites and to develop state parks. The voters approved this amendment by totals of 148,755 to 123,313.

Another constitutional amendment, H.J.R. 17, extends the Veterans' Land Program by providing for the issuance of an additional \$200 million in bonds. This renewal of the program will benefit all Texas veterans who have served until there is a formal withdrawal from Viet Nam. Although similar authority had been twice denied by the voters (in 1963 and in 1965), the electorate in 1967 sanctioned a new life for veteran land grants by 160,865 to 113,384.

H.J.R. 27 allows non-elective state officials to serve in other non-elective offices, state or federal, until September 1, 1969, and thereafter only if authorized by the Legislature. By 138,042 to 130,069 the voters approved this amendment permitting experts holding state office to perform in another governmental capacity.

A fifth proposal, H.J.R. 37, authorizes municipalities, other political subdivisions, and state-supported entities located within hospital districts to participate in the establishment and maintenance of mental health and mental retardation services. This amendment passed by 167,657 to 101,191.

A final constitutional change, embodied in S.J.R. 6, was overwhelmingly approved by totals of 178,864 to 94,712. This modification gives to each county in the state the power to pay for the medical expenses of

sheriffs, deputy sheriffs, constables, deputy constables, and other law enforcement officers injured in their official duties.

The other fifteen amendments formulated by the Sixtieth Legislature for submission in 1968 provide as follows: H.J.R. 16 exempts from ad valorem taxation property temporarily stored in a public warehouse for a period no longer than six months and having a predetermined out-of-state destination.

H.J.R. 20 removes a limitation on the powers of the Board of Regents to invest the Permanent University Fund by eliminating the 50 per cent limit on the amount of the Fund that may be in corporate stocks and bonds.

H.J.R. 22 lessens the disability of a state senator or representative to be appointed to another office that was created or whose emoluments were raised during the legislator's term. By this proposed amendment the disqualification ends on the last day of December of the last year of the legislator's term, and an extension of the session for a few days into January shall not count for determining whether the bar on holding office applies.

H.J.R. 49 removes the purchase of stationery and printing from the requirement that the Governor, Secretary of State, and Comptroller must approve such contracts, and the measure exempts the buying of fuel and supplies from certain restrictions.

H.J.R. 50 allows the Legislature to authorize the refund of the tax on cigars and other tobacco products retailed within Texarkana, Texas, or any incorporated city or town contiguous to Texarkana.

H.J.R. 60 empowers the Legislature to consolidate governmental offices and functions within El Paso or Tarrant counties if a majority of voters in these subdivisions approve. Moreover, the two counties and the local political units within them may contract with each other for the performance of governmental services.

H.J.R. 61 increases the salary of legislators from a base of \$4,800 to \$8,400 per year, and this proposal augments the total per diem pay by extending the existing compensation of \$12 a day for the first 120 days of a regular session to apply to the first 140 days of a regular session. As a result, the total remuneration for a regular session is raised from \$6,240 to \$10,080. Another increment occurs because the legislators get a \$12 per diem for each day of a special session no matter how long

it lasts rather than only receiving this pay for the first 30 days of a special session.

S.J.R. 3 amends the retirement system for state employees to raise the percentage paid by the state into the Employee Retirement Fund from 5 per cent of an employee's income to 6 per cent. Moreover, the proposal creates the Employee Retirement System of Texas and places the management of this state agency in a Board of Trustees. The provision also contains new regulations governing the investment in securities and stocks of funds administered by the System.

S.J.R. 4 modifies the Teacher Retirement System to allow contributions by the state to be based on the full salary of employees covered by the System.

S.J.R. 14 authorizes the Legislature to empower counties, cities, and towns to issue revenue bonds for industrial development.

S.J.R. 24 permits the Legislature to exempt from ad valorem taxation by the state or its political subdivisions any equipment installed on real property designed to abate, to the extent demanded by state law, air and water pollution.

S.J.R. 32 steadily reduces future state ad valorem taxes except those levied for certain state institutions of higher learning; and after December 31, 1978, the amendment abolishes the state ad valorem taxes to which it applies.

S.J.R. 37 gives Dallas County the power to issue bonds for the construction, maintenance, and operation of macadamized, graveled, or paved roads if a majority of the resident property taxpayers vote to do so.

S.J.R. 39 relates to the Employees' Retirement Fund and the Employees' Retirement System of Texas. The measure revises provisions controlling investments of moneys and other assets of the Fund and makes some changes with respect to the administration of the Employees' Retirement System.

S.J.R. 41 increases the amount of state money from \$60 million to \$75 million for assistance payments to recipients of the following programs: Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children. As before, federal moneys must match these funds.

S.B. 598 is not a constitutional amendment, but it did submit to a

referendum an alteration in state policy that would require constitutional revision. In the primary elections of May, 1968, this proposal placed the issue of legalized horse racing and pari-mutuel betting before the voters. The measure was soundly defeated.

Bills and Resolutions Vetoed

Governor Connally vetoed a total of 45 bills and resolutions following the regular session, including the partial veto of the general appropriation bill. The Governor's actions reflect his continuing scrutiny of state tax and financial matters as well as laws of more restricted impact.

The Governor's item vetoes of the general appropriation bill (S.B. 15) enacted during the regular session totaled \$3.2 million. In addition, he vetoed an item of H.B. 363 which was enacted to pay miscellaneous claims and judgments against the state. Following an opinion of the Attorney General, the Governor vetoed the item which would have paid an individual \$21,800 for false imprisonment awarded by a state court; the case, however, was on appeal and final judgment has not been rendered. His item vetoes of the appropriation bill following the special session amounted to \$1.3 million.

Following the regular session and in one proclamation, the Governor vetoed nine bills, each of which involved a future commitment of the state's resources beginning in fiscal 1968-69. These bills were not consistent with the Governor's request and the Legislature's enactment of a one-year appropriation bill for fiscal 1967-68. (Under the annual appropriations plan, the Comptroller could not be expected to provide revenue estimates for the second year of the biennium. Each of the nine measures involved education. S.B. 28, S.B. 29, and H.B. 1137 dealt with language problems; the latter established a formula for the salary of classroom teachers for the operation of a non-English speaking children's program. S.B. 71 established a minimum sick leave program for school teachers, and S.B. 106 provided a new formula for allocating special service teacher units. A special school project for mentally retarded pre-school children was the goal of S.B. 394. H.B. 999 provided for a 10-month school year in selected school districts. Lastly,

H.B. 120 established a minimum salary for bus drivers. The cost of these programs, if they had been enacted into law, was estimated to be in excess of \$12.8 million.

H.B. 865 failed to pass the Governor's approval because it authorized the Comptroller of Public Accounts to order a sheriff to seize and sell personal property owned by a taxpayer for the payment of delinquent taxes. In his veto message, the Governor recognized that existing law authorizes this procedure for the collection of delinquent sales taxes. "But," said the Governor, "I also disagree with this authorized procedure. . . I am opposed to the institution of proceedings to seize and sell property of any citizen when there has been no judgment entered by any court in this state and where the lawyer for the agency involved does not participate."

H. B. 821 was vetoed because it assigned the preferred creditor position of the State of Texas to private individuals. H.B. 561 failed because it unnecessarily changed the nature of the State's lien on delinquent taxes as to operators of places of amusement. Two bills that related to constitutional amendments were vetoed. The first, H.B. 807, was enabling legislation for a proposed constitutional amendment which would exempt cigar and tobacco products from certain state taxes. The second, H.B. 1095, was designed to implement a recent constitutional amendment concerning the assessment of agricultural land. In addition to other factors, the Governor vetoed the bill because, in his opinion, the amendment is self-executing and requires no implementation.

Nine bills which dealt with various facets of the state's administration were vetoed. S.B. 63 involved revisions in the Employees' Retirement System of Texas. While the Governor recognized the merit of the revisions affecting regular state employees, he strongly objected to the procedure by which increased benefits were awarded to elected state officials: In conference committee—and without public debate or public hearing—the original bill was amended to include 50 per cent increases for elected officials.

H.B. 83 was designed to give credit to members of the judicial retirement program for prior services performed as a member of the Legislature or as a county judge. Governor Connally vetoed the bill on the advice of the Attorney General. According to the latter, credit for

prior service for retirement purposes must be approved by amendment to the state's constitution.

Because no money was provided in the general appropriation bill for the operation of a State Commission for the Deaf, the bill creating the Commission (H.B. 25) was vetoed. The Governor also vetoed H.B. 172; this proposal expanded the granted additional powers to the State Soil and Water Conservation Board, but did so in a statute separate from existing soil and water statutes.

Serious constitutional questions invited a veto of S.B. 581. This legislation provided for the State Highway Commission to expend such money as necessary for the study of a project contemplated in the act. Among other things, H.B. 1366 was vetoed because it repealed a law passed by the Sixtieth Legislature and already in effect. The law in question removed the need for an affidavit to accompany each audited complaint that is presented to the Comptroller for the issuance of a warrant; the vetoed measure would have repealed this existing law but would have offered no procedures to replace it. S.B. 502, dealing with changes in the inscriptions required on state-owned vehicles, was also vetoed.

Two measures dealing with the Parks and Wildlife Department were vetoed. H.B. 939 proposed the transfer of a museum building at Washington-on-the-Brazos from the custody of the Parks and Wildlife Commission. The Governor preferred that such transfers await the completion of the overall state park improvement and development program. H.B. 486 was vetoed because it authorized the development of a park on a site which was not included in the comprehensive outdoor recreation plan nor contemplated in the \$75 million park land acquisition and development program.

Six bills vetoed by the Governor involved principally forms of economic regulation. Three measures were described by the Governor as "special interest legislation:" S.B. 163, relating to the taking of shrimp along parts of the coast; H.B. 1064, restricting bait shrimp trawling by requiring that only boats designated by bait shrimp dealers could operate; and H.B. 781, involving the sale of liquor and wines. The last measure would have had the effect of restricting wine sales to retail package stores. The Governor also vetoed another liquor-related measure which would have extended the hours for the consumption of liquor and beer in certain counties (H.B. 1164). The chief executive was

concerned because of apparent conflict in this law and the statutes governing the authority of the Liquor Control Board.

Two measures did not receive approval primarily because of vagueness in their drafting. H.B. 867 sought to regulate "shorthand reporting," and H.B. 1086 was intended to extend certain prohibitions—against fighting, "loitering," and the use of obscenity, for example—to parking areas privately owned but commonly used by the public.

Several measures of a local orientation were vetoed. H.B. 1013, creating an office of public defender in Tarrant County, was vetoed because it took the form of a local law which is prohibited by the constitution. The Governor believed "further study" should be undertaken before the creation of a conservation and reclamation district in Cameron County, and consequently, vetoed H.B. 1029. Because of conflict with existing law, S.B. 617 was vetoed; the bill would have created a fifth court of domestic relations for Harris County.

A bill originally designed to authorize counties to contract with some established bar association or non-profit group to assist in providing effective assistance of counsel was vetoed. The bill (H.B. 757) contained a provision relating to the employment of law school students or faculty by contracting organizations. It required that such organizations give preference to the students and faculty of state-supported law schools. Because of this discriminatory provision, the bill was vetoed. H.B. 204 was nullified because it altered the requirements of juror eligibility in civil proceedings without similarly changing the eligibility requirements for jurors in criminal cases. H.B. 786 (relative to the probation of delinquent children) was vetoed as unconstitutional on the advice of the Attorney General.

The Governor vetoed four House and three Senate concurrent resolutions (H.C.R. 110, 114, 118, and 140; S.C.R. 19, 29, and 47). Each of these measures provided for tort actions against the state. In seven uniform veto messages, the Governor said: "Considering the doctrine of sovereign immunity, the State would be in no event liable for torts committed by its agents or employees. I see no justification for adding these cases to our already overcrowded court dockets."

Interim Studies

As in previous years, the complexity of modern government has required that the Legislature appoint interim study groups to assist it in the formulation of public policy. Generally, each regular session of the Legislature authorizes such studies by formal bill or resolution. The committees are ordered to make reports based on such studies to the next regular session or to submit them by some specified date.

At the Legislature's discretion, these groups can be assigned any topic. Most often, the subjects of interim studies involve areas of special legislative interest or importance to the state. Membership of the study groups is also determined by the Legislature. While members of the House and Senate serve on most committees, committee membership may include other state officials or private citizens. These research projects, their responsible study groups, and statutory authorizations are indicated in Appendix C.

Bills and Resolutions Which Failed

Of the 1,991 bills introduced in the regular session of the Sixtieth Legislature, 825 were sent to the Governor for his approval. Thus, 1,166 bills were introduced but failed. Most of the legislation that failed is similar in content to bills that were passed and eventually became law; some of it is different.

Tax measures are always high on the list of legislative interest. And while no new taxes were imposed during the regular session due to the decision to call a special taxing session, this decision was not made until late in the session and several tax measures were introduced and considered. Two of Governor Connally's revenue recommendations did not pass. H.B. 763 was an attempt to legalize the sale of liquor-by-the-drink under closely guarded conditions and to impose a per ounce tax on all liquor served across the bar. H.B. 763 would have repealed the Coleman-Briscoe Act and would have freed the portion of the gasoline tax pledged for farm-to-market roads. These two measures

combined would have added an estimated \$30 million to the general revenue fund.

Other revenue raising measures were introduced but received less careful attention: To increase the sales tax to three per cent (H.B. 886); to remove sales tax exemptions from farm equipment (H.B. 1003); to allow cities to impose a sales tax on gasoline (H.B. 1004); to increase the tax on beer to \$6.30 a barrel (H.B. 1015); to increase college tuition to \$100 (H.B. 1031); and to impose a corporate and personal income tax (H.B. 1094). H.B. 420 and S.B. 604 would have authorized horse racing and pari-mutuel betting; the proponents asserted that state revenues from gambling taxes would swell the state's coffers.

Reflecting the problems of the times, the Legislature did consider several laws dealing with criminal law and court procedures in addition to those enacted into law. H.B. 6 would have repealed the Code of Criminal Procedure. H.B. 16 was designed to prohibit wiretapping by state officials. The penalty for assault with intent to murder would have been raised by the passage of H.B. 349. H.B. 389 and S.B. 471 would have abolished capital punishment and replaced it with life imprisonment with limited parole. One measure (H.B. 221) was designed to regulate the possession and carrying of firearms, and another (H.B. 402) would have made rioting punishable by one-to-three years in prison. H.B. 198 was an attempt to prohibit all forms of discrimination and to create a Division of Civil Rights in the state Attorney General's Office.

As in previous sessions, much legislation relating to the regulation of business was introduced. Among those measures that failed were H.B. 418 to create a state public utilities board; H.B. 217 to license bail bonding in counties with over 100,000 people; H.B. 995 to establish an agriculture development board; H.B. 1071 to license and regulate vending machine operators; and H.B. 899 to create a commission to regulate business and trade schools. One measure (S.B. 484) would have prevented the television blackout of all professional football games. Among the several measures relating to insurance were S.B. 197 and H.B. 554. The former would have enlarged the insurance commission to six members, and the latter would have required that income from investments by insurers (companies) be considered in setting insurance premium rates.

Several bills which did not pass were of importance to labor interests in Texas. H.B. 305 and S.B. 208 proposed the creation of a state labor department. And H.B. 751 and H.B. 391 would have increased workmen's compensation benefits, the former from \$35 to \$50 a week. S.B. 82 would have provided a state minimum wage, and H.B. 9 would have made the use of strike-breakers illegal.

As in previous sessions, a great many bills were introduced which dealt with education; some of them failed. Among those was S.B. 265 which would have provided partial state support for kindergartens. H.B. 871 was introduced to provide a board for state colleges. Several bills proposed the establishment of new professional schools. Medical schools were proposed for Austin (S.B. 449), for Tyler (H.B. 921), and for Houston (H.B. 250). A dental school was proposed for Dallas (H.B. 157), and a school of social work for the University of Houston (S.B. 515). H.B. 337 proposed the creation of North East Texas State College in Texarkana.

Four of the more controversial measures involved local government in metropolitan areas. H.B. 461 and S.B. 230 would have provided explicit authority for interlocal contracting among cities and would have authorized state assistance to local governments. H. B. 462 and S.B. 228 were designed to create a local government assistance agency for Texas. And H.B. 463 and S.B. 227 related to the planning powers of metropolitan agencies. S.B. 229 sought to give counties the authority to control urban development in unincorporated areas. Two other bills also related directly to counties. S.B. 487 would have raised the amount of license fees retained by the counties, and S.B. 580 would have required an independent audit for counties without auditors.

Several measures relating to the state's "house keeping" functions failed also. Among them was H.B. 1145 to create an inter-agency council on mental retardation. H.B. 814 proposed a little Hoover Commission for Texas, and H.B. 407 would have authorized public employees to organize and join unions. H.B. 242 would have required the Parks and Wildlife Commission to disclose the source of all funds and to keep a public record.

Measures to provide legalized abortions in carefully controlled circumstances (S.B. 275), to create a commission on mass transportation (H.B. 873), and to limit campaign expenses for certain offices (H.B. 388), also failed of legislative approval.

In addition to the bills introduced in both houses, there were 105 joint resolutions introduced, most of which proposed amendments to the Texas Constitution; 20 of them passed. Among those that failed were measures to lower the voting age to eighteen (H.J.R. 9), to provide for annual sessions of the Legislature (H.J.R. 18), to allow branch banking in counties of 500,000 or more people (H.J.R. 21), and to provide for four-year terms for state officials (H.J.R. 34). H.J.R. 55 proposed an amendment to gradually abolish the state imposed ad valorem tax, and H.J.R. 64 would have allowed the Legislature to establish the salary of the Lieutenant Governor. Three other proposed constitutional amendments dealt specifically with local government; all of them failed. S.J.R. 17 proposed an amendment to permit certain counties to have optional forms of government on a local option basis. S.J.R. 18 defined and gave additional authority to "urban counties." And S.J.R. 38 contained a proposed amendment to authorize the state to make grants-in-aid to the cities.

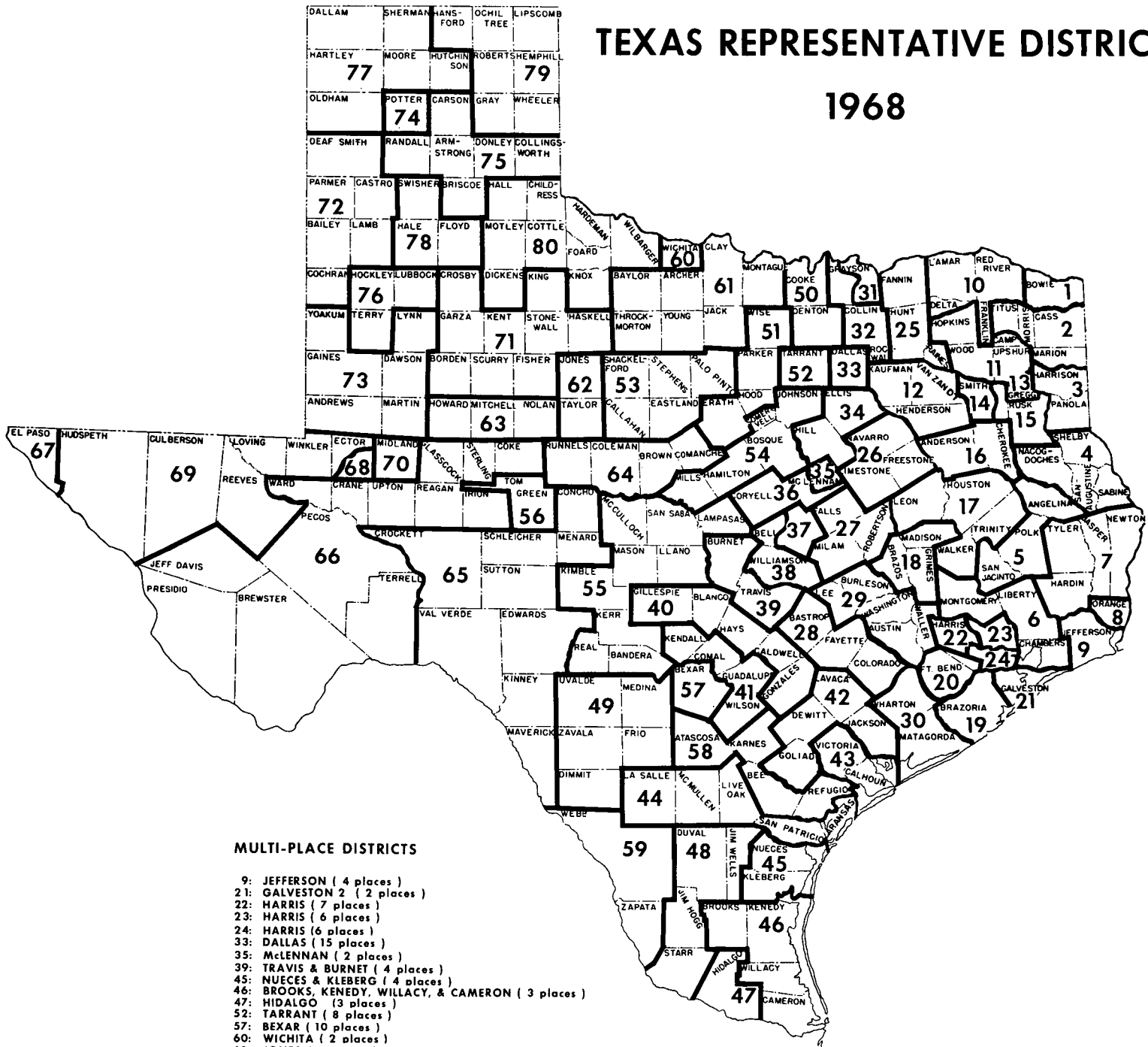
There are many reasons why bills and resolutions fail: Some are politically unpopular; some are introduced merely to appease special constituent groups and are not expected to pass; some are abandoned by their sponsors; some die in committee; and some die on the floor. The bills and resolutions discussed here are only a few of those that failed to pass; however, they are illustrative. Some of the bills that failed—or provisions of them—are incorporated in legislation that became law. And, if past experience is any guide, many of the bills that failed in the Sixtieth Legislature will be introduced again in subsequent sessions. It is quite likely that some of them eventually will become law.

APPENDIX A

Maps of Congressional and State Representative
Districts in Texas

TEXAS REPRESENTATIVE DISTRICTS

1968



MULTI-PLACE DISTRICTS

- 9: JEFFERSON (4 places)
- 21: GALVESTON 2 (2 places)
- 22: HARRIS (7 places)
- 23: HARRIS (6 places)
- 24: HARRIS (6 places)
- 33: DALLAS (15 places)
- 35: McLENNAN (2 places)
- 39: TRAVIS & BURNET (4 places)
- 45: NUECES & KLEBERG (4 places)
- 46: BROOKS, KENEDY, WILLACY, & CAMERON (3 places)
- 47: HIDALGO (3 places)
- 52: TARRANT (8 places)
- 57: BEXAR (10 places)
- 60: WICHITA (2 places)
- 62: JONES & TAYLOR (2 places)
- 67: EL PASO (5 places)
- 74: POTTER (2 places)
- 76: HOCKLEY, LUBBOCK, & TERRY (3 places)

APPENDIX B
SPECIAL DISTRICTS AUTHORIZED OR CREATED BY THE SIXTIETH
TEXAS LEGISLATURE

Type and Name of District	Location (County or Counties)	Bill Number
<i>Hospital (28)</i>		
Angleton-Danberry Hospital District	Brazoria	SB 104
Blanco Memorial Hospital District	Blanco, Kendall	SB 535
Cochran Memorial Hospital District	Cochran	HB 1233
Collingsworth County Hospital District	Collingsworth	HB 766
Colorado City Hospital District	Mitchell	HB 634
Earth-Springdale Hospital District	Lamb	HB 768
Edna Hospital District	Jackson	HB 610
Garza Hospital District	Garza	HB 1325
Greenville Hospital District	Hunt	SB 562
Haskell County Hospital District	Haskell	HB 845
Knox County Hospital District	Knox	SB 218
Lubbock County Hospital District	Lubbock	HB 878
Lynn County Hospital District	Lynn	HB 464
Marion County Hospital District	Marion	HB 951
Martin County Hospital District	Martin	SB 552
McCamey County Hospital District	Upton	HB 816
Merkel Hospital District	Taylor	SB 22

APPENDIX B (Continued)
 SPECIAL DISTRICTS AUTHORIZED OR CREATED BY THE SIXTIETH
 TEXAS LEGISLATURE

Type and Name of District	Location (County or Counties)	Bill Number
Nacogdoches County Hospital District	Nacogdoches	HB 1248
North Cherokee County Hospital District	Cherokee	HB 430
North Jefferson County Hospital District	Jefferson	HB 1241
Polk County Hospital District	Polk	HB 1340
Rankin County Hospital District	Upton	HB 813
Rising Star Hospital District	Eastland	HB 1351
Schleicher County Hospital District	Schleicher	HB 183
Texoma Memorial Hospital District	Sherman	HB 490
West Columbia-Damon Hospital District	Brazoria	HB 132
West Grayson County Hospital District	Grayson	HB 101
Wood County Central Hospital District	Wood	HB 596
<i>Water (51)</i>		
Bayou Vista Municipal Utility District	Galveston	SB 233
Blue Ridge Municipal Utility District	Fort Bend	HB 550
Blue Ridge West Municipal Utility District	Fort Bend	HB 1212
Briar Ridge Municipal Utility District	Harris	HB 1221
Chaparral Municipal Utility District	Harris	HB 538

APPENDIX B (Continued)
 SPECIAL DISTRICTS AUTHORIZED OR CREATED BY THE SIXTIETH
 TEXAS LEGISLATURE

Type and Name of District	Location (County or Counties)	Bill Number
City of Cities Municipal Utility District	Fort Bend Harris, Liberty	HB 1213
Coastal Industrial Water Authority	Chambers	HB 373
College View Municipal Utility District	Harris	HB 1219
Colonia-Chaparral Municipal Utility District	Guadalupe	HB 1245
Comanche Hills Utility District	Bell	HB 809
Crescent Shores Municipal Utility District	Polk	HB 734
Deer Municipal Utility District	Harris	HB 531
Dolphin Beach Municipal Utility District	Galveston	SB 575
East Port Bolvar Municipal Utility District	Galveston	SB 538
Elm Creek Water Control District	Runnels, Taylor	HB 1250
Enchanted Oaks Municipal Utility District	Henderson	HB 552
Galveston Island Ranches Municipal Utility District	Galveston	SB 614
Highland Municipal Utility District	Galveston	SB 410
Holiday Lakes Estates Municipal Utility District	Polk	HB 1242
Indian Hill Estates Municipal Utility District	Polk	HB 736
Indian Hill No. 1 Municipal Utility District	Polk	HB 854
Indian Hill No. 2 Municipal Utility District	Polk	HB 737

APPENDIX B (Continued)
SPECIAL DISTRICTS AUTHORIZED OR CREATED BY THE SIXTIETH
TEXAS LEGISLATURE

Type and Name of District	Location (County or Counties)	Bill Number
Jack County Water Control and Improvement District No. 1	Jack	SB 558
Lamar County Water Supply District	Lamar	HB 1345
League Land Municipal Utility District	Galveston	SB 576
Little York Municipal Utility District	Harris	HB 1220
Norchester Municipal Utility District	Harris	HB 536
North Forest Municipal Utility District	Harris	HB 533
Nugent's Cove Municipal Utility District	Polk	HB 733
Oak Ridge Municipal Utility District	Montgomery	HB 572
Old Snake River Municipal Utility District	Liberty	HB 1062
Parkglen Municipal Utility District	Harris	HB 535
Point Lookout Estates Municipal Utility District	San Jacinto	HB 1284
Riverclub Estates Municipal Utility District	Montgomery	HB 573
River Oaks Municipal Utility District	San Jacinto	HB 735
Royal Forest Municipal Utility District	Montgomery	HB 571
Spanish Grant Municipal Utility District	Galveston	SB 627
Spenwich Place Municipal Utility District	Harris	SB 223
Staffordshire Municipal Utility District	Fort Bend	SB 610
Sunmeadow Municipal Utility District	Galveston	SB 539

APPENDIX B (Continued)
 SPECIAL DISTRICTS AUTHORIZED OR CREATED BY THE SIXTIETH
 TEXAS LEGISLATURE

[85]

Type and Name of District	Location (County or Counties)	Bill Number
Sweetwater Municipal Utility District	Galveston	SB 624
Tidwell Timbers Municipal Utility District	Harris	HB 532
Timberlake Estates Municipal Utility District	Montgomery	HB 1251
Westchester Municipal Utility District	Harris	HB 534
West End Municipal Utility District	Galveston	SB 577
Westheimer Road Municipal Utility District	Harris	HB 530
White Oak Municipal Utility District	Harris	HB 537
Willow Creek Water Control District	Runnels, Tom Green	HB 1236
Willowisp Municipal Utility District	Fort Bend	HB 805
Windfern Municipal Utility District	Harris	HB 1303
Yupon Cove Municipal Utility District	Polk	HB 853
<i>Authorities (5)</i>		
Howard County Airport Authority	Howard	HB 661
Kerr County Airport Authority	Kerr	HB 956
North Central Texas Airport Authority	Dallas, Tarrant	SB 6
Orange County Airport Authority	Orange	SB 565
Rio Grande Valley Pollution Control Authority	Cameron, Hidalgo	HB 1279

APPENDIX C
INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
REGULAR SESSION		
<i>Taxation and Finance</i>		
(1) State and local tax policies.	Legislators—private citizens committee.	H.C.R. 126
(2) Economy in state government.	Senators—private citizens committee.	S.R. 279
(3) Revision of the Texas Constitution.	Legislators—state officials-private citizens committee.	H.S.R. 429
<i>Regulation of Business and Professions</i>		
(4) Uninsured motorists insurance coverage.	Legislators.	H.C.R. 129
(5) Health and Accident Insurance.	Senate interim committee.	S.R. 653
(6) The fire credit debit system.	State Board of Insurance.	S.R. 754
(7) Sale of insurance to those over 65.	(None stated).	H.S.R. 42
(8) Marketing and pricing practices.	House interim committee.	H.S.R. 227
(9) Commercial market potentials of natural fibers.	House members—private citizens committee.	H.S.R. 154
(10) Home improvement industries.	House interim committee.	H.S.R. 413
(11) Depressed fruit and vegetable prices.	House members—private citizens committee.	H.S.R. 399

APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
(12) Ways to encourage the entertainment industry to come to Texas.	House interim committee.	H.S.R. 415
(13) Complete study of the operation of the Texas Aeronautics Commission.	House interim committee.	H.S.R. 259
(14) Importation and grading of eggs.	House interim committee.	H.S.R. 279
(15) Dairy industry in Texas.	House members—private citizens committee.	H.S.R. 321
(16) Relationships between agriculture, engineering, and landscape architecture.	House members—private citizens committee.	H.S.R. 429
(17) Application of industrial technology to agriculture.	House interim committee.	H.S.R. 423
<i>Education</i>		
(18) College and university faculty compensation.	Legislators—private citizens committee.	S.C.R. 9
(19) Doctoral degree needs of the East Texas area in public school administration.	Coordinating Board, Texas College and University System.	H.C.R. 145
(20) Vocational-Technical education in Texas.	Senate interim committee.	S.R. 153
(21) Classification of public school teachers.	House interim committee.	H.S.R. 425

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APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
(22) Adoption of Montessori teaching methods in teacher training and in public kindergartens.	House members—private citizens committee.	H.S.R. 411
(23) Reading retardation, dropouts, and juvenile delinquency.	Texas Education Agency.	H.C.R. 48
(24) Learning reading and reading skills.	House members—private citizens committee.	H.S.R. 410
(25) School bus safety.	House interim committee.	H.S.R. 407
(26) Development of courses in citizenship.	Texas Education Agency.	H.C.R. 46
[88] <i>Counties</i>		
(27) County government in Texas.	House members—private citizens committee.	H.R.S. 416
<i>Courts, Court Procedure, and Criminal Law</i>		
(28) Law enforcement and the administration of justice.	Legislators—private citizens committee.	H.C.R. 60
(29) Desirable revisions of the Texas Penal Code.	House members—private citizens committee.	H.S.R. 446
(30) Law enforcement procedures.	Committee of law enforcement officers and attorneys.	H.S.R. 329
(31) Juvenile crime and delinquency.	House members—private citizens committee.	H.S.R. 229

APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
<i>Natural Resources</i>		
(32) Land use and environmental control of air and water pollution.	Legislators—private citizens committee.	H.C.R. 24
(33) State parks system.	(None stated).	H.S.R. 239
(34) Establishment of a state park in Sabinal Canyon.	Parks and Wildlife Department.	H.C.R. 112
(35) Recreational uses of Texas beaches and the effect of seining on fish supply.	House interim committee.	H.S.R. 394
(36) Proposed state participation with the federal government in a pilot plant for the depuration of oysters.	Legislators—state officials—private citizens committee.	H.C.R. 17
(37) Texas water problems.	House interim committee.	H.S.R. 428
(38) Recreational water safety.	House interim committee.	H.S.R. 362
(39) Boundaries of the Upper Colorado River Authority.	House interim committee.	H.S.R. 421
(40) Problems of the development of Texas beaches.	Legislators—state officials—private citizens committee.	S.C.R. 46
<i>Health and Welfare</i>		
(41) Poverty in Texas.	State interim committee.	S.R. 739
(42) Slums in Texas cities.	Senate interim committee.	S.R. 767

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APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
(43) Housing and physical care of the criminally insane.	House members—doctors—private citizens committee.	H.S.R. 427
(44) Emergency treatment of indigent patients in public and nonpublic hospitals.	Joint interim committee.	S.C.R. 64
(45) Retirement age policies for state employees.	State officials committee.	S.C.R. 32
[06] <i>Highways and Motor Vehicles</i>		
(46) Highway safety.	Joint interim committee.	H.C.R. 143
<i>Legislature</i>		
(47) To carry on the construction and improvement of all house offices.	House members.	H.S.R. 405
(48) Rules of the Texas Senate.	Senate interim committee.	S.R. 763
(49) To secure and display portraits of all former Lieutenant Governors.	Senate interim committee.	S.R. 62
<i>General Investigating</i>		
(50) Any matter concerning state government in Texas deemed important.	Senate interim committee.	S.R. 39

APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
<i>Other Studies</i>		
(51) Desirability of a Tort Claims Act for Texas.	House members—attorneys committee.	H.S.R. 396
(52) Common law doctrine of charitable immunity.	Legislators—private citizens committee.	H.C.R. 54
(53) To continue or abolish the doctrine of governmental immunity.	Senate interim committee.	S.R. 733
(54) Parking and traffic congestion in the state capitol complex.	Joint interim committee.	H.C.R. 136
(55) Building of porticos on the east and west ends of the capitol.	House members—private citizens committee.	H.S.R. 140
(56) Restoration and maintenance of the governor's mansion.	Joint interim committee.	H.C.R. 127
(57) The return of the flag of the Alamo.	Senate interim committee.	S.R. 141
(58) Possibilities of centralizing population research studies.	House interim committee.	H.S.R. 420
SPECIAL SESSION		
(59) Governor's advisory committee on physical fitness.	Legislators—private citizens.	H.C.R. 28
(60) Texas Liquor Control Act—Business of permittees and licensees.	House interim committee.	H.S.R. 32

APPENDIX C (Continued)
 INTERIM STUDIES AUTHORIZED BY THE SIXTIETH LEGISLATURE

Subject of Study	Study Group	Bill or Resolution
(61) Texas stock exchange.	House interim committee.	H.S.R. 35
(62) Organ transplantation.	House interim committee.	H.S.R. 55
(63) Texas Election Code.	House interim committee.	H.S.R. 66
(64) Senate amplification system.	Senate interim committee.	S.R. 232
(65) Parks and recreational land.	Senate interim committee.	S.R. 235
(66) State employment practices—ethnic minorities.	Senate interim committee.	S.R. 239