

**TEXAS LEGISLATIVE COUNCIL**

P.O. Box 12128, Capitol Station  
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**ACCOMPLISHMENTS OF THE 62nd LEGISLATURE**  
A SUMMARY  
REGULAR AND FIRST CALLED SESSIONS -- 1971

**A Staff Product**

ACCOMPLISHMENTS OF THE 62ND LEGISLATURE--REGULAR AND  
1ST CALLED SESSIONS

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ACCOMPLISHMENTS OF THE REGULAR AND 1ST CALLED SESSIONS  
OF THE 62ND LEGISLATURE<sup>1</sup>

July 1971

INTRODUCTION

Adjourning its regular session on May 31, 1971, the 62nd Legislature was reconvened on call of the governor at noon on the following day, June 1. The 140-day regular session and the 4-day first called session compiled the greatest total of legislation ever introduced and enacted by any Texas Legislature. A total of 2,298 bills were introduced in the house of representatives and the senate, and 1,067 measures were carried to final passage during the regular session. The first called session added another 32 bills introduced and 13 finally enacted. In other major legislation, 154 joint resolutions, or resolutions proposing constitutional amendments, were introduced and 18 were approved for submission to the Texas electorate. Of these, four have already been considered by Texas voters--on May 18, 1971--and the remaining 14 will be on the ballot at the general election in November, 1972.

Another record was set in the number of special interim committees created by simple and concurrent resolutions in the two houses of the legislature. The overall total of interim study committees created by resolution for the 144 days amounted to 173, of which 162 were created during the regular session and 11 at the first called session. (See Appendix A for listing of interim study committees.)

Finally, when their labors were ended at the end of 144 days, members of the 62nd Legislature could look back on the trying ordeal as one which resulted in the passage of all the "must" legislation--with possibly two exceptions--with which the year was begun. These failures pertained to public welfare and a revision of the penal code.

Reapportionment stood high in the order of business when the 62nd Session was convened on January 12, 1971. But it wasn't until the waning hours of the regular session that a bill reapportioning the state's 150 legislative House seats was enacted (HB 893). Congressional reapportionment of the state's 24 congressional districts--population increases shown by the 1970 census gave Texas an additional seat--wasn't accomplished

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<sup>1</sup>All bill numbers cited are for the regular session unless otherwise indicated in the discussion.

until the four-day called session (SB 1). The job of redistricting the upper house of the legislature was given up by the senate, leaving the chore to the Legislative Redistricting Board composed of the lieutenant governor, the speaker of the house of representatives, the attorney general, the commissioner of the general land office, and the comptroller of public accounts.

At long last, the legislature got and acted upon authority granted by the people of Texas, through adoption of a constitutional amendment proposed by the 61st Legislature, to provide for the legal sale of mixed beverages on a local option basis. Liquor-by-the-drink (SB 346 of the regular session) and the tax bill on mixed beverages (HB 3 of the called session) could be the 62nd Legislature's greatest claim to fame.

Another accomplishment of distinction was the complete codification of all Texas water law. Without substantive change, all Texas statutes dealing with (1) state water administration-- water rights, water development, and water quality control-- (2) river compacts, and (3) general law districts have been codified into the 63-chapter Water Code. The Water Code was a part of the Texas Legislative Council's continuing statutory revision project and was drafted by the council staff with the assistance of an advisory committee which included members of the council and the legislature, as well as authorities on water problems and water resources.

The enactment by the 61st Legislature of legislation setting up a salary schedule with a 5 percent experience increment for the 10 years covered by the act made it unnecessary for the 62nd Legislature to become involved in the frequently recurring hassle over salary increases for public school teachers. True, the automatic salary increases provided for the 18 pay grades established by the 1969 act did influence the search for new taxes to finance state government.

An innovation in the Texas public school system was incorporated in HB 1078, which directs the Central Education Agency to prepare a reorganized curriculum based on the operation of public schools on the quarter system. Beginning with the 1972-1973 school year a school district may operate on the quarter system and the system will be mandatory for all school districts beginning with the 1973-1974 school year. Thus, school systems could operate 12 months with students and teachers choosing the 9 months they prefer to be in session. It is hoped that this system will reduce overcrowding of facilities and provide for greater efficiency in school operations.

The repeal by the 62nd Legislature (SB 738) of the law providing that a child living in a city with a public transportation system is ineligible for transportation at state expense unless he lives at least two miles from the transportation system was most

welcome to parents living in urban areas, particularly in view of federal busing rulings.

Another outstanding accomplishment in education legislation was the completion of the codification of the state's general education law with the passage of HB 1657. This bill enacts Title 3 of the Texas Education Code, a nonsubstantive revision of the laws relating to higher education.

For the first time employees of the State of Texas, including those who work for state hospitals, state institutions of higher education, etc., but not employees of political subdivisions, are covered under the Texas Unemployment Compensation Act, as amended by HB 1424, Section 4. The program becomes effective on January 1, 1972. It is estimated that 133,000 state employees will be covered by unemployment insurance under the new law and \$1.4 million has been appropriated for the fiscal year ending August 31, 1973, to implement coverage.

Another first of the 62nd Legislature made the 18-year-old vote a reality for all elections--not just those of national significance. This was accomplished with the adoption of SCR 65, which gives state ratification to the federal constitutional amendment extending full voting rights to 18-year-olds. However, those under 21 must continue to vote in their parents' place of residence.

As did the two preceding legislatures, the 62nd Legislature added new laws and strengthened old ones relating to narcotics and dangerous drugs. The dangerous drug law (V.T.P.C. Art. 726d) was completely revised by HB 1649, with some penalties increased and others lowered to give first offenders greater opportunity for rehabilitation. Of particular impact was the increased penalty for LSD use and sale, with both offenses being classed as felonies rather than misdemeanors and length of imprisonment upon conviction extending from 2 to 10 years.

On the suggestion of the State Health Department, the Interim Committee on Land Use and Environmental Control recommended the formulation of standards and responsibilities for the holding of mass gatherings, such as rock festivals and the like. The Texas Mass Gatherings Act (HB 58) was enacted by the 62nd Legislature to accomplish this purpose. The act requires a permit before a person can act as a promoter, establishes requirements for the permit applied for by promoters of mass gatherings held outside city limits, and seeks to place responsibility for sanitation and protection on the promoters. The State Department of Health and the Texas Department of Public Safety are required under the act to promulgate rules and regulations concerning minimum standards to be observed and maintained at a mass gathering.

The biennial appropriations bill (SB 11) was again the largest ever enacted by any legislature--\$7,132,289,243. However, on June 20, 1971, Governor Preston Smith made an unprecedented veto of the entire second year's appropriation (1972-1973), thereby cutting the total amount by \$3,187,913,155. Line-item vetoes for the 1971-1972 fiscal year trimmed another \$5,529,012 from the total, leaving the appropriation for that year at \$3,938,847,076.

In addition to the portions of the appropriations bill which were vetoed, the governor made inoperative by his veto another 21 separate measures enacted by the 62nd Legislature during the regular session and one additional bill (SB 10) of the first called session. The latter related to jurisdiction over the site of the campus of The University of Texas at San Antonio. A complete list of measures vetoed, a copy of the veto message on the appropriations bill, and the governor's reasons for his vetoes on all measures are included in Appendix B.

### State Finances--Taxing and Spending

#### Taxing

The record-breaking appropriations bill enacted by the 62nd Legislature (SB 11) required a record \$700 million tax bill to balance the budget. HB 730, modified by HB 1858, must be considered one of the most important measures of the 62nd Legislature. The state sales tax was increased from 3-1/4 percent to 4 percent, and the motor vehicle sales tax from 3 percent to 4 percent. In addition, auto rentals were included in the motor vehicle sales tax. The tax on cigarettes was increased by three cents per pack, with one cent per pack of the increased rate dedicated to a special fund to be used for the acquisition of new state parks. The tax on corporations was increased. It raised the corporate franchise tax by \$1.25 per \$1,000 of stated capital for three years. HB 1858 removed certain increases in gasoline and diesel fuel taxes and left financing of the farm-to-market road system unchanged. The 62nd Legislature, like its predecessors, avoided enactment of any form of state income tax.

Additional taxes and tax increases relating to alcoholic beverages were enacted (see Liquor Regulation). HB 681 reduced the beer barrel tax by 25 percent for certain small brewers.

Several forms of new tax exemptions were created. SB 1 exempted from the sales tax sales of motion picture films to or by a television station. HB 502 exempted certain nonprofit housing cooperative corporations from the franchise tax. Exempted from the sales tax by HB 1235 are all commercial marine vessels having at least 50 tons displacement; previously, only those vessels built in the state were exempt.

HB 329 amends the tax on gross premiums of insurance companies to include group hospital insurance companies whether operating

for profit or otherwise. Prior to the enactment of this law insurance premiums paid for group hospitalization were not subject to the tax. However, the law exempts from the tax the amount of premiums paid by the state or federal governments for policies covering welfare recipients.

The state store tax is now being phased out and will be totally repealed effective January 1, 1975, under terms of SB 244. This tax includes the controversial chain store tax and is reduced and then eliminated along with the tax on single stores.

Cigarettes made from tobacco substitutes are removed from application of the cigarette tax by HB 651.

SB 422 provided that the state tax lien for delinquent admission taxes may be applied only against the property of the owner or operator of the amusement; previously, the lien was applicable against the owner of the property on which the amusement was located even though this owner was not liable for the amusement tax and had no relationship to the amusement business.

SB 911 authorized and validated the imposition of a hotel occupancy tax by cities at not more than 3 percent of the room rental if the room rate is at least \$2 per day. The act required that this money be used for civic, convention, or other like centers and allowed dedication of the funds collected for bond backing.

The inheritance tax law was amended by HB 630 to conform to various changes in federal law. Among other changes, the act eliminated the need for a preliminary report and shortened the time for closing the estate.

The 62nd Legislature made several changes in the handling of motor fuel, diesel, and special fuels relating to tax uses. The motor fuel tax was amended by HB 752 to change the allowance for evaporation losses, authorize certain tax-free sales without specific approval of the comptroller, change certain bonding requirements for permit holders, and make other administrative modifications. HB 297 allows deliveries of diesel fuel to distributors of fuel for airplanes only. And SB 460 changes administrative provisions and distribution methods for liquefied gas. HB 146 changes the presumption for fuel consumption by highway users of L.P.G. (liquefied petroleum gas).

HB 1674 changes the surety bond requirements for distributors of cigarette stamps, changes the discount rate for distributors from 2-1/4 percent to 2-3/4 percent, and requires that stamps be affixed within 96 hours of receipt in most instances.

Under SB 251 the fee of the tax assessor-collector on motor vehicle sales tax receipts was increased from 3.5 percent to 5 percent.

A number of changes in the ad valorem property tax law were made by the 62nd Legislature. However, most of these changes were



important only locally, with no significant change in the property tax resulting. Possibly as a prelude to needed reform in this area, SB 414 was enacted to create the Legislative Property Tax Committee, with comprehensive duties and broad powers to study and evaluate the property tax system. This new committee partially replaces the State Tax Board and succeeds to many of the board's functions.

SB 877 prohibits the filing of suits to collect delinquent property taxes on property which is owned and occupied as a homestead by any person 65 years old or older.

Property owned by a nonprofit corporation and used as an ecological laboratory by a college or university is exempted from property taxes under SB 397.

HB 302 relates to the compilation of delinquent tax records and increases the fee that may be paid for the compilation from 10 cents to 20 cents per item or written line.

HB 1099 amends Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925. The first article is amended by reducing from three years to one year the time after which property (land and/or improvements) leased by the state or, as is now provided, by any other public entity in the state, is taxable to the lessee as if he owned the property. The lease of a public transportation building or facility, of a concession in certain types of public properties, or of publicly-owned grazing or agricultural property is now excluded from these provisions. The bill also amends Article 7174 to allow for certain reductions in the valuation for taxation of leasehold estates on exempt property.

The remaining tax legislation of the 62nd Legislature includes local bills affecting school district tax rates--SB 905 and House Bills 493, 785, 1081, 1259, 1615, and 1676.

Appropriations                      The two-year general appropriations bill (SB 11) was the subject of lengthy debate in both house and senate and was not finally adopted until a conference committee had presented its revised version on May 29, 1971, two days before the regular session was adjourned. In keeping with the upward trend beginning with post-World War II, the biennial appropriations for fiscal years ending August 31, 1972, and August 31, 1973, reached the highest total in Texas history--\$7,132,289,243. Even so, new revenues anticipated from tax measures enacted by the 62nd Legislature and tax laws already in effect gave assurance that revenues would equal or surpass spending. However, on June 20, 1971, Governor Preston Smith vetoed appropriations for the entire second year of the biennium, and this cut, together with other line-item vetoes of the first year, reduced the total appropriation to \$3,938,847,076. (Governor Smith's veto message regarding SB 11 is included in full in Appendix B.) Nearly 21 percent of the first year's budget is allocated for public welfare programs but at the governor's request no state welfare appropriations were included for

1973 because of anticipated increases in welfare assistance from the federal government. (Other allocations of funds under SB 11 will be discussed in more detail under pertinent subject headings of this report.) The veto of the second year of the appropriations bill and welfare needs will, of course, make another called session of the 62nd Legislature necessary. Early in the regular session legislation to meet the then-existing welfare crisis suspended teacher retirement allocations from the Omnibus Tax Clearance Fund on a temporary basis. This purpose was accomplished by SB 256.

A proposed constitutional amendment (SJR 5) was adopted by the 62nd Legislature and submitted to the Texas electorate on May 18, 1971, which would have removed the limitation on total state appropriations for assistance grants for the needy aged, the needy blind, and the needy disabled and set a limitation on total state appropriations during a fiscal year for assistance grants for needy dependent children and their caretakers. This proposed amendment was defeated at the polls.

### The Legislature and Reapportionment

The  
Legislature

On organizing and adopting rules for the operation of the 62nd Legislature, each house added new standing committees or changed designations of some existing committees. The senate dropped the standing committee on contingent expenses and assigned the committee's functions to a new committee on administration. A standing committee on environmental matters was also created under the Rules of the Senate. In the house of representatives, new standing committees on business and marketing affairs and resolutions and interim activities were created, while the standing committee on enrolled and engrossed bills was redesignated the standing committee on engrossed and enrolled bills.

Seven constitutional amendments proposed by the 62nd Legislature relate to the legislature and legislative authority. SJR 15, which has already been submitted to Texas voters and was defeated on May 18, 1971, would have established a State Ethics Commission empowered to set rules of ethics for members of the legislature, state officers, and legislative officers, as well as recommend compensation for members of the legislature and the lieutenant governor. HJR 21, submitted to the electorate at the same election on May 18, would have permitted the legislature to propose amendments to the constitution in called as well as regular sessions of the legislature. This proposed amendment was also defeated by the Texas electorate.

The same proposal to permit the submission of proposed constitutional amendments at special as well as regular sessions of the legislature is incorporated in HJR 68, to be considered by Texas voters on November 7, 1972. In addition, this proposed amendment alters the method of publishing notice of proposed amendments.

HJR 58 proposes an annual salary of \$8,400 for members of the legislature, plus \$12 per diem for the first 120 days of each regular session and for the full 30 days of each special session. This proposed amendment would also permit the speaker and the lieutenant governor to receive the same per diem expense allowance.

Of great significance is the constitutional amendment proposed by HJR 61. If adopted by the Texas electorate on November 7, 1972, this amendment would give the legislature authority to establish a constitutional revision commission, which would report its recommendations no later than November 1, 1973. Members of the 63rd Legislature would then be convened in January, 1974, as a constitutional convention to remain in session for 60 days for the purpose of drafting a new constitution to be submitted to the voters of Texas.

Along with other high state officials, the length of term served by the lieutenant governor would be increased to four years in the amendment proposed by SJR 1. Also, under HJR 95, the annual salaries of the lieutenant governor and the speaker would be set at \$22,500. Currently, these officers receive the same \$4,800 plus per diem that is established for members of the legislature.

In the regular session's final hours, HB 203 was enacted to provide the long-awaited code of ethics which has been the subject of discussion and debate for the past several legislative sessions. The act sets standards of conduct for members of the legislature, legislative employees, statewide elected officials, except the judicial branch, and all elected officials of the state or any of its political subdivisions. Appointed state officials and employees of state agencies and regulatory agencies are also subject to the act, which requires that complete financial statements be filed by the officials listed as well as every employee making a salary in excess of \$11,000.

SB 414 created the Legislative Property Tax Committee to inquire into the process of ad valorem taxation and to investigate property tax systems of other states, in addition to making a comprehensive study of all past and present ad valorem laws of Texas. The five-member committee is composed of one senator, appointed by the lieutenant governor, one representative appointed by the speaker of the house of representatives, a public representative appointed by the governor, an attorney-at-law appointed by the chief justice of the Supreme Court of Texas, and one tax assessor-collector (present, former, or retired) of any Texas tax unit appointed by the comptroller.

SB 154 amended Article 6228g, Section 6, of Vernon's Texas Civil Statutes, to permit a member of a county and district retirement system to count as creditable service prior service in the legislature.

HB 260 authorizes the Legislative Library Board to set the salary and the term of the director of the Legislative Library.

More than 175 special committees of the 62nd Legislature were created by the 62nd Legislature in its regular and first called sessions, many by simple resolution, some by concurrent resolution, and others by statute. In addition, the Texas Legislative Council, considered the research arm of the legislature, the Legislative Budget Board, and the Legislative Audit Committee will continue to function during the interim. A complete listing of house and senate interim committees and appointments to be made by the lieutenant governor and the speaker, as well as boards of which these officials are ex officio members, is included in Appendix A.

Reapportionment Legislative and congressional redistricting, made necessary by the 1970 census, was a major task. Reapportionment stood high in the order of business when the 62nd Legislature convened on January 12, 1971, but it wasn't until the last days of the regular session that HB 893, reapportioning the state's 150 legislative house seats, was enacted. To give new population concentrations the representation they desire and that is required under the federal courts "one man, one vote" mandate, and at the same time maintain the 150 districts of incumbents according to their desires, is always an impossible task.

Urbanization of Texas which began in the mid-40's has created continuing conflict between metropolitan and rural representation as each new decennial census has required reapportionment. The reapportionment achieved by HB 893 pitted a number of incumbents against one another and the end result managed to alienate nearly as many members as it pleased. Nevertheless, HB 893 was finally passed and the often controversial multimember districts were retained. Then on Monday, June 7, 1971, the United States Supreme Court issued a long-awaited ruling that "Multimember legislative districts do not necessarily dilute the voting strength of minority groups." Apparently, house reapportionment is in better shape than many thought.

Congressional reapportionment wasn't accomplished until the four-day called session, when SB 1 was adopted. State population increases gave Texas one additional congressional seat, to bring the total number of congressional districts to 24. (Copies of congressional and legislative reapportionment maps are included in this report as Appendix C.)

The senate gave up the job of redistricting the upper house, leaving the chore to the Legislative Redistricting Board, composed of the lieutenant governor, the speaker, the attorney general, the land commissioner, and the comptroller.

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

State Officials      As discussed in the section of this report relating to The Legislature, a constitutional amendment (SJR 15) was proposed which would create a State Ethics Commission to set rules of ethics to govern the conduct of all legislators, legislative officers, and other specified officeholders, and to prescribe compensation for legislators, the speaker of the house of representatives and the lieutenant governor. This amendment was defeated by the voters in an election held May 18, 1971. Additional constitutional amendments (HJR 58, HJR 95, HJR 96) have been proposed by the 62nd Legislature dealing with rules of ethics for public officials and compensation for members of the Legislature. A more detailed explanation of these proposed amendments is provided in the section relating to The Legislature.

SB 144 amends Article 5949 to require social security numbers on applications for appointment to the office of notary public and on the bonds which must be executed by persons appointed as notaries public.

HB 66 amends the Texas Civil Protection Act of 1951 to allow the governor and executive officers of the political subdivisions to request the cooperation of the Red Cross, Salvation Army, and licensed ambulance companies and to designate them as official defense and disaster relief agents in times of natural disaster.

The 62nd Legislature enacted HB 203 creating a State Ethics Commission and amending the original code of ethics passed in 1957 (Article 6252-9) which defines standards of conduct for members of the legislature, legislative employees, elected state officials, appointed state officials, and others who have an office of honor or trust in the State of Texas or any of its political subdivisions. The State Ethics Commission is to be composed of 3 members of the House of Representatives elected by the members of the House, 3 members of the Senate elected by the members of the Senate, 2 persons appointed by the chief justice of the Supreme Court of Texas, 2 persons appointed by the presiding judge of the Court of Criminal Appeals, and 2 persons appointed by the chairman of the State Judicial Qualifications Commission. The major revisions made by HB 203 relate to the establishment of more specific standards and definitions of practices which are prohibited. One new provision is that each elected and appointed state official, and state and legislative employee whose salary from the state exceeds \$11,000 is required to file a financial statement with the secretary of state in April of each year. Failure of any person covered by the act to comply with the standards of conduct is grounds for expulsion, removal from office, or discharge, whichever is applicable to the individual. Violation

of the provisions of the act is a felony and upon conviction the offender is punishable by a fine of not more than \$10,000 or imprisonment in the state penitentiary for not more than 5 years, or both. Any contract, agreement, ruling, or any other arrangement binding on the state that was issued because of a violation of the act may, at the state's option, be cancelled without further obligation on the part of the state, or limited to any degree the state deems proper without obligation.

State Departments and Agencies      Several new commissions and agencies were created by measures enacted by the 62nd Legislature. The legislature responded to the increasing problems of local government by creating the Texas Department of Community Affairs (SB 80) to assist local governments in providing essential public service for their citizens and in overcoming financial, social, and environmental problems. The department is also to assist the governor and the legislature in coordinating federal and state programs affecting local government and to recommend needed actions.

SB 494 creates a Texas Advisory Commission on Intergovernmental Relations to improve the coordination and cooperation between the state and its local governments and between the state and federal government.

The State Law Library was created by SB 528 to assume the functions and duties performed by the Supreme Court Library and all books, documents, files, records, equipment, and property owned and used by the Supreme Court Library, the Court of Criminal Appeals Library and the Attorney General's Library. The new library is under the control of and administered by the State Law Library Board composed of the chief justice of the supreme court, the presiding judge of the court of criminal appeals, and the attorney general.

SB 535 creates the State of Texas Building Materials and Systems Testing Laboratory to engage in the testing and evaluation of building materials, products, and systems in order to establish performance capability standards. The purpose of this legislation is to remedy the situation where local governments have been reluctant to permit the use of innovative methods and materials because of the lack of a competent facility for testing the performance ability of the innovations.

The Texas Ranger Commemorative Commission was created by SB 709 to supervise and plan activities relating to the 150th anniversary of the Texas Rangers in 1973. The commission, to be composed of 5 members appointed by the Speaker of the House of Representatives and 5 members appointed by the Lieutenant Governor, is authorized to appoint 75 advisory members, to issue a commemorative medal, to issue a commemorative pistol or rifle, and to plan, supervise, and direct all celebrations held in connection with the 150th anniversary of the Texas Rangers.

HB 483 created the Texas Council on Marine-Related Affairs as an advisory body to assist in the comprehensive assessment and planning of marine-related affairs in the state and their relationship to national and international marine-related affairs. The governor, lieutenant governor, and speaker of the house of representatives each appoint 4 members to the 12-member council.

The Texas Surplus Property Agency was established as a permanent state agency by the passage of HB 216. The agency has previously existed on a two-year basis, as provided by each new legislature.

A new Texas Historical Resources Development Council was created by HB 1031 to coordinate the efforts of various state agencies in developing, publicizing, and utilizing the historical resources of Texas.

In 1965 the Texas Legislature established the Division of State-Federal Relations within the Office of the Governor to coordinate state and federal grants and programs. By HB 1684 the 62nd Legislature established the Office of State-Federal Relations as a separate agency to better serve as a general liaison office from the state government to the federal government.

HB 1784 changes the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities and correspondingly broadens the duties and responsibilities of the commission to include the humanities as well as the arts.

The Texas Banking Code was amended by SB 75 to include specific employment experience requirements for members of the banking section and the building and loan section of the Finance Commission of Texas. The banking section is also to consist of four members who are officers in state banks as compared to the previous requirement of one such member.

SB 91 authorizes all state agencies and institutions to make advance payments to federal and state agencies for merchandise purchased from such agencies when advance payments will expedite delivery.

The name of the Commission for Rehabilitation was changed by SB 185 to Texas Rehabilitation Commission, thus eliminating confusion which has resulted from the common use of the new name in the past.

Article 8280-9 was amended by SB 229 to provide that the Texas Water Development Board may accept revenue bonds as well as money from municipalities as consideration for the sale or transfer of the State's interest in water storage facilities.

SB 242 amends Article 1011m relating to Regional Planning Commissions by making minor changes in definitions and requiring that

the geographic boundaries of regional planning commissions must be consistent with State Planning Regions as delineated by the governor.

SB 255 broadens the powers of the Commission on Fire Protection Personnel Standards and Education to include the setting of standards and requirements. Under existing law the commission had only the power to suggest and recommend such standards and requirements relating to fire prevention personnel and education.

Under HB 26, the State Board of Insurance is assigned the administration of this act providing for the regulation of the servicing of portable fire extinguishers and the installing and servicing of fixed fire extinguisher systems. Administration will be through the State Fire Marshal.

The land of the Confederate Women's Home was transferred by SB 412 from the Texas Department of Mental Health and Mental Retardation to the State Building Commission, which is directed by the legislation to convey the land to any state board, commission, or agency which can prove a need for the land and can prove that it will be used for a worthwhile purpose.

SB 468 amends Article 4437d to provide that the Hospital Advisory Council have at least one representative particularly concerned with education or training of health professionals.

SB 489 authorizes the State Building Commission to grant easements and rights-of-way on behalf of the State of Texas which are necessary to secure the proper utility services needed for the construction, improvement, or use and operation of any state agency project administered by the State Building Commission.

Notice of meetings of the governmental body of water districts or other political subdivisions covering all or part of four or more counties is required by SB 557 to be posted in the State Capitol as well as at places required by the present law.

State departments and agencies were authorized by SB 578 to insure their officers and employees from liability arising out of the use, operation and maintenance of agency or department-owned aircraft, motorboats, or watercraft used in the operation of the agency or department.

SB 676 allows the Good Neighbor Commission greater freedom to spend funds donated by private sources and enables the commission to develop specific programs to achieve the betterment of migrants' travel and living conditions.

SB 828 authorizes the Commission for the Blind to grant easements and rights-of-way necessary for the construction of the Criss Cole Rehabilitation Center for the Blind in Austin.

SB 829 transferred the duties presently held by the Division of Vocational Rehabilitation of the Texas Educational Agency to the



Texas Rehabilitation Commission in regard to the regulation of the vending facilities on state property which are operated by the blind.

The Texas Rural Industrial Development Act (SB 931) was enacted by the 62nd Legislature in an effort to promote industrial development in the rural areas of the state. The Texas Industrial Commission is authorized to loan up to 40 percent of the cost of a rural industrial development project if the industrial development agency proposing the project puts up 10 percent of the cost and meets the requirements of the act.

SB 938 amends Article 678f to exempt the Texas Agriculture Department from obtaining permission from the building commission before building pens, sheds, and ancillary buildings for processing of livestock prior to export.

In an effort to bring uniformity in the operation and management of state-owned museums located on state-supported senior college and university campuses, SB 1021 provided that each college or university formulate reasonable rules and regulations governing these museums. The state auditor is authorized to audit the financial records pertaining to expenditure of funds by these museums.

HB 22 amended Article 6145 by adding a new Section 9c, which provides that no county may demolish, sell, lease, or damage the historical or architectural integrity of that county's courthouse without first giving six months' notice to the Texas State Historical Survey Committee. If the committee determines that the courthouse has historical significance, it must give the county notice and the county cannot alter the status of the courthouse for 180 days. The Texas State Historical Survey Committee has this 180-day period to cooperate with interested persons or organizations to preserve the historical heritage of the courthouse.

The Texas Outstanding Service Medal was established by HB 30. The medal may be presented to any member of the state military forces for meritorious and outstanding service.

The Professional Services Procurement Act (HB 76) eliminates competitive bidding in the procurement of the professional services of physicians, optometrists, surgeons, architects, certified public accountants, or registered engineers by any agency or department of the state or other governmental body within the state. This measure insures that the performance of services vitally affecting the health, welfare, and safety of the public will not be based on competitive bidding which might place a premium on incompetence.

HB 102 postpones recognition of the federal census from the first day of January of the year immediately following the calendar year during which the census is taken to the first day of September. This provision will prevent inequitable treatment of certain

counties through bills operative on the basis of population and will give the legislature sufficient time to meet and readjust all bills operative on the basis of population.

HB 144 alters the membership of the Texas National Guard Armory Board by providing that it be composed of the two senior officers of the Texas Army National Guard and the senior officer of the Texas Air National Guard.

The 61st Legislature created the Legislative Reference Library as a separate state agency, but the wording of this legislation prevented the director from receiving a salary increase in the General Appropriations Act. HB 260 corrected this by amending Article 5444a to allow the Legislative Library Board to set the director's salary and tenure.

The Antiquities Code of Texas was amended by HB 282 to allow the Antiquities Committee to arrange or contract with other state agencies or institutions, or with qualified institutions, corporations, or individuals, for the public display of artifacts in the locality or region in which the artifacts were discovered.

HB 440 amends Article 666 to require the Board of Control to give state agencies and counties advance notice when surplus equipment or material is available for sale. This prevents the agencies and counties from having to bid against the general public, with the correspondingly higher costs.

The purpose of HB 646 is to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of intergovernmental contracting. Known as the Interlocal Cooperation Act, the new law authorizes any political subdivision to contract or agree with other political subdivisions to perform governmental functions and services which are of mutual concern to the contracting parties.

Political subdivisions are required by HB 930 to submit all contracts involving over \$1,000 to competitive bidding. However, exceptions from the competitive bidding requirement are made when the contract is for certain professional services or when the contract involves an emergency situation.

HB 933 amends the law relating to the State Cemetery to allow the unmarried child or children of parents eligible for burial in the State Cemetery to be buried alongside the parents if such child dies in a state eleemosynary institution.

HB 948 authorizes the Parks and Wildlife Commission to quitclaim the state's interest in 31 acres of land in Goliad State Park to the City and County of Goliad for use as a public recreation area.

HB 1015 grants authority to the State Land Commissioner to convey to the federal government the state's title and interest to certain sections of land in the Big Bend National Park at an appraised price or in trade for land of equal value.

In an effort to protect the health and welfare of migrant laborers in Texas, the 62nd Legislature enacted HB 1254, which requires the licensing, supervision, and regulation of migrant labor camps by the State Department of Health and provides penalties for violations of these regulations. The State Commissioner of Health is authorized to inspect the camps at any reasonable time after notice to the camp operator. In addition to penalty by fine, injunction remedies are also available to the commissioner.

HB 1190 provides that invoices for supplies or services contracted for by the State Board of Control are to be submitted under rules and regulations of the Board of Control, rather than on forms prepared by the attorney general as required by former law.

The provisions relating to the Texas Rangers are reenacted by HB 1203 with amendments to authorize the Public Safety Commission to appoint retired officers of the Department of Public Safety as Special Rangers.

The State Commission for the Deaf was created by HB 1293 to be responsible for rendering all services to the deaf except those services which are by law the responsibility of the welfare, educational, or other agency of the state. The commission is to serve as an agency for the collection of information concerning the deaf and related matters, and the dispensing of this information to interested persons.

The needs of handicapped persons in the use of public buildings led to the adoption of HB 1319. It requires all plans for public buildings to be approved by the State Building Commission in order to insure the fullest practical compliance with criteria designed to help the handicapped. The act also requires the fullest compliance with the criteria which is practical in buildings leased or rented by public agencies.

A system of regional historical resource depositories was created by HB 1401. The new statewide system will include designated college and university libraries and certain state depositories and will provide for the orderly and uniform retention and preservation of books, documents, maps, photographs, and other resources of historical interest or value.

To help alleviate the crowded conditions and long waiting lines for gaining admittance to state schools, a new State Center for Human Development for the San Antonio area was authorized by HB 1436.

To facilitate the installation of a needed gas line on the campus of Texas Tech University, HB 1456 authorized the chairman of the Texas Tech board of regents to execute a deed conveying easement rights on the state-owned land to the Pioneer Natural Gas Company.

The State Board of Control is given specific authority by HB 1617 to reject a bid which does not conform to specifications required by the board, even though that bid is the lowest in price.

HB 1851 authorizes the commissioner of the General Land Office to sell to the Boy Scouts of America a 19.5 acre tract of state-owned land in Henderson County for use as part of the Clements Boy Scout Reservation.

SB 184 was enacted to correct an inequity of the law. It amends Article 6252-8a to provide that the estates of an employee of the Texas Rehabilitation Commission may be paid for accumulated vacation leave and for one-half of accumulated sick leave in the event of the death of that employee. The fact that Texas Rehabilitation Commission employees are members of the Teacher Retirement System had prevented their estates from receiving such payments.

Retirement benefits for state employees were increased by enactment of SB 531. The minimum service retirement annuity was increased to \$60 per month, and the minimum disability retirement annuity was increased to \$90 per month. The act also increased annuities payable to appointive officers and employees who retired prior to September 1, 1969, and made other changes relating to the benefits of elective state officials. It also increased the contribution amounts of each member and the state from 5 percent to 6 percent.

SB 975 amends Article 6228a-5 to give the comptroller of public accounts authority to deduct certain amounts of money from salaries of public employees who wish to participate in an annuity purchase agreement. The comptroller must have written authorization from the annuity program participant, and the participants must have exclusive control of the annuity contracts.

The Department of Mental Health and Mental Retardation and the schools and hospitals under its jurisdiction were given authority under HB 652 to purchase annuities for the benefit of their employees. Other state and political subdivision hospitals were included in the act.

HB 750 adds a new provision to the State Employees Retirement Act allowing a person entitled to creditable service for years in which he did not contribute to the system, to pay the stated sum in monthly installments over a period of up to four years.

Another new provision relating to creditable service in the State Employees Retirement Act was added by HB 862, which provides that a member may claim service during which his duties, responsibilities, and terms of employment were established by the state or by a state agency although compensation was paid by a county. This new provision recognizes many county attorneys as state officials for retirement purposes since they often fulfill the duties of an assistant district attorney.

HB 909 prohibits discriminatory action by any officer or employee of state or local government against any person on the basis of sex.

The compensation system for members of state military forces, including the Texas State Guard, was revised by HB 966 to provide that base pay for active service shall never be less than the current state per diem, as set by appropriation. This system will work to offset inflation by allowing the base pay to rise as the inflation-adjusted per diem appropriation rises.

HB 1709 increases from \$7,200 to \$12,000 per year the maximum amount of compensation which may be paid to an employee of the Battleship Texas Commission.

Examining and  
Licensing  
Agencies

The rule-making function of the Texas State Board of Dental Examiners was broadened by the enactment of SB 246 to include rules it deems necessary to set and maintain standards of professional conduct of persons under the board's jurisdiction and to protect the public health and welfare.

SB 327 defines the grounds for which the Texas Board of Chiropractic Examiners may refuse examinations, cancel, revoke, or suspend licenses or place licensees on probation. It also provides regulations for advertising by chiropractors.

The Texas Motor Vehicle Commission Code (SB 140) was enacted to insure a sound system of distribution and sale of new motor vehicles by licensing and regulation of the manufacturers, distributors, and franchised dealers. The act creates and provides for the organization, powers and duties of the Texas Motor Vehicle Commission, to be composed of six members appointed by the governor. Violation of any of the provisions of the act, or of any rule, regulation, or order of the commission is subject to a civil penalty of not less than \$50 nor more than \$1,000, and injunction.

SB 365 expanded the Board of Dental Examiners from six to nine members and increased the maximum annual license fees of dentists from \$12 to \$50, and of dental hygienists from \$12 to \$25. If fees are unpaid for 3 years, licenses may be cancelled if 90-day notice is given.

SB 543 increased the fees charged by the Board of Vocational Nurse Examiners and added a fee for reexamination. Fees for application and examination, reexamination, and license by reciprocity were set "not to exceed \$25"; the annual renewal fee was increased from \$2 to not more than \$5.

The name of the Texas Board of Private Detectives, Private Investigators, Private Patrolmen, Private Guards, and Managers was changed by SB 768 to the Texas Board of Private Detectives, Private Investigators and Private Security Agencies. This legislation also expanded and generally clarified the previous act passed by the legislature in 1969.

HB 882 amends Articles 4501, 4503, and 4505, Vernon's Texas Civil Statutes, to redefine or add to requirements for application for licensure by the Texas State Board of Medical Examiners. Subject matter which must be included upon examination for a license to practice medicine is redefined. The act also defines unprofessional or dishonorable conduct which may disqualify a person from taking the examination.

Article 4582b of Vernon's Texas Civil Statutes, relating to funeral directing and embalming as regulated by the State Board of Morticians, is amended by HB 749 to lower the minimum age for apprenticeship for a license to practice the science of embalming from 19 to 18 years. Reasons under which the board may revoke or suspend licenses or refuse to admit persons to examinations are enlarged, and procedures to be used by the board in investigations of funeral establishments and their practices are more clearly defined. Also, the annual renewal license fees are increased to an amount not greater than \$50, with the initial fee raised to not greater than \$250.

Under HB 1001, the need for the Texas Private Employment Agency Regulatory Board to reflect more representation from the larger counties is recognized by deleting the requirements that no more than two members of the board may be from any one senatorial district and no more than two members of the board may be from the same county. Four, rather than three, board members are required to be from a multiple office or franchise operation. However, members of the board currently in office are to continue serving for the terms for which they were appointed.

The Board of Physical Therapy Examiners was established by SB 344. To consist of nine members, appointed by the Governor with the consent of the Senate, membership on this board to license physical therapists must be certified physical therapists with at least five years of experience and residents of the State of Texas. Effective September 1, 1971, the act sets certain educational requirements and establishes a \$15 fee for the license.

SB 910, The Texas Structural Pest Control Act, provides for state regulation of the structural pest control business. The bill creates the seven-member Texas Structural Pest Control Board and provides for the licensing of persons engaged in the business of inspection for and/or exterminating pests which infest households and other structures. The board may require applicants to pass an examination as a part of the standards for licensing and may promulgate rules governing the methods of structural pest control in order to prevent adverse effects on human life and the environment.

SB 559 allows a person who has filed a declaration of intention to become a citizen of the United States to be eligible for a license to practice Optometry. Previously, the requirement was that the person must be a United States citizen. If the person does not become a United States citizen within 5 years, his license will automatically expire.

The Board of Vocational Nursing Examiners was authorized by SB 928 to delegate the power to hold the Vocational Nursing Examination, thus allowing examinations to be given in various cities across the state.

HB 26 requires that firms engaged in the business of servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems must have a certificate of registration issued by the State Board of Insurance. Each employee of such firms must have a license issued by the State Board of Insurance. This legislation also requires that no portable fire extinguisher or fixed fire extinguisher system may be sold or installed in the state unless it carries a label of approval of a nationally-recognized testing laboratory or a testing laboratory approved by the State Board of Insurance. The State Board of Insurance is authorized to issue rules and regulations which it considers necessary to the administration of this act. Violation of the act carries a fine of not less than \$100 nor more than \$200 for the first offense, not less than \$300 nor more than \$1,000 for the second offense, and imprisonment for not less than one nor more than two years for the third offense.

The attorney general said that the law providing for the appointment and terms of office of members of the Texas State Board of Examiners of Psychologists was improperly written. The 62nd Legislature corrected this by passing HB 63, which provides that the terms of members of the board be six years.

The Texas Cosmetology Commission was created by HB 156 to regulate cosmetologists and hairdressers. The commission is to be composed of six members appointed by the governor for terms of six years. Included among the powers and duties of the commission are the issuance of rules and regulations after public hearing, setting minimum curricula for beauty schools, prescribing the method and content of examinations, and establishing sanitation rules and regulations.

HB 581 made a supplemental appropriation to the Board of Architectural Examiners for the year ending August 31, 1971, and increased the salary of the executive secretary to \$12,000 per year.

Prior to the enactment of HB 602, there were no standards established for qualification of persons holding themselves out as athletic trainers. This bill created the Texas Board of Athletic

Trainers for the purpose of regulating the profession by licensing existing and all future trainers before they may practice within the state. The board is to be composed of three members appointed by the governor for six-year terms; except for the initial appointees, two members must be licensed athletic trainers and one member must be a physician licensed by the state. Fees provided by the act are an examination fee of \$25, license fee of \$25, and annual license renewal fee of \$10. Persons actively engaged as athletic trainers on the effective date of the act will be licensed without taking the examination if they submit proof of 5 years' experience as an athletic trainer within the preceding 10-year period and pay the required license fee.

The Texas State Board of Public Accountancy is funded from fees it receives, and due to increased expenses in examining and licensing accountants the fees have been increased by HB 797. The original issuance fee of a certified public accountant was increased to a \$75 maximum; the examination fee was increased to a maximum of \$75; the annual permit fee was increased to a maximum of \$20. The board will determine the specific amount of each fee up to maximums indicated annually.

In other legislation dealing with certified public accountants, HB 798 provides that all nine members of the Texas State Board of Public Accountancy may be certified public accountants where only five so qualified were previously allowed. This legislation also allows citizens of foreign countries to become certified public accountants by establishing residency as an option to citizenship for eligibility to take the required examination.

HB 1118 amended Articles 4570 and 4573, Revised Civil Statutes of Texas, 1925, to establish the ground on which the State Board of Podiatry Examiners may refuse to admit a person to practice podiatry and to establish the grounds and procedure for the revocation, cancellation, or suspension of the license of any practitioner of podiatry. The purpose of this act is to conform existing legislation to the Texas Medical Practice Act.

HB 1352 reenacts a temporary 1939 law to allow any person who was practicing architecture prior to May 22, 1937, to receive a license without taking the examination by paying the \$25 fee within 90 days after the bill goes into effect.

HB 1482 amended Article 4566 by increasing fees charged by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids. The temporary training permit fee was increased from \$10 to \$25; the examination for license fee was increased from \$25 to \$35; the annual renewal fee was increased from \$50 to \$67.50 in 1972, and to \$75 thereafter.



The size of the Texas Board of Licensure for Nursing Home Administrators was increased from 9 to 11 members by HB 1756. The act also provides for staggered six-year terms and requires that only licensed nursing home administrators may serve as a nursing home administrator representative on the board. HB 1002 amended Article 4442d, Vernon's Texas Civil Statutes, to set the date of expiration of licenses for nursing home administrators on June 30 of even-numbered years and also increased the examination fee from \$35 to \$70.

### Water--The Water Code

The 62nd Legislature enacted more important legislation relating to water than almost any session in history. Included in this legislation were bills affecting all areas of water conservation and development.

A major problem which has confronted the state for a number of years has been the confusion and uncertainty created by the piecemeal development of the state's water laws. In 1966 the Texas Legislative Council, through its continuing statutory revision program, undertook the preparation of the Water Code. After five years of careful work, the staff of the council and an advisory committee consisting of prominent attorneys specializing in water law completed the code and it was introduced and enacted by the 62nd Legislature as HB 343. The Water Code is a formal revision of the state's general water laws. No substantive changes have been made, but the laws included in the code are organized in a manner which will make them easier to locate and are rewritten in modern English so that they will be easier to understand and apply.

The Water Code was passed early in the legislative session, so that any general water laws introduced might be amended to conform to the code. Most of the bills were amended in this fashion as they were passed, and near the end of the session HB 1890 was enacted to bring nearly all of the remaining bills into conformity with the code.

During the preparation of the Water Code the staff and the advisory committee found a number of archaic, obsolete, conflicting, and other problem provisions; however, corrections of these provisions would have constituted substantive change. For this reason, the advisory committee recommended that these substantive changes be made and a separate bill (HB 1412), to be discussed later, was the result.

Municipal Utility  
Districts

The rapid growth of many of the state's larger urban areas has created a serious problem in providing water and sewer services to housing developments surrounding these cities. The ultimate solution to this problem has been the creation of

numerous municipal utility districts by special act of the legislature. These special districts usually have very broad authority and unlimited tax and bond powers.

In recent years these districts have multiplied at an alarming rate and have been the subject of much criticism for alleged abuses of their powers. Because of the vast number of these districts, the limited time available to the legislature and the Texas Water Rights Commission to assure themselves that the authorization of each of these districts would serve as a public benefit, and the highly technical nature of each individual bill, it has been almost impossible to exert any control over the activities of municipal utility districts. House Bill 1458 helps remedy this situation by adding a new Chapter 54, entitled Municipal Utility Districts, to the Water Code.

Chapter 54 authorizes the creation of municipal utility districts under the general law and sets out detailed provisions for the operation of these districts. In the future, municipal utility districts will be created to operate under the provisions of this chapter either through adoption of an act by the legislature authorizing a specific district or through authorization by the Texas Water Rights Commission. Through creation by either the legislature or the commission, more time will be available for investigation of each individual district before it is approved, and through use of a uniform law the possibility of abuses is reduced.

Waste Water  
Treatment  
Facilities

Their inability to provide adequate waste water treatment facilities is one of the most pressing problems confronting Texas cities. In an effort to help all cities,

the federal government has provided federal grants of up to 30 percent of the construction cost; however, the many demands on local funds have made it difficult, if not impossible, for cities to provide the other 70 percent of the cost required to obtain the federal grant. Recently, the federal government has agreed to increase its grant up to 55 percent of the construction cost of the facilities if the grant is matched with state funds constituting 25 percent of the cost of the facilities.

To make it possible for the state to provide the required 25 percent share, the 62nd Legislature passed SJR 17, proposing an amendment to the Texas Constitution that would authorize the sale of an additional \$100 million in Water Development bonds. The amendment was submitted to the Texas electorate and was adopted on May 18, 1971.

Enabling legislation for the amendment proposed in SJR 17 was included in HB 1440, which authorized the Texas Water Quality Board to make loans to local governments constituting the state's share of matching funds for the federal grant. Two loan methods have been provided: (1) a local government can sell its bonds

or other securities to the state and proceeds from the sale of the Water Development Bonds will be used to purchase these bonds; (2) the Water Quality Board can make a direct loan if a local government is unable to issue bonds or other securities.

Because of the time involved in certifying the passage of a constitutional amendment and in setting up a program of the magnitude required, the state was in danger of losing its share of federal grant money appropriated for the fiscal year ending June 30, 1971. To prevent this loss, Texas river authorities joined in The State of Texas Water Pollution Control Compact as an entity for making loans similar to those provided by HB 1440 until such time as the Texas Water Quality Board is able to put its program into operation. The compact was ratified by HB 1412, Section 20.

SB 552 relates to improvements to water and sewer systems. The definition of benefited property was changed to exclude reference to certain subdivided or platted property, the interest rate on defaulted assessments was raised from 8 to 10 percent, and the number of cities exempt from assessments for water and sewer improvements was increased.

Texas Water Development Board Under Article III, Section 49-d, of the Texas Constitution, the Texas Water Development Board is authorized, subject to two-thirds approval of both houses of the legislature, to issue an additional \$200 million in Water Development Bonds. HB 1491 was enacted to provide the legislative authorization required by the constitution so that the Texas Water Development Board may proceed to sell the additional \$200 million in bonds and use the proceeds for construction of water projects.

At present the Texas Water Development Board may not purchase more than \$30 million in bonds or other securities of a political subdivision to provide financial assistance for any one project. This limitation was removed by HB 1492.

Two provisions in HB 1412 added to the authority of the Texas Water Development Board. Section 11.409 of the Water Code was amended to allow the board to purchase outstanding prior lien bonds of political subdivisions without having the bonds bear the weighted average effective interest rate on all water development bonds previously sold plus one-half of one percent which must be borne by all other bonds purchased by the board. Section 21 of HB 1412 amended several sections of the Water Development Board Act to authorize the board to use its funds for providing financial assistance for the construction of waste water treatment facilities. Attorney General's Opinion M-735 indicated that the funds could be used for this purpose.

Texas Water Rights Commission Although present law relating to diversion and use of state water covers almost any situation, a definite emergency could arise if an area's water supply should be suddenly cut off. Under the present procedure for obtaining a

permit from the Texas Water Rights Commission, water could not be made available soon enough to avert a crisis. HB 1418 was designed to remedy this situation and authorized the commission, as a part of its administrative authority, to approve emergency permits for the diversion and use of water for a period up to 30 days when the commission determines that emergency conditions exist which override the necessity to comply with the established statutory procedures.

Under present law the fee to use water for recreation or pleasure is 50 cents per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level. HB 1414 removed the fee and provided that no additional fee may be charged for recreational use.

HB 1417 amended Section 5.082 of the Water Code relating to the civil penalty for unlawful use of state water to provide a penalty of not more than \$100 a day for violation. HB 703 provides a civil penalty of not more than \$100 for willful violation of the rules, regulations, and orders of the commission and terms and conditions in declarations of appropriations and permits. An action to collect the penalty may not be brought within two years from the date of the alleged violation under HB 703 and within one year of the alleged violation under HB 1417.

Water Quality Senate Bill 835 contains a number of amendments to the Texas Water Quality Act. Present law includes a provision relating to the regulation and licensing of septic tanks when it is considered necessary by the Water Quality Board or the appropriate commissioners court. SB 835 amended this provision to expand its coverage to all types of private sewage facilities and strengthened the position of the board and counties in regulating the facilities.

Sections 3.26 through 3.28 of the Texas Water Quality Act were amended to change a program of state grants, loans, and contracts to political subdivisions for the construction of water quality enhancement facilities to a program of state grants, loans, and contracts to political subdivisions and other competent public or private entities for planning in the field of water quality enhancement.

A new Section 5.07 was added to the Texas Water Quality Act by SB 835, which requires that cities with a population of more than 5,000 establish water pollution control and abatement programs for the city and authorizes all cities not required to establish the programs to develop such programs. Through these programs cities will maintain inventories and monitor significant waste discharges, collect samples and conduct tests, assist the Water Quality Board in obtaining compliance from waste discharges, and develop and execute reasonable and realistic plans for controlling and abating pollution.

The authority of the Water Quality Board in entering into cooperative agreements with local governments was increased with the board authorized to delegate to local governments powers and

functions of the board which are necessary or helpful in performing water quality management, inspection, and enforcement functions of the board. The delegation of these powers and functions may be modified or rescinded at any time by the board.

Finally, SB 835 requires each local government to enact and enforce rules, regulations, ordinances, orders, or resolutions to control and regulate the type, character, and quality of waste which may be discharged into its disposal system. The local governments are also required to establish charges and assessments to be collected from persons discharging wastes into the disposal system. The Water Quality Board is given authority to grant exceptions to or modifications of these requirements.

River Compact  
In SB 886 the term of office of the Rio Grande Compact Commissioner is increased from two to six years, and the \$250 a month salary provision is removed.

River Authorities  
During the regular session the 62nd Legislature passed one general law relating to all river authorities and a number of laws relating to specific river authorities.

The growing importance of river authorities as state agencies indicated to the legislature that these entities should be brought more in line with other state departments. As a step in this direction, the legislature enacted HB 1541, which requires the state auditor to audit the financial records of all river authorities in the manner provided for audit of records of other state agencies.

HB 1832 was enacted in an effort to modernize the law relating to the Nueces River Conservation and Reclamation District. Under the act the name of the district is changed to the Nueces River Authority, which more accurately describes its functions. Also, this act provides for removal of members of the board of directors of the authority and authorizes payment of reasonable and necessary expenses incurred by the directors and officers on official business.

Under HB 989 the Upper Guadalupe River Authority is given authority to control, develop, store, and preserve the water and floodwater of the Upper Guadalupe River and its tributaries inside and outside the boundaries of the authority. Also, the authority is allowed to provide recreational facilities for public use on the river and to construct, own, and operate sewage gathering, transmission, and disposal services, to charge for the services, and to enter into contracts with municipalities.

A new river authority, known as the Bandera County River Authority, was created by HB 988.

Three bills affecting the Lower Colorado River Authority were passed. SB 232 relates to the appointment of directors of the

LCRA. SB 269 pertains to the issuance and interest on bonds of the authority and authorizes the LCRA to increase the thermal capacity of its generating plants. SB 800 relates to the control of pollution, disposal of sewage, and preservation of natural resources within the authority.

Water  
Districts

In addition to HB 1458, mentioned earlier, the 62nd Legislature enacted many other laws relating to water districts.

Some difficulty has been encountered in the different approaches of certain water districts and river authorities toward the development of public recreational facilities. HB 842 helps to solve this problem by providing a new uniform policy in the development of water resources and the acquisition and improvement of water-related land areas for public recreation.

HB 885 amended the law relating to annexation of certain water districts by cities and towns to include municipal utility districts and all water control and improvement districts, fresh water supply districts, and municipal utility districts which provide drainage services.

The law relating to partial payment of construction contracts by certain water districts is compatible with modern contracting practices and the tight money situation. To ease the hardship on contractors, who have been finding it difficult to obtain adequate funds, the legislature authorized self-liquidating navigation districts (HB 246), water control and improvement districts (HB 1390), and water control and preservation districts (HB 1391) to lower the amount retained from a contract until completion from 20 to 10 percent. House Bills 1390 and 1391 also authorize the districts to pay all amounts of the contract price remaining unpaid before completion of the contract and restructure the provisions relating to partial payments. Additionally, HB 246 authorizes self-liquidating navigation districts to accept bid bonds in lieu of certified checks as security and to secure temporary short-term financing and issue purchase money notes to acquire certain land.

HB 1046 authorized drainage districts to contract for work to be performed, to purchase equipment, material, and supplies in amounts not to exceed \$1,000 without taking bids, and to increase the per diem compensation and automobile expense allowance of district commissioners.

The general navigation district law placing in a board of trustees the control of grain elevators which are being purchased with obligations payable from revenues is amended by SB 329 to expand the coverage to all facilities acquired with revenue obligations.

SB 680 amended the law relating to navigation districts created under Article XVI, Section 59, of the Texas Constitution, to

change the election of navigation commissioners from the first Tuesday in December to the date of the biennial general election. Also, the bill raises the per diem for commissioners from \$10 to \$20.

The organization and acts of all conservation and reclamation districts were validated by HB 458.

Numerous special law water districts are created at each session of the legislature, and the 62nd Legislature continued the practice by creating a flood control district, a river authority, two water control and improvement districts, and 110 municipal utility districts.

Contracts  
Between Cities  
and Water  
Districts

Cities and towns are authorized under present law to enter into contracts with water districts operating under Article XVI, Section 59, of the Texas Constitution, or with nonprofit corporations

under which the district or corporation will acquire for the benefit of the city or town water supply and distribution systems and sanitary sewer systems. HB 1793 amends this law to provide that the districts and corporations may make improvements, enlargements, and extensions of and additions to the existing facilities of the cities and towns.

HB 1672 amended Article 1109e of Vernon's Texas Civil Statutes and Section 62.120 of the Water Code to provide for contracts and leases for the operation of water systems. The amendment to Article 1109e authorizes cities to lease various water facilities to certain water districts and authorizes the city to operate the water district's water facilities through a contract. Section 62.120 authorizes navigation districts created under Article XVI, Section 59, of the Texas Constitution, to enter into contracts with cities and towns for operation of certain portions of the district's water facilities and provides for lease payments and bond maturity.

Houston Ship  
Channel

Two bills relating to the navigation district which operates in connection with the Houston Ship Channel were enacted:

HB 348 authorized the Harris County Houston Ship Channel Navigation District to obtain necessary equipment for preventing, detecting, controlling, and fighting fires on or adjacent to the water in the channel and to enforce ordinances, rules, and regulations which will promote safety within the channel area; also, the bill authorized the district to obtain any necessary traffic control facilities. By HB 347 the name of the Harris County Houston Ship Channel Navigation District was changed to the Port of Houston Authority, the name of the board of navigation and canal commissioners became the port commission, and the title of the general manager was changed to executive director.

## Education

Public  
Schools

SB 2 of the first called session was enacted to bring membership on the State Board of Education in line with the new reapportionment of congressional districts. Under the act, beginning in 1972, members of the board shall be elected from congressional districts as reapportioned following the 1970 decennial census, and provision was made for a similar change in representation following each decennial census. HB 949 requires the board to hold its regular meetings on Saturday instead of Monday, as provided by existing law.

The Central Education Agency, by HB 1078, was directed to prepare a reorganized curriculum based on the operation of public schools on a quarter system. Beginning with the 1972-1973 school year a school district may operate on the quarter system and the system will be mandatory for all school districts beginning with the 1973-1974 school year. Better utilization of school facilities and faculties is expected to result from this innovation.

Two bills dealing with public kindergartens were enacted. HB 780 provides that kindergartens may be operated on a half-day or a whole-day basis at the option of the school district. The State Board of Education was authorized by SB 437 to acquire textbooks for kindergarten classes and the definition of "textbook" is expanded to include books and any apparatus, including three-dimensional manipulative material, which contributes to the learning process. A school district may elect to receive an allotment of \$400 in lieu of textbooks at the time each new kindergarten classroom is established. Thereafter textbooks are to be obtained in the usual fashion.

The education of the deaf was the subject of three bills: SB 294 directs the Central Education Agency to initiate a program for the education of deaf adults. The program is intended to provide primary and secondary educational opportunities to adults whose hearing loss is severe enough to prevent use of the spoken method of communication and whose handicap has interfered with the attainment of a level of educational advancement otherwise potentially achievable. SB 561 authorizes school districts to operate special education classes in lieu of special day school programs for deaf children who reside in the district. Travel and clothing expenses for economically deprived children attending the Texas School for the Deaf are provided by SB 292.

The boards of trustees of all school districts are directed by SB 74 to adopt policies specifying the duties of each of its positions of employment. An employee of the district is not liable for any act done within the scope of his duties which involves the exercise of judgment or discretion except in circumstances where excessive disciplinary force or negligence results in bodily injury to a student. Under provisions of HB 521 all rules promulgated by the State Board of Education concerning the qualifications of personnel employed to fill a



position classified by the Central Education Agency must contain a provision stating that persons already employed to fill a position for which new qualifications are set shall not be disqualified from holding the position for failure to meet the new qualifications. The duties of public school principals are specified in HB 235.

SB 903 directed the Commissioner of Education to issue Texas teachers certificates to persons holding valid teaching certificates from other states, provided that the college or university in which the teacher was trained was accredited by a recognized accrediting agency.

Under provisions of SB 189 school districts may contract with public or private post-secondary educational institutions or trade or technical schools and with other school districts to enroll students in the district for vocational training classes. Approval of the Central Education Agency is required.

The 62nd Legislature made several changes in the Foundation School Program. SB 455 made rehabilitation districts eligible for vocational education units, administrative units, and special service personnel. Basic support allotments to regional education service centers were authorized by HB 1064. Senate Bill 990 authorized the Central Education Agency to classify as classroom teachers persons who hold teaching certificates and who are assigned to each and/or perform administration-office assignments.

HB 476 provides that state per capita apportionment transfers with a child who transfers to another school district, and for the purpose of computing allotments under the Foundation School Program the attendance of the child prior to the date of transfer is counted by the sending district and attendance of the child after the date of transfer is counted by the transfer-receiving district. Senate Bill 951 allows children of employees of state schools living on the grounds of the school to attend school in an adjoining school district without charge to the parents.

SB 738 repealed the provision of the law which provided that a child living in a city with a public transportation system is ineligible for transportation at state expense unless he lives at least two miles from the transportation system.

County school trustees were authorized by HB 519 to abolish common school districts located entirely within the county and to annex the territory to a contiguous independent school district. Incentive aid payments were authorized by HB 854 for certain consolidated county line districts with an average daily attendance of less than 750 children.

School finances received treatment in a number of bills. SB 860 authorizes school districts, including junior college districts, to issue certificates of indebtedness for the purpose of erecting and equipping school buildings or refinancing outstanding certificates. The certificates are payable out of maintenance taxes.

Under terms of HB 1441 equalization tax funds are to be distributed on the basis of average daily attendance instead of the scholastic census. Certain land was exempted from the computation of local fund assignments under the Foundation School Program by HB 690. Ten bills based on population brackets were enacted to increase maintenance taxes in various school districts. Two similar bills authorized the issuance of time warrants by certain school districts.

HB 628, which abolished the office of county school superintendent in all counties with no common school district, was vetoed by the Governor. However, six other bills abolishing the office in counties within specified population brackets were passed and signed. The Texas Education Code was amended to increase the salary of assistant county school superintendents by HB 1062. Eight bills based on population brackets set new salaries for the assistants in particular cases.

HB 126 prescribed the manner in which candidates for the office of trustee of an independent school district must file their applications; HB 843 provided that a school board may pass a resolution calling for a run-off election for trustees in the event that no candidate receives a majority of the votes cast in the initial election.

Disrupting the conduct of classes or other school activities becomes a misdemeanor under HB 186, and the scope of the existing law prohibiting loitering on school property after a warning from the person in charge was extended by SB 97. HB 1007 authorizes school districts to employ security personnel at the expense of the districts. Methods of maintaining order on campuses of state-supported institutions during periods of disruption have been provided under HB 314. Senate Bill 524 provides that hearings involving the discipline of public school children need not be open to the public unless an open hearing is requested by the parent or guardian of the child.

Persons over the age of 17 years are eligible to take high school equivalency examinations under terms of HB 1741.

HB 333 enacts the Texas Proprietary School Act, regulating proprietary business, technical, vocational, and home study schools.

HB 1019 requires certain book contractors to establish or designate depositories as shipping points for their goods.

The existence of the Advisory Council for Children with Learning Disabilities was extended for two years and its duties were expanded under SB 801.

HB 724 authorizes the establishment of a new state school for the mentally retarded at a location determined by the Board of Mental Health and Mental Retardation.

Higher  
Education

The codification of the state's general education laws was completed by the 62nd Legislature with the passage of HB 1657, which adopts Title 3 of the Texas Education Code. Title 3 contains the nonsubstantive revision of the laws pertaining to higher education. Titles 1 and 2, which were enacted by the 61st Legislature in 1969, were amended by HB 1006 to include those bills passed by the 61st Legislature which had not been included in the code at the time of its adoption.

Several new institutions of higher education were authorized and the names of certain existing institutions were changed by the 62nd Legislature. HB 199 provides for the creation of the University of Houston at Clear Lake City to provide educational programs for junior, senior, and graduate students. Similar upper-level programs will be offered by Tyler State College, which was created by SB 419, and by Texas A & I University at Corpus Christi, which was authorized by HB 275. The name of Lamar State College was changed to Lamar University by HB 590, and the university was authorized to establish educational centers in Jefferson and Orange counties to accept freshman and sophomore level students by HB 130. Another name change was provided by SB 2, under the terms of which Pan American College became Pan American University. HB 672 authorizes the establishment of a campus of Texas State Technical Institute in Nolan County, and HB 1351 authorizes junior colleges to operate branch campuses or facilities without regard to geographical bounds of the junior college districts. Recognizing that public junior colleges are in fact comprehensive community colleges, SB 683 provides that any reference to junior colleges or junior college districts in any law may be amended to read community college or community college district, respectively.

Under SB 337 The University of Texas System was authorized to establish a system-wide School of Nursing. The system was also authorized to establish an environmental science park in Bastrop County by SB 278. Under terms of SB 918 a new Division of Communicative Disorders will be created in The University of Texas Graduate School of Biomedical Sciences.

A Real Estate Research Center at Texas A & M University was established by SB 338, and the Texas Maritime Academy was given authority to offer instruction in the field of marine science by SB 942.

The Coordinating Board of the Texas College and University System may contract with the Texas College of Osteopathic Medicine for instruction of Texas residents in osteopathic medicine under provisions of SB 160. SB 1028 gives the coordinating board authority to contract with agencies of the United States government for the establishment of medical schools in connection with facilities of the Veterans Administration.

New tuition rates were set for institutions of higher education, including junior colleges, by HB 43 and SB 1036. HB 43 established new scholarship funds for students attending the institutions. SB 56 authorized the coordinating board to provide tuition equalization grants to needy Texas residents attending private colleges and universities. The amount of each grant will be based on need, but may not exceed an amount equal to the difference between the tuition at the private school and tuition at public institutions.

Tuition exemptions for dependent children of Texas domiciliaries who are prisoners of war or missing in action were authorized by HB 548, and similar exemptions for firemen enrolled in courses offered as a part of a fire science curriculum were authorized by HB 398. Senate Bill 908 authorized the governing board of four institutions of higher education to provide tuition scholarships for nursing students on the basis of economic circumstances and need. The provisions of law relating to the student loan program authorized by the Texas Constitution were amended by SB 527 to increase the permissible period for such loans and to extend the period of time before loan repayment must commence.

Funds derived from student tuition charges may be pledged to the payment of revenue bonds issued to finance the construction of facilities at Texas Tech University and certain institutions of The University of Texas System under provisions of HB 278. Student center fees at North Texas State University, Texas A & M University, and Lamar University were authorized by HB 214, SB 573, and HB 787, respectively.

Certain general powers and duties of the board of regents of The University of Texas System are set out in HB 474, and the board is required to publish an annual report on investments of the permanent university fund by HB 1198. Senate Bill 319 authorized the board to enter into cooperative laundry associations with other health-related state-supported institutions in certain circumstances.

The governing boards of all state colleges and universities are required to promulgate rules and regulations concerning authorized and unauthorized absence from duty by faculty members under HB 514. Regulation of the use of state-owned museums located on campuses of state institutions of higher education was delegated to the governing boards of the institutions by SB 1021, and authority to close streets running through campuses located in certain counties has been assured by SB 318. The limitation that members of the governing board of North Texas State University may not be residents of the county in which the university is located has been deleted by SB 772. Junior colleges are exempted from the Texas Tort Claims Act, except with reference to motor vehicles, under SB 317.

## Family Law

The Family  
Code

Two bills amended Title I of the Family Code, which was enacted by the 61st Legislature in 1969. SB 38 adds new provisions regarding informal or common-law marriages by minors, one of the code's most controversial sections following its enactment. Declarations of informal marriages by males 16 to 19 years of age or females 14 to 18 years of age now require the written consent of the parents or guardians and such marriages are now voidable. SB 143 adds to the section relating to marriage license applications the requirement that social security numbers of applicants be included to facilitate identification and filing systems.

Juveniles and  
Juvenile  
Delinquency

Legislation of the 62nd Legislature in the area of juveniles and juvenile delinquency included the establishment of a commission on services to children and youth, new provisions on child abuse, consent by minors to medical treatment, a program for adoption of hard-to-place children, financing of welfare for families with dependent children, and changes in the jurisdiction and salaries of certain juvenile boards, officers, and courts.

SB 445 made child abuse a separate felony offense carrying a 2- to 10-year penalty. By definition, child abuse includes intentionally maiming, disfiguring, battering, or engaging in conduct which by omission or commission causes physical injury to, or deformity or deficiency in, a child 14 years of age or younger. Procedures for reporting child abuse have been altered by SB 149. The measure provides that any person believing that a child's physical or mental health is in danger because of abuse or neglect is obligated to submit a report. The person so reporting is given civil and criminal immunity for good-faith reports. On receipt of a report the county agency responsible for the protection of juveniles must make an investigation, and procedures are set out for temporary action through the courts. All reports are to be kept in the central registry by the State Department of Public Welfare.

In answer to the average juvenile's reluctance to confide in his parents regarding the use of narcotics or other drugs, HB 187 enables minors to give consent to medical treatment for any illness or condition caused by the use of narcotics or other drugs.

Many children are never adopted because of a physical or mental handicap or parental background. HB 470 established a program of financial assistance to those willing to adopt this type of child. Such assistance is considered warranted because the added financial burden in caring for children requiring special medical or rehabilitative treatment deters families from adopting these

hard-to-place children. The program will be administered by the State Department of Public Welfare through both public and private adoption agencies. The department is required to compile records on the effectiveness of the program, which makes such financial assistance available as waiver of adoption fees and payment of an amount equal to that paid for foster care of the child for a period of three years. A two-year extension of this period may be allowed on a showing of need. The county responsible for the child is responsible for payment of the costs.

HB 466 created the Texas Commission on Services to Children and Youth composed of 18 lay or public members, 6 of whom must be under 21 years of age, and 11 members who are heads of various state agencies. Lay members serve terms of six years each, and are appointed by the governor with the advice and consent of the senate. The commission is charged with coordinating administrative responsibility and services of state agencies and programs as they relate to children and youth. Duties defined include the conduct of research into the problems of youth and other activities designed to encourage public and private groups in planning and organizing youth development programs.

With welfare funds for families with dependent children nearly exhausted and a cut in such payments imminent, the 62nd Legislature authorized the transfer of funds, not to exceed \$8.2 million, from funds already appropriated to the State Department of Public Welfare to the Aid to Families with Dependent Children Fund. This authority was granted by SB 895.

New juvenile boards were established for a number of counties, including Deaf Smith (SB 217), Eastland (HB 870), and Nueces (HB 926). The first regional juvenile board in the state, North-east Texas Juvenile Board for Bowie, Cass, Red River, Morris, and Titus counties, was created by HB 1043. HB 1393 dealt with the composition of the Juvenile Board of Harris County, and certain criminal jurisdiction was restored to the Domestic Relations Court of Gregg County (HB 1159). Compensation for members of juvenile boards and juvenile officers was altered for Comal, Hays, Caldwell, Fayette, and Austin counties (SB 237), Potter County (HB 373), Dawson County (HB 1688), Van Zandt County (HB 892), Grayson County (HB 741), and Victoria County (HB 667).

The Probate  
Code

A new section was added to the Probate Code by HB 728 to provide the means by which a person entitled to receive

property under a will of or by inheritance from a decedent may disclaim and renounce all or part of such property. The act also makes provision for revocation of a disclaimer under certain circumstances.

Thirty-six sections of the Probate Code have been revised, and four new sections or subsections have been added by SB 225 to

update the code and conform with rules of procedure and changes in marital property law. Some provisions contain no substantive change but are merely reworded for clarity. Among the changes are several dealing with service of citation and revisions made in proceedings to determine heirship and the effect of the judgment of the court in an action to declare heirship. The act provides a safeguard of notice by publication if death must be proved by circumstantial evidence in proceedings on the estate of a person believed to be dead, and it protects a purchaser from the heirs of a decedent more than four years from the date of death. Other provisions deal with the probate, effect, and contest of a foreign will, and wills probated in domiciliary and non-domiciliary jurisdictions. Also dealt with are changes concerning community administration, appraisers, inventory and appraisal, and control of all the joint community property. New provisions authorize creditors or other interested persons to request and receive copies of documents filed in connection with a probate proceedings, permit interested parties to demand an accounting from an independent executor, and provide that certain written powers of attorney shall not terminate with the principal's disability. A new provision specifies the liability of various classes of community property for the decedent's debts. The statute also ratifies certain self-proved wills.

Existing law postponed a claim against a decedent's estate which was not presented within one year after the probate is begun. To alleviate the unnecessary delay in the disposition of the decedent's estate caused by this provision, HB 903 changes the one-year postponement limitation to six months.

### Welfare

Among the earliest measures adopted by the 62nd Legislature was a proposed constitutional amendment (SJR 5) to remove the limitation on the total state appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind and to set a limitation of \$55 million for assistance grants from state funds during any fiscal year for needy dependent children and the caretakers of such children. The amendment was proposed near the beginning of the regular session and a special election date of May 18, 1971, was selected for submitting it to the voters in the hope that a drastic cut in aid to welfare recipients could be avoided. However, the proposed amendment was defeated by the Texas electorate.

The Commodity Distribution Division of the State Department of Public Welfare was authorized to distribute food stamps to welfare recipients by HB 853. The fee assessed recipients for handling charges was increased from 40 cents to 60 cents per recipient.

In order to meet increasing financial needs of the department, supplemental allocation and appropriations were authorized early in the session by HB 213. Later, SB 895 provided for

the transfer of funds to aid families with dependent children from other funds available to the department.

SB 245 requires that every county, hospital district, and city with a population of 10,000 or more establish a uniform system of accounting and record maintenance in connection with expenditures for all forms of welfare assistance. Greater accounting efficiency required by the bill is expected to result in a comprehensive inventory of all resources utilized for welfare purposes.

Transit companies are permitted to provide reduced rate fares for persons over 65 and for blind or disabled persons under HB 600. Disabled persons and persons over 65 will pay reduced rates during special "Matinee Periods" in most areas, with public and private transit companies setting low bus fares at non-peak periods of the day when transportation facilities are operating at partial capacity.

### Elections and Voting

The 62nd Legislature did not make as many changes in election laws as did the two preceding legislatures. However, several important bills were passed, including two growing out of federal court suits.

SB 51 set up a system of three-year voter registration with renewal by voting or by request for reregistration. These registration provisions are temporary unless (1) the final judgment in the federal court case invalidates the annual registration provision of the Texas Constitution, or (2) a constitutional amendment deleting the requirement for annual voter registration is submitted by the 62nd Legislature and adopted by the voters. Provisions allowing year-round annual registration become effective if the three-year registration provisions expire. The bill also contains a provision for determining the residence of a person under 21 years of age.

As a result of another federal court decision, the 62nd Legislature, during the first called session, passed HB 5, containing temporary provisions regarding filing fees for primary elections. The bill limits the filing fee to a maximum of 4 percent of the total compensation for the term of office sought. The bill also provides for the filing of petitions signed by 10 percent of the number of persons voting for the party's candidate for governor in the area concerned in the last general election, in which event the filing fee is not required. The bill takes effect only on certain actions concerning the federal court case involved, and then is effective only until December 31, 1972.

Early in the regular session, the 62nd Legislature enacted SB 110, which extended the voter registration period for the 1971 voting year by one month.



Under SB 24 each registrar of voters is required to sell lists of registered voters to any person requesting them.

SB 23 provides for the assembling, compiling, and preserving in a central place of certain election records, such as maps of election precincts for each county and precinct election returns for statewide offices in general, special, and primary elections. The records are to be compiled by the secretary of state.

Under provisions of SB 130, the county clerk of a county with a population of more than 1.5 million may, on authorization of the commissioners court, establish branch offices in each justice precinct for absentee voting by personal appearance.

Each political party having a statewide organization and nominating candidates is required by SB 537 to file with the secretary of state "a set of specific, detailed, and written party rules for the conduct of its conventions, executive meetings, and any other party meetings." A party failing to file these rules may not have its nominees placed on the general election ballot. The bill also provides that "Observance of a rule may be enforced through mandamus proceedings. . . ."

City elections are affected by two bills passed during the regular session: HB 1437 set uniform age and residence requirements of 21 years of age and one year's residence in the city for eligibility for any elected city public office. The statutes governing city consolidation elections were rewritten in HB 37 to provide for voting on different days in each city involved in inverse order of population, with the larger cities voting only after the smaller cities have voted in favor of consolidation.

The 18-year-old vote in Texas became a reality for all elections--not just those for national office--with the adoption of SCR 65. This resolution gives state ratification to the federal constitutional amendment extending full voting rights to 18-year-olds. However, by the resolution those under 21 who are students must continue to vote in their parents' place of residence.

### Traffic Safety and Motor Vehicles

Travel in Texas should be considerably safer as the result of the 62nd Legislature's revision of the "rules of the road" through the enactment of SB 183. The act also changes some vehicle safety requirements. Many of its provisions merely clarify or amplify existing law, but several constitute new rules that will affect all users of the streets and highways, including pedestrians, passengers, bicyclists, and businesses adjacent to rights-of-way. For example, the bill makes it unlawful to leave the ignition key in an unattended vehicle, prohibits television

in vehicles if the screen is visible to the driver, prohibits riding in house trailers, prohibits more than three persons in the front seat of an automobile, makes bicycles subject to most "rules of the road" and some other safety requirements, and regulates flashing lights and signs near intersections.

HB 920 added another "rule of the road." It amended Article 6701d, Vernon's Texas Civil Statutes, to prohibit vehicles from passing a standing line of vehicles waiting for a public ferry. HB 71 makes it clear that the Department of Public Safety and county police officers have jurisdiction over the operation of vehicles and the investigation of accidents on roads owned or operated by water districts.

Among other laws enacted by the 62nd Legislature affecting motor vehicles and their operation, SB 194 makes some changes in driver licensing procedures. The bill extends nonresident driving privileges to drivers licensed in other states who are in the armed forces and to certain of their dependents; it further extends the time a Texas resident member of the armed forces has to obtain a new license after returning to the state. The new law alters the class of persons who may not be licensed and places new restrictions on the licensing of minors. Generally, the laws relating to the licensing and operation of motorcycle traffic on Texas highways were strengthened and updated, and the expiration dates and fees for certain licenses and permits have been altered. In regard to drivers licenses generally, the new law provides for cancellation in certain instances and for suspension based on conduct in another state. Finally, the Department of Public Safety may now issue personal identification certificates similar in form to drivers licenses.

The definitions and administrative provisions of the Certificate of Title Act are conformed to the Business & Commerce Code in SB 335. Another bill of general impact is HB 6, which provides for tire inspection after January 1, 1973. After that date, no tire may be approved in an annual inspection unless it has at least 1/16 of an inch of tread depth, and no regrooved tire for a private automobile may be sold.

HB 1327 was another equipment bill enacted by the 62nd Legislature. It forbids the sale of imperfect safety glass for motor vehicles unless so labeled. Another equipment bill, HB 900, requires reinspection of a vehicle within 30 days of any accident in which the vehicle is damaged and apparently requires repairs to the vehicle before it can pass inspection.

Three bills directly affect vehicles used for agricultural purposes. Under authority of HB 104 an owner of an out-of-state vehicle used to transport any Texas agricultural produce may obtain a 30-day temporary vehicle registration permit rather than the usual one-year permit. Under prior law this option was

available only to owners of vehicles used in transporting certain itemized agricultural products. SB 476 exempts persons who raise agricultural products from the requirement that they have a commercial driver's license in order to transport products to market. SB 350 authorizes the hauling of harvesting machinery under a temporary motor vehicle registration permit.

Of a similar nature is SB 316, which authorizes a person with an operator's license to operate a truck rented for 10 days or less and having a carrying capacity up to 4,000 pounds if the purpose is to transport household goods or office furniture or equipment owned by the person.

Several bills enacted, in addition to SB 194 previously discussed, affect the operation of motorcycles or motor scooters. HB 542 alters the availability of a special combination operator and commercial operator restricted license. Formerly, the license was available for a maximum five-brake horsepower vehicle; the new law changes the maximum to 100 cc piston displacement. HB 1510 requires that motorcycles manufactured and sold after January 1, 1976, have the frame and engine serial numbers attached. HB 32 raises the speed limit for motorcycles and motor-driven cycles to the same as the limit for passenger cars.

HB 1163 is directed at the removal of automobile identification numbers incidental to the theft of the vehicles. The alteration of an identification number is subject to a penalty, and a peace officer may seize a vehicle on which a number has been altered. HB 1716 also relates to stolen vehicles: it requires masters, captains, and owners of ships and planes transporting motor vehicles to make an inquiry of the Highway Department as to the title and right to possession of the vehicle. Finally, HB 1181, the Texas Abandoned Motor Vehicle Act, is designed to remove abandoned vehicles from our streets and highways. The act provides a system for the removal and disposition of the vehicles by law enforcement officers, while protecting the rights of vehicle owners.

Several bills affect vehicle loads. HB 115 permits vehicles or combinations used exclusively for the transportation of poles or pipe to extend up to 65 feet, if the vehicles are operated during daylight hours. Overweight, oversize, or overlength loads may be transported within a municipality under regulation authorized by HB 182. Under authority of SB 351, a vehicle owner may be issued a short-term commercial vehicle permit to haul oversize loads relating to his own agricultural business. SB 516 exempts certain agricultural machinery from bonding requirements relative to oversize or superheavy equipment.

Loads on vehicles transporting certain loose materials were regulated by HB 759. The purpose of the act is the prevention of spilled materials.

Two new laws relate to vehicle drivers domiciled outside the United States. HB 243 requires proof of financial responsibility of a foreign domiciliary involved in an accident requiring proof of financial responsibility under the Texas Safety Responsibility Act. If proof is not presented the vehicle of the foreign domiciliary may be impounded. SB 349 permits Canadian residents to apply for temporary permits for the operation of commercial motor vehicles.

HB 532 authorizes licensed dealers and buyers from them to convey unregistered vehicles by the full mount, saddle mount, or tow bar methods. Under authority of HB 224, beginning in 1972, certain truck tractors or commercial motor vehicles and semitrailers may be registered in combination. SB 420 permits the registration of antique trucks under the same restrictions which formerly applied only to the registration of antique cars.

Under authority of SB 343 written and oral depositions may be taken in matters pending before the Railroad Commission of Texas. The depositions will be taken in accordance with the Texas Rules of Civil Procedure.

The Texas Mobile Homes Standards Act (HB 956) establishes a Performance Certification Board for Mobile Homes. The act authorizes inspections and requires seals of approval. HB 71 provides for the investigation of accidents on all roads owned by any water control and improvement district.

#### Highways and Public Roads

Among the several new statutes affecting highways and public roads, SB 621 authorized political subdivisions to place signs with safety or directional information along public rights-of-way, other than state highway routes, that are under their control. SB 812 amended Article 6701g, Vernon's Texas Civil Statutes, to expand the authority of commissioners courts in counties with a population of 150,000 or more to control traffic on county roads. Previously, these courts could establish only restricted traffic zones on county roads, but SB 812 permits additional traffic regulation and provides procedures for adopting regulations.

Membership of the Texas Turnpike Authority was increased from 9 to 12 by HB 955, and the date for the authority's annual report to the governor was moved from January 30 to March 31.

The State Highway Department is required by HB 97 to plant trees along state and national highway rights-of-way for beautification. The act specifies that preference be given to the planting of pecan trees, the official state tree, if climatic conditions are suitable.

The State Highway Commission is prohibited from naming or otherwise identifying any portion of the state highway system except

by highway number under HB 936. The act does permit local governmental units to name portions of highways and to erect monuments under certain conditions.

HB 1435 authorizes the commissioners court of Lee County to use county employees and equipment to construct, maintain, or improve private roads on request of someone owning an interest in the road or in land serviced by the road. It provides for charging persons benefiting from the road work in amounts equalling prevailing rates, provides for public records of the work done, and prohibits work in excess of \$200 or for which a private contractor is reasonably available.

### Criminal Law

Narcotics and  
Dangerous Drugs

The growing prevalence of drug abuse attracted the greatest attention in the field of criminal law by the 62nd Legislature. The penalty for possession of LSD and other hallucinogens was increased from a misdemeanor to a felony by HB 1649. The bill also provided for the addition by administrative agencies of new drugs of similar type, should they be developed or become subject to drug abuse, to the list of dangerous drugs. A similar provision for additions to the list of narcotic drugs was included in HB 1650. HB 267 made an offer to sell a dangerous drug a felony, and HB 268 provided that both an offer to sell and an offer to buy constitute a crime. HB 840 amends Article 38.10, Code of Criminal Procedure, 1965, to provide that certain communications by a patient who has voluntarily submitted to treatment or is being examined for admission to voluntary treatment for drug abuse shall be privileged. SB 392 prohibits the possession of instruments for the injection of dangerous drugs by an unauthorized person. Those who may legally have such articles as hypodermic syringes or needles include physicians, dentists, veterinarians, nurses, pharmacists, dealers in surgical instruments, and attendants of a hospital.

The Department of Public Safety was authorized by SB 408 to use vehicles confiscated for transporting illegal drugs. The legislature attempted to encourage drug abusers to seek treatment by making their communications to drug treatment personnel privileged so that the communications cannot be used in prosecution for drug violations (HB 840).

Other  
Offenses

Perhaps the most important action of the 62nd Legislature in the area of criminal law was the enactment of HB 261, which should aid in the conviction of drunk drivers by providing a presumption of intoxication if a person's blood shows 0.10 percent or more of alcohol. Another act of significance is SB 111, which gives Texas a criminal trespass statute for the first time in the history of the state.

SB 445 attempted to increase the criminal deterrent to child abuse by making a felony of injurious assaults against children other than a reasonable disciplining by parents and teachers.

Two bills relating to seizure of obscene materials were enacted. SB 307 provides detailed procedures for obtaining search warrants for and seizing obscene materials in response to a federal court decision invalidating previous search and seizure provisions of the obscenity law. SB 883 permits forfeiture of property used to produce or distribute obscene materials if the owner is convicted under the obscenity statute.

Possession of a sawed-off shotgun became a crime under HB 447; the offense was previously prohibited only by federal law. SB 32 regulated the sale of explosives and provides criminal punishment for violation of its provisions.

HB 534 enhanced the ability of the criminal law to maintain and protect the integrity of its proceedings by expanding and strengthening criminal prohibitions against corrupting witnesses in official proceedings.

Law-enforcement personnel may be helped in combatting the increased incidence of auto thefts by HB 1163. The act increases the penalties for tampering with vehicle identification numbers and for knowingly possessing vehicles or parts that have had their numbers tampered with and provides for seizure of vehicles in some instances. HB 1748 attempts to aid in the apprehension of thieves and the recovery of stolen property by prohibiting tampering with manufacturer's identification numbers on other personal property to prevent its identification.

The problems of littering also received some attention. SB 76 makes littering of highways, other public or private property, and inland or coastal waterways an offense. HB 52 increases the penalty for littering highways from a fine of \$10 to \$200 to a fine of \$50 to \$400. Also, HB 1262 increases the minimum penalty for that offense to \$25 and leaves the maximum at \$200.

SB 748 makes it an offense to sell or reproduce for sale sound recordings made without the original producer's consent. Copper wire was added to the list of copper products that it is unlawful for most people to transport in certain amounts under SB 915. HB 78 made it an offense to change, alter, or delete portions of official documents for use in political campaigns.

The use of .22-caliber weapons to hunt certain game animals is prohibited by HB 378, and SB 584 legalizes lotteries for religious and veterans organizations.

In an effort to relieve some of the congestion in the courts and speed up the criminal law process, the legislature permits criminal defendants to waive indictment and be prosecuted by information in SB 116 and permits convictions on guilty pleas upon oral stipulation of the evidence and testimony.

An attempt was also made to solve some of the problems of the bail bond system. HB 50 provides rules for granting new bail to a person arrested after bail is forfeited. HB 1202 provides for the transfer of personal bonds and establishes provisions for personal bond in a county other than the one in which the arrest warrant is issued. Peace officers are permitted to take bail in certain misdemeanor cases under HB 1325.

HB 1792 increases the compensation to be paid appointed counsel in defending indigents, and HB 887 permits courts to order the payment of fines in installments or at later dates. Campus police were added to the definition of "peace officer" and their powers and duties were defined under HB 468.

The commitment of criminal defendants to mental hospitals is the subject of HB 1016. The act permits transfer among hospitals, permits courts to order examinations in the state hospitals without consent of the hospital head, and requires commitment of defendants who were involved in an act of violence to a maximum security hospital.

HB 172 permits adjoining counties to create a medical examiners district and jointly maintain an office of medical examiner.

#### Courts and Court Officers and Employees

##### Judges

Several statutes enacted by the 62nd Legislature deal with administrative judicial districts and retired

judges. HB 1459 alters the composition of the administrative judicial districts to include every multi-county judicial district wholly within one administrative judicial district. SB 530 increases the supplementary compensation of presiding judges of administrative judicial districts from an amount not to exceed \$2,000 to an amount not to exceed \$3,000. The presiding judge of the administrative judicial district is authorized under HB 1857 to assign a retired district judge to a domestic relations or juvenile court within the administrative district.

Judges qualified for retirement are allowed to take early retirement at age 60 at reduced benefits under SB 572, and the measure also established retirement payments on a percentage basis. HB 253 amends the existing law which requires a retired judge to give written notice if he is to sit as a visiting judge and makes the sitting as a judge within 90 days after his retirement tantamount to written notice of his sitting. The bill also validated certain proceedings by judges who retired after June 8, 1967.

Existing law empowers the legislature to control censure procedures by the Judicial Qualifications Commission, and HB 595 allows the commission itself to determine such procedures following a hearing as provided by Article V, Section 1-a, of the Texas Constitution.

SB 529 authorizes and sets procedures for retired and active appellate and district judges to sit as commissioners of the court of criminal appeals. SB 11, enacted during the first called session, also authorizes the appointment for a term of two years of two attorneys to sit as commissioners of the court of criminal appeals.

Because some district judges are being paid more than justices of the court of civil appeals, SB 187 was enacted to allow county commissioners courts to supplement the compensation of these justices from county funds in an amount not to exceed \$8,000 per year.

SB 126 and 133 repealed the requirement that a county judge assess certain unnecessary fees on final settlement of the account of an executor, administrator, or guardian and repealed the restriction that a county judge may leave the county only with permission of the commissioners court.

Many justices of the peace in Texas are not attorneys, and HB 168 was enacted to require such a justice of the peace to acquire knowledge relevant to his duties. The bill declares that a justice of the peace may be declared incompetent for purposes of removal from office if he is not a licensed attorney and fails to complete successfully a 40-hour course of instruction on his duties at a state-supported school of higher education within one year following the date he is first elected. A grandfather clause exempts justices of the peace who have served two terms or more.

The title of the presiding officer of the municipal court was changed from "recorder" to "judge" by HB 995.

More capable men should be attracted to the judiciary because of SB 168. This measure allows district judges to participate simultaneously in two retirement systems--the Judicial Retirement System and the County and District Retirement System. Another bill giving added benefits to retired judges is HB 1703, which exempts retirement payments received by retired judges from any county, state, or municipal tax, garnishment, attachment, or other process.

Courts                                      The maximum punishment for contempt of court in all courts other than a justice or municipal court is increased to a fine of not more than \$500 or confinement in the county jail for not more than six months, or both, under SB 132. The bill also raises the maximum punishment for contempt in a justice or municipal court to a fine of not more than \$200 or confinement in the county or city jail for not more than 20 days, or both.

SB 736 provides that the commissioners court with jurisdiction over a licensee may authorize the payment of a fee not to exceed \$5 per case to be paid from county funds to the mayor, judge of the police court, or justice of the peace who conducts a hearing on revocation of a driver's license.



Two bills were enacted affecting jurisdiction in eminent domain proceedings. SB 240 grants concurrent jurisdiction in eminent domain cases to district courts and county courts at law and expressly provides that county courts shall have no jurisdiction in such cases. The act specifies that condemnation proceedings be initiated in a district court or county court at law and provides for the transfer of a case to district court if it involves an issue of title or other matter which cannot be fully adjudicated in the county court at law. Another change in this type of proceeding was accomplished by SB 885, which gives the plaintiff the option of depositing a sum equal to the amount of damages awarded by the commissioners, as provided in existing law, or of depositing a surety bond in court in lieu of money. This bond is to be conditioned so as to secure all damages in excess of the award of the commissioners against the condemnor. Further, if the plaintiff chooses to deposit money, the sum shall be deposited in an interest-bearing or noninterest-bearing account, as may be requested by the plaintiff, and the interest on the account, if any, shall be paid to the plaintiff.

Pertaining to a suit brought by next friend, SB 87 authorizes the next friend or clerk of the court to deposit funds recovered in a savings and loan association domiciled in the state and insured by the Federal Savings and Loan Insurance Corporation, or in a bank savings account in a bank doing business in the state and insured by the Federal Deposit Insurance Corporation. If the fund cannot be withdrawn without a court order, bond is not required of the next friend until the funds are withdrawn by such court order, at which time the court shall order bond or order the funds turned over to the person entitled to them if the disability has ceased to exist. This new statute changes the law requiring bond in a sum at least double the value of the property and money recovered by allowing an exception for a bond executed by next friend as principal and a surety company as surety, which bond shall be in an amount equal to the value of the property and money recovered.

SB 507 gives statutory courts which have the same civil jurisdiction as the constitutional jurisdiction of county courts concurrent jurisdiction with the district court, if the matter in controversy exceeds \$500 and does not exceed \$5,000, exclusive of interest.

A Criminal Justice Planning Fund to be used in connection with the federal Omnibus Crime Control and Safe Streets Act was established by SB 841. The act assesses an additional \$2.50 fee on each conviction of a misdemeanor in a court whose original jurisdiction limits it to a fine of \$200 or less and violations of traffic laws are specifically included. Also assessed is a \$5 fee on each conviction for a misdemeanor and \$10 for a felony in courts having original jurisdiction limited to a penalty of fine or confinement in a jail or department of corrections, or both.

In a felony case where the defendant has entered a plea before the court after waiving trial by jury, the state is required by Article 1.15 of the Code of Criminal Procedure, even if the plea is guilty, to produce sufficient evidence to support the guilt

of the defendant. The evidence in such cases may, if the defendant consents, be stipulated, but, heretofore, such stipulated evidence had to be in the form of testimony by affidavits, written statements of witnesses, or other documentary evidence. With the passage of HB 1034, Article 1.15 of the Code of Criminal Procedure is amended to permit the introduction of an oral stipulation of the evidence and testimony, if the defendant consents, in support of the judgment of the court.

More discretion is allowed the courts in setting compensation to be paid appointed counsel for indigent defendants by HB 1792. This act authorizes the court to set a reasonable fee, removes present maximum payments, and raises the present minimum payments.

SB 410 applies to the courts in a county with three or more courts having any of the jurisdiction of a district court. It authorizes the transfer of cases and the exchange of benches, the making and amending of rules governing such courts, and the election of the presiding judge.

The 62nd Legislature created five new district courts and equalized the case load of other districts. Two new district courts were created in Travis County, the 200th and 201st Judicial Districts (SB 515); one in Bowie County, the 202nd Judicial District (SB 937); and one in Collin County, the 199th Judicial District (SB 358).

A division was made in the existing 43rd Judicial District by leaving Parker County in the 43rd and placing Wise and Jack counties in a newly-created 235th Judicial District which also includes Cooke County (SB 906).

An effort to equalize case loads was made by HB 704 with the transfer of Franklin County from the 76th Judicial District to the 8th Judicial District. For the same purpose, HB 1888 removed Kendall County from the 198th Judicial District.

A new county court at law was created in Angelina County (HB 363) and another in Hunt County (HB 439), while a new court of domestic relations was established in El Paso County (SB 937).

House Bill 967 requires additional information in abstracts of judgment to prevent a claim mistakenly filed against another person with the same name from creating a cloud on title to real property of an innocent person. It adds the defendant's birthdate and driver's license number, if available, and his address, if it is shown in the suit in which judgment is rendered, or the nature of the citation and the date and place citation is served.

Court  
Officers,  
Attorneys

A significant piece of new legislation was a bill (SB 66) authorizing a bona fide law student, who has completed two-thirds of the hours required for graduation, to assist licensed attorneys, with the consent of the presiding judge, in the trial of cases under rules promulgated by joint committee of members of the State Bar of Texas and the State Junior Bar.

SB 711 sets a fee of \$5 to be collected by the clerk of the supreme court for the issuance of an attorney's license, the fee to be held by the clerk and expended by the court for preparation and issuance of the license. Under existing law the plaintiff obtaining judgment in certain suits may recover, in addition to his claim and costs, a reasonable amount as an attorney's fee, and SB 563 specifies that the State Bar Minimum Fee Schedule is prima facie evidence of a reasonable attorney's fee.

Under SB 99 a provision allowing the clerk of a court of civil appeals to destroy certain records filed in a case which has been disposed of for 10 years is reenacted. The Texas Supreme Court had held such a provision in an act passed in 1929 invalid because of a defect in the caption.

The compensation of district and county clerks may be altered by SB 694, which authorizes the commissioners court of any county to provide a county-owned car or a reasonable auto allowance for the district or county clerk to cover his expenses in the performance of official duties. Since burning of election materials could contribute to the pollution problem, HB 1413 allows the district or county clerk of any county in the state to destroy certain election materials either by burning or by shredding, at his discretion.

A new office of criminal district attorney was created for Eastland County (SB 1024), for Lubbock County (HB 1039), and for Collin County (HB 1746).

**Juries** A number of statutes dealing with juries and jury wheels were enacted. HB 222 eliminated the requirement that grand jury commissioners be freeholders.

Relating to the use of the jury wheel, perhaps the most significant statute is SB 369, which included several changes in procedure for the selection of jurors. The existing law was amended to require use of the jury wheel in all counties with a population of 10,000 or more and to require the use of all names on the voter registration lists from all precincts in the county as the sole source of names for the wheel. Further, the act authorizes the selection of persons for jury service with the aid of mechanical or electronic means in any county in the state and allows parties to a suit to view the drawings although the identity of persons drawn must be kept secret. This act and HB 764 eliminate the requirement that service of prospective jurors be verbal or by registered mail and allow notification by first class mail.

SB 369 also specifies that the court may not excuse a juror for economic reasons unless all parties of record are present and approve such excuse. All statutory exemptions from jury service are abolished except the exemption of persons over 65 years of age and females with legal custody of a child under 10 years of age.

The claiming of statutory exemption from jury service is simplified by HB 821, which allows the filing of a signed, but unsworn,

statement of the ground for the exemption with the clerk of the court anytime before the appearance date. The same act adds to those subject to a fine for failure to appear for jury service the person who files a false claim of exemption.

Under SB 369 the court is permitted to equalize the number of peremptory challenges provided under the Rules of Civil Procedure so that no party is given an unequal advantage. An entirely new section of this statute provides that when a juror is rejected for any reason, he shall be dismissed immediately and not placed on another panel until his name is restored to the jury wheel and drawn in the usual manner.

HB 444 adds Trinity County, with a population of less than 10,000, to the counties which are required to use the jury wheel.

SB 672 allows the district clerk in counties with populations in excess of 100,000 to withhold names of persons who have not been impaneled and who have not served as many as four days from the jury wheel, unless the clerk is ordered by the judge to return such names to the wheel.

Liquor  
Regulation

Long-awaited and much-debated liquor-by-the-drink legislation became a reality in Texas before the 62nd Legislature

adjourned its regular session. SB 346 was the enabling legislation enacted following the adoption on November 3, 1970, of the constitutional amendment to permit the sale of mixed beverages on a local option bases. Under the act local option elections for the sale of mixed beverages are to be conducted in the same manner as other local option elections and may be held in an incorporated city or town, justice precinct, or entire county. The bill provided for special local option elections in a number of counties on May 18, 1971, in conjunction with a statewide election on constitutional amendments, and several localities have already legalized such sales by this action. Primary responsibility for regulating the sale of mixed beverages is assigned to the Texas Alcoholic Beverage Commission. HB 3 of the first called session levied a 10 percent tax on mixed drinks, ice and mixes sold by bars, restaurants and private clubs, and repealed the existing nickel-a-serving private club tax.

SB 913 modifies the application of the section of the Liquor Control Act prohibiting a holder of a Package Store Permit from designating part of the premises where the store is located as the licensed premises by exempting permits in existence on April 1, 1971, if certain conditions in separating the package store from the rest of the premises are met. The major effect of the bill is to allow package stores in "discount stores" to continue operating in only a portion of the building. Hotels were exempted earlier from the prohibition involved.

The issuance of licenses or permits to sell or serve alcoholic beverages on public beaches is prohibited by SB 933.

SB 941 allows private clubs operating under the pool system to be located in certain professional sports stadiums. Normally, private clubs operating under the pool system are limited to "wet" areas, but this measure creates an exception and is bracketed to apply only to Dallas County (population from 1.0 to 1.5 million).

The commissioners courts of counties having populations in excess of 500,000 are authorized to designate certain professional sports stadiums and regional airports as "wet" for the sale of mixed beverages under SB 1012. (The constitutionality of the bill is doubtful.)

The head of a household is permitted to produce up to 200 gallons of wine per year for family use without a winery permit under SB 742. Such wine may be produced from dandelions, grapes, raisins, or fruit juices. Senate Bill 718 pertains to the salvaging of insured losses of alcoholic beverages for qualified permittees or licensees. The measure authorizes any person not otherwise permitted or licensed to sell alcoholic beverages but coming into possession of such beverages as an insurer or an insurance salvor in the salvage or liquidation of an insured damage or loss sustained in Texas by a qualified licensee or permittee to sell such beverages in one lot or parcel. The act restricts such sales to beverages fit for public consumption and requires the seller to register the sale with the Texas Alcoholic Beverage Commission with a detailed listing of all items sold and the exact location of the beverages. A surety bond is required from the seller in an amount adequate to protect the state in relation to taxes due on the beverages, as well as a registration fee of \$10. Further specific regulations are established by the act concerning the sale of salvageable beer and returnable bottles, containers, or packages.

#### Cities and Counties

**Cities** A large part of the legislation relating to local governments which was enacted by the 62nd Legislature included bracket laws designed to apply to a specific municipality or county. SB 235, for example, expands the present law to authorize all home-rule cities with a population in excess of 60,000 to issue bonds for the construction and preparation of parks and for the preservation of historic sites. Existing law was limited to cities bordering on the Gulf of Mexico and permitted the issuance of bonds only for public parks and park facilities. Under HB 226 cities with populations of not more than 500,000 are permitted to spend not more than 1 percent of their general fund budgets for advertising. Other measures in this category include SB 65, SB 212, and HB 1250, relating to the Firemen's Relief and Retirement Fund in certain cities, and some 8 or 10 additional bracket laws pertaining generally to city employees of every type, city retirement systems, and the annexation of streets, highways, and alleys by the governing bodies of certain cities.

More general in character were bills like HB 210, which provides that persons from age 36 to 45 are eligible for beginning positions with a police department if they have had at least five

years' experience as a peace officer. Prior law prohibited beginning employment by a police department of any person over the age of 36.

HB 453 prescribes safety rules for activities in the proximity of high-voltage electric lines. Violation of the rules can result in a jail term of not more than one year or a fine of \$100 to \$1,000 or both.

SB 607, The Certificate of Obligation Act of 1971, is new legislation providing for and regulating the authorization, issuance, and delivery by certain cities and by counties with fewer than 350,000 inhabitants of certificates for the payment of contractual obligations.

Incorporated cities and towns operating toll bridges across the Rio Grande are permitted to issue revenue bonds to construct or acquire property or structures for toll bridge facilities or any other public purpose under HB 516. House Bill 1656 grants easement to the City of Corpus Christi and to the United States Corps of Engineers to conduct dredging operations to restore and maintain a recreational beach. Civic center authorities may be established which do not have taxing power and which construct and operate convention centers under terms of HB 1682, and HB 1683 permits cities, towns, and villages to contract with civic center authorities.

SB 62, as amended by SB 17, first called session, applies only to the governing body of a city, town, or village because the provisions authorizing the appointment of reserve deputy sheriffs and reserve deputy constables are repealed. The governing body of a city, town, or village may provide for the establishment of a police reserve force to be appointed by and to serve the chief of police as peace officers and shall establish qualifications for standards of training. Provisions for the carrying of weapons, compensation, and hospital and medical assistance for injuries sustained during the performance of official duties are also included.

The definition of "organized volunteer fire departments" was changed to include units with membership as low as eight men under terms of SB 238.

The powers of the Commission on Fire Protection Personnel Standards and Education were broadened by SB 255 to set standards and educational requirements for employment as a fire protection officer. The act also increases fines for violations from \$100 to \$1,000, and makes the Commissioner of Higher Education of the Coordinating Board, Texas College and University System, an ex officio member. Appellate procedures are also provided and applicability of the act is limited to fully paid firemen.

SB 518 requires a municipality or other governmental entity which annexes a subdivision participating in the county and district retirement system to assume and continue pension rights of the employees of the subdivision.

The open meeting law is changed by SB 557 to allow certain districts or political subdivisions covering all or part of four or more counties to post notice of their meetings at a place convenient to the public in the administrative office, the State Capitol, and the county courthouse in the county in which the administrative office of the district or political subdivision is located. The act eliminates the requirement that notice be posted at the county courthouse in every county in which part of the district or political subdivision is located.

Procedures for changing or amended zoning regulations were amended by SB 934, which requires that a protest against a change be written and be signed by owners of the lots or land immediately adjoining and extending 200 feet from the land subject to change unless it is signed by the owners of 20 percent or more of the area included in the proposed change.

SB 956 authorizes the state, political subdivisions, financial institutions, insurance companies, and fiduciaries to invest in bonds or other obligations issued by a housing authority when such obligations are secured or guaranteed by a pledge of the full faith and credit of the United States government or an agency of the federal government. SB 956 provides the authorization, requirements, manner, and terms by which a town or city owning a sea life park and oceanarium developed with general obligation park bonds may issue certificates of indebtedness to obtain funds to operate, maintain, repair, equip, develop, or expand.

Relating to new community plans, SB 1032 provides the authorization for a city or town which has adopted a resolution, order, or ordinance approving a new community plan in connection with a new community development project under the federal Urban Growth and New Community Development Act of 1970, to issue certificates of indebtedness for the purpose of acquiring, purchasing, constructing, repairing, renovating, improving, or equipping public projects. Under this classification are included streets; drainage, water supply, and distribution facilities; and sewage and waste collection, disposal, and treatment facilities, plants, and properties. Planning, developing, engineering, and financing such projects is treated in the act as well as payment for professional services in connection with these projects.

The "Interlocal Cooperation Act" (HB 646) permits contracting between any two or more political subdivisions for the performance of governmental services and functions.

As a result of the Lubbock tornado and the Corpus Christi hurricane, HB 910 authorizes cities and towns to provide emergency housing, set maximum retail prices, and suspend certain competitive bidding requirements following such disasters.

Several validating acts were passed. They included:

--HB 553, validating the incorporation and boundary lines of certain towns.

--HB 579, validating certain actions by towns declared to be disaster areas.

--HB 626, relating to the incorporation of certain cities and towns.

--HB 971, validating actions of City of Cities Municipal Utility District.

--HB 1299, amending Article 1269k, Vernon's Texas Civil Statutes, validating the creating of Housing Authorities for cities, counties, and regions.

Two bills were passed amending the firemen's, policemen's and fire alarm operators' pension system in Dallas. The term "base pay" in the pension system, by which benefits are calculated, is defined by HB 1250 to mean "the maximum pay per month of a patrolman or private, exclusive of educational incentive pay." The act also adjusts the maximum limit for standard payroll deductions up to 6.5 percent and authorizes a deduction of up to 9 percent if approved by a majority vote of participating members. HB 1251 details the specific regulations which must be observed in the investment of surplus funds of the retirement system.

Counties                               In an effort to eliminate the necessity for enactment of a number of separate bills providing for the compensation and expenses of various county officials, the 62nd Legislature passed HB 384, which authorizes, with certain exceptions, the commissioners court of each county to fix the amount of compensation, office expenses, travel expenses, and all other allowances for county and precinct officials and employees who receive their pay wholly from county funds. Excluded from the provisions of HB 384 are district attorneys and their assistants, investigators, and employees, probation officers and their supporting personnel, county auditors and purchasing agents and their assistants and employees, judges of all courts of record, justices of the peace, and the presiding judges of commissioners courts in counties having populations of 1.7 million or more. Salaries of official shorthand reporters are set by the judges of district and domestic relations courts, but a salary increase of more than 10 percent must be approved by the commissioners court.

The bill also establishes a committee in each county to review grievances concerning allowances and salaries and provides that both can be set only at regular budget hearings of the commissioners court each year, such hearings to be preceded by 10-days' notice and the publication of the amount of the proposed salaries for the various officers and employees of the county. HB 384 repeals all laws, including acts of the regular session of the 62nd Legislature, which prescribe compensation and allowances for officers and employees covered by the act. As the 62nd Legislature passed 39 bills based on population brackets dealing with compensation and expenses of county officials, some of these measures have been repealed by HB 384.



Under SB 213, a county civil service system for counties having populations of 300,000 or more was authorized. To become effective, however, the system must be approved either by the commissioners court or by the county electors in a special election. A civil service commission appointed by the commissioners court is empowered to make and enforce rules relating to the classification of county employees, examinations, promotions, layoffs, disciplinary actions, grievance procedures, and other matters having to do with the selection of employees and their advancement, rights, benefits, and working conditions. Exempted from application of the bill are most employees of the district attorney and official shorthand reporters in district or criminal district courts.

The powers and duties of the county treasurer with regard to the receiving, safekeeping, and disbursing of county moneys are set out in detail in SB 792. The existing law was merely a general statement of the authority of the county treasurer, and SB 792 clarifies the methods to be employed in handling county funds.

SB 475 prohibits governing bodies of counties and other political subdivision of the state from designating financial institutions outside the state as depositories for funds under their jurisdiction. HB 1089 requires county officials to keep records and file reports on all money received or disbursed by them. Under SB 980 certain counties are required to have biennial audits.

The Certificate of Obligation Act of 1971 is enacted by SB 607, which provides for the issuance and delivery of such certificates for the payment of contractual obligations. The act applies to certain municipalities and to counties with a population of less than 350,000. Under SB 803, counties as well as cities and navigation districts are authorized to issue revenue bonds for the purpose of acquiring property for industrial development. Portions of the bill are contingent on the approval of a constitutional amendment, which will be considered by the Texas electorate in November, 1972.

County recording procedures are streamlined by SB 5, which allows the microfilming of county records and permits the disposal of useless records before the expiration of the present statutory five-year period.

HB 183 provides that the commissioners court in any county may authorize the county tax collector to establish branch offices in the county for the purpose of making sales of motor vehicle license plates. Fees for the registration of vehicles are also set by the bill.

The appointment of reserve deputy sheriffs and reserve deputy constables is authorized by SB 43. The reserve officers may be called when additional forces are needed to preserve the peace

and enforce the law. They must meet the same standards as regular peace officers and have the same rights, obligations, and duties as other peace officers.

County regulation of outdoor musical festivals is authorized by HB 423. The bill applies only to festivals which offer live performances during two days in a three-day period outside city limits and which are attended by more than 5,000 persons.

Provisions of SB 807 authorize county historical survey committees to survey the county to determine the existence of historical buildings, battlefields, and private collections of historical significance, and to make recommendations concerning the acquisition to such property. The committees are also authorized to operate museums owned or leased by the county and to acquire artifacts in the name of the museum or the committee. HB 22 requires a county to give six months' notice to the historical survey committee before altering, damaging, destroying, selling, or leasing its courthouse. The committee is given 180 days in which to cooperate with interested persons for the preservation of the historical heritage of the courthouse.

HB 646 enacts the Interlocal Cooperation Act, which authorizes cooperation and contracts between counties, cities, school districts, special districts, and agencies of the state, and sets forth the purposes for which the contracts can be made and the terms and conditions applying to them.

To insure proper use of public funds, HB 1089 requires a county official to keep an accurate and detailed record of funds received or disbursed by him and to file a report of such transactions with the county auditor. Failure to comply with this law is declared to be official misconduct.

Members of a county or district retirement system are allowed by SB 154 to count as creditable service prior time as a member of the Texas Legislature, provided they deposit in the Employees Savings Fund an amount equal to the current contribution percentage of the subdivision multiplied by the base figure of \$400 per month for the total number of months they were members of the legislature.

SB 518 amends Article 6228g, Vernon's Texas Civil Statutes, to provide that if a subdivision which is participating in the county and district retirement system is annexed or merged with a municipality or other governmental entity, the succeeding entity must assume and continue the existing pension rights of that subdivision.

#### Agriculture and Livestock

Agriculture

The legislature was again cognizant of the important role which agriculture plays in both the history and future of our state. Several significant

measures were enacted in this area by the 62nd Legislature. In an effort to further encourage agricultural development in the state through cooperation among producers of certain agricultural commodities, HB 525 was enacted to strengthen the Agricultural Commodities Act. A major addition to the act is the provision for procedures to add new territory to the jurisdiction of an already established commodity producers board.

SB 757 authorizes the Commissioner of Agriculture to regulate the use of the term "Texas Agricultural Product" and any symbol related or connected with that term in the selling, advertising, marketing, and other commercial handling of food and fiber products within the state. Violators of the rules are guilty of a misdemeanor and are punishable on conviction by a fine of not less than \$25 nor more than \$200.

An agricultural measure which might best be classified as a public health law is HB 1254, which requires licensing of migrant labor camps by the State Commissioner of Health. The State Board of Health is granted the power to make rules and regulations prescribing standards of living and conditions in the camps as are necessary to protect the health and safety of the migrant laborers. Specific provisions are given for the licensing procedures and the procedures for the revocation of licenses.

SB 457 provides for the regulation by the Commissioner of Agriculture of "treated" seeds in an effort to insure the use of seeds of the highest quality. The commissioner is directed to hold public hearings concerning any rules set down or proposed rule changes. Notice of public hearings must be published in 3 or more general circulation newspapers in the state for 3 consecutive weeks prior to the hearing date.

SB 602 creates a pesticide advisory committee to advise the commissioner of agriculture on the proper use of pesticides. The act also strengthens the commissioner's power to refuse or cancel an economic pesticide registration and requires certain economic pesticide labels to contain numbers or other symbols which would identify the lot and batch number of the manufacturer of the contents of the package.

In the area of regulation of the sale, use, and transportation of herbicides, the legislature passed HB 217, which allows the county commissioners court of each county to exempt, revoke exemptions, and reinstate exemptions of counties from the operation of the herbicide law. This authority had previously been solely a function of the legislature and had resulted in a multitude of conflicting laws.

HB 1380 changes the name of the Cotton Research Committee to the Natural Fibers and Food Protein Committee to more closely conform the name of the committee to its function.

SB 492 authorizes the Texas A & M System to purchase land for the expansion of the Indian Mound Nursery in Rusk County for operation of a forest tree nursery and for production of other forest products.

HB 411 makes it unlawful for any person to thrash pecans from any pecan tree unless the tree is located on land owned by the person doing the thrashing, or the person has the consent of the owner or lessee of the land. If the tree is located on public land, the person must have the consent of the official, agency, or governmental unit having control of the land.

The 62nd Legislature passed several laws dealing with farm vehicles and their use on the state's highways. SB 350 authorizes the issuance of a temporary 30-day nonresident vehicle permit for a vehicle used in the movement of machinery used to harvest specified farm commodities. SB 476 allows a person who raises agricultural commodities, his spouse, and his children to transport those commodities to market without possessing a commercial operator's license, provided the driver has a valid operator's license. Under the provisions of HB 6, farm equipment required to have a slow moving vehicle emblem is exempted from the requirements of that bill concerning state inspection. Under state law, a bond is required for the use of oversize or superheavy equipment on the highways. SB 516 exempts farm equipment being used for agricultural purposes from the bond requirement in certain circumstances. A more detailed explanation of these highway laws may be found in the sections of this report dealing with motor vehicles and highways.

Livestock and  
Dairying

Throughout the history of Texas, the livestock and dairying industries have been of prime importance to the economy of the state, and the 62nd Legislature enacted several measures to update livestock and dairying laws in order to insure the continued modernization and vitality of these industries.

Although Texas is a national leader in the export of livestock to foreign countries, prior to the adoption of SB 1009 Texas had no state-owned facilities for the processing of livestock for international trade. The act authorizes the Texas Department of Agriculture to receive and hold for processing export-import livestock or other animals, and to establish and collect reasonable fees for yardage, feed, and maintenance.

The method of registering marks and brands for livestock was revised by SB 249. The act requires livestock owners throughout the state to record their marks and brands in their county clerk's office within 6 months after the act takes effect on September 1, 1971, and regardless of whether the mark or brand has previously been recorded. All marks and brands must be re-registered every 10 years under the new law.

By HB 1068 and HB 1839, respectively, Bailey County and Trinity County were added to the list of counties in which petitions may be made to the commissioners court to hold a special election to determine whether cattle shall be permitted to run at large in the county.

Technological developments in the dairying industry resulted in the adoption of two bills by the 62nd Legislature relating to the testing and specifications of dairy products. Since 1931, the Babcock test has been the only official standard for determining the butterfat content of dairy products in Texas. Under the provisions of SB 134, the commissioner of agriculture and a newly created Dairy Advisory Board may authorize the use of other butterfat or milk testing apparatus in addition to the Babcock test, provided that such milk testing apparatus has been given prior approval by the Association of Official Analytical Chemists. The state health officer is granted greater latitude by SB 605 in defining and fixing specifications for milk and milk products. The act also establishes a comprehensive new procedure to be followed by the state health officer in the promulgation of rules and regulations relating to milk and milk products.

Finally, three measures were enacted by the 62nd Legislature relating to animal health and the powers of the Texas Animal Health Commission. The brucellosis milk ring test (BRT) is sanctioned by SB 398 as an acceptable alternative to the bovine brucellosis blood test in the certification and testing of cattle by the Texas Animal Health Commission. But if any animal in the herd shows a positive reaction to the milk ring test, then the cattle must be submitted for a blood test at the expense of the commission. The act also provides the commission authority to designate certain areas as brucellosis control areas under certain circumstances. SB 1031 further clarifies the new brucellosis testing requirements and explicitly states that the milk ring test may be elected by the owner or caretaker of the cattle as a complete substitute for the annual blood test.

A recent hog cholera epidemic in Fort Worth and a threatened statewide quarantine by the federal government unless remedial state action were taken prompted the adoption of SB 433. The act resolves the quarantine problem by authorizing the Texas Animal Health Commission to quarantine potential carriers of disease as well as known carriers of disease.

### Environmental Protection

The 62nd Legislature, like legislative bodies throughout the United States, gave a great deal of attention to environmental problems, enacting some 20 or more environmental protection bills. Texas was already among the top states in the nation in the enactment of regulatory acts to abate pollution of air and water and to control the disposal of solid waste.

In the area of solid waste disposal, three important bills were enacted into law by the 62nd Legislature. HB 727 authorizes counties to acquire and finance solid waste disposal systems, and the counties along with other public agencies are authorized to enter into cooperative agreements for the disposal of solid waste. Also, the counties are authorized to make rules and regulations for the control and disposal of solid waste outside the boundaries of incorporated cities and towns.

Under the existing Solid Waste Disposal Act, no hearing was required before a permit could be issued or denied for the operation of a solid waste disposal site. HB 1186 adds the hearing requirement to the law and also provides that the applicant for a permit must execute a bond guaranteeing that he will close the disposal site on abandonment before a permit will be issued.

Under SB 76, dumping or otherwise disposing of any solid waste on public or private property without written consent of the owner or his agent constitutes a misdemeanor. Penalty includes a fine of not less than \$15 nor more than \$200 on conviction.

To assure pure water for Texas citizens, one of the major steps taken by the 62nd Legislature was to include an increase in appropriations of the Texas Water Quality Board of \$4.5 million. This appropriation also provided for 110 new employees of the board. Similarly, appropriations to the Air Control Board were increased by \$2 million, and provision made for 45 new employees. The \$100 million water bond amendment (SJR 17) to provide additional facilities for sewage treatment and water treatment programs throughout the state was submitted to the Texas electorate on May 18, 1971, and was adopted.

The 61st Legislature's interim Committee on Land Use and Environmental Control recommended new environmental legislation, and five of its recommendations were combined, on final passage, into one measure and passed as SB 835. This act permits the Water Quality Board to regulate the installation of private sewer systems; requires cities with waste disposal systems to adopt and file regulations for their use; authorizes the Water Quality Board to contract with local authorities for water quality management and inspection and enforcement; requires water quality management planning for all areas to conform with the statewide plan; and requires cities with populations over 5,000 to establish a water pollution control and abatement program.

Other measures resulting from recommendations of the same interim committee include SB 800, which authorizes the Lower Colorado River Authority to regulate pollution of all lands and waters under its jurisdiction.

SB 910, the structural pesticide control act, which provides for registration and regulation of pesticide applicators; SB 602, the economic pesticide act, providing for certification and

registration of agricultural chemicals; and HCR 131, which extended the life of the interim Committee on Land Use and Environmental Control so that it might continue hearings and investigations throughout Texas during the current interim.

Additional measures contributing to improvement in the environment include HB 727, authorizing county commissioners to prohibit garbage dumps by ordinance; HB 52, increasing the fine for littering public highways and roads in Texas; HB 759, prohibiting overloading of loose materials to be hauled on public thoroughfares; and SB 111, a general trespassing law, to reduce the misuse of private property.

HB 377 increased the protection of Texas wildlife by prohibiting hunting from aircraft.

The Texas Pure Food and Drug Law and the Livestock Remedy Act were updated by SB 902, so that these food and drug protection laws now conform to federal requirements.

Coordination of governmental activities toward proper land use control and planning between local, state, and federal entities of government was provided under SB 494. Also, in the area of government coordination, SB 80 established the Department of Community Affairs to provide for land use and planning by authorities within a community.

#### Aviation and Airports

One of the foremost accomplishments of the 62nd Legislature in the area of aviation and airports was an act (SB 4) designed to give the Texas Civil Air Patrol greater state recognition. SB 4 establishes the Texas Civil Air Patrol Commission and provides for its functions, which include the function of promoting financing for the operation of the CAP. The commission, under the measure, will work to insure cooperation with the Department of Public Safety in improving civil defense disaster capabilities and will seek to provide for an aerospace education and training program.

Two other bills pertaining to aviation and airports were enacted, one strictly local in nature. SB 929 created the Grayson County Airport Authority. HB 377 amended Article 901 of the Texas Penal Code, changing terminology to include all aircraft as prohibited methods of taking game animals and game birds. The act also deletes the requirement in the existing law that requires a physician's statement in order to permit incapacitated persons to hunt from an automobile and, additionally, allows all hunters to take game birds, not classified as migratory, and game animals from an automobile inside the boundaries of private property.

## Business and Business Regulation

The 62nd Legislature was no exception to its predecessors in the attention it directed toward the many facets of business and business regulation. The variety of legislation affecting the business world included revisions in the Consumer Credit Code, standards in commercial transactions involving hazardous substances, the creation of a State of Texas Building Materials and Systems Testing Laboratory, and changes in composition of the banking section of the Finance Commission.

The most significant legislation in the area of corporations was the passage of HB 339, which authorizes the creation of Business Development Corporations. Aimed at assisting businesses in the current period of tight money, these corporations can provide financing for new or existing businesses that cannot obtain adequate financing elsewhere. To be eligible for such financing, a business must have first been refused loans by at least two financial institutions. This requirement prevents any conflict with existing financial lending institutions. Business development corporations are deemed to be state development companies for purposes of the Federal Small Business Investment Act of 1958 and will be able to assist small businesses in obtaining federal funds from the Small Business Administration. The corporations are incorporated under the Texas Business Corporation Act or the Texas Non-Profit Corporation Act. Twenty-three other states have enacted legislation authorizing creation of business development corporations.

The Texas Non-Profit Corporation Act was amended by the 62nd Legislature to enable many private foundations to retain their tax-exempt status. The amendments to the act contained in SB 176 provide that the articles of incorporation of a nonprofit corporation be deemed to contain certain provisions, to wit: that a corporation shall not make distributions less than the amount required by the Internal Revenue Code, shall not engage in any acts of self-dealing, shall not retain any excess business holdings, shall not make any investments, or shall not make any taxable expenditures which would subject it to a tax under the Internal Revenue Code. These provisions, however, may be expressly excluded.

In 1968 amendments to the Internal Revenue Code authorized a tax-free "triangular" merger wherein a controlled subsidiary of another corporation may acquire, tax free, the assets of a third corporation in a statutory merger. The existing Article 5.01, Section B, of the Texas Business Corporation Act, allowed only for conversion of shares of a merging corporation into shares or obligations of the surviving corporation. If the shares of the parent corporation are issued it is not qualified under the Internal Revenue Code provisions. HB 389 amends the Texas Business Corporation Act to allow Texas corporations to qualify under the Internal Revenue Code.



In other action, the 62nd Legislature, under HB 1777, authorized notaries public who are employees or stockholders holding not more than one-tenth of one percent of the issued stock of a corporation to take acknowledgments in which the corporation is interested.

Consumer protection was under close scrutiny by the 62nd Legislature. The existing law governing hazardous substances was repealed by SB 362, which also established new standards to be followed in commercial transactions involving hazardous substances. The new law is to be administered by the State Department of Health. Hazardous substances includes those which are corrosive, flammable, an irritant, a strong sensitizer, or which generate pressure through decomposition or heat and which may cause substantial personal injury or illness as a result of any reasonably foreseeable handling or use. Under the new act all hazardous substances must be labeled to inform users of the dangers involved. The department is required to establish flammability standards for children's clothing, other than diapers, and any garment not meeting the standard must be declared banned as a hazardous substance. Toys containing a hazardous substance must also be banned by the department, as must any article which cannot be properly labeled or which presents an imminent danger to public health. The department is given authority to issue rules and regulations, conduct hearings, examinations, and investigations, and to exercise other powers necessary to enforce the act. Violation of the act by failure to label, mislabeling, selling a banned article, altering a label, or failing to cooperate with the department constitutes a misdemeanor with the penalty upon conviction a fine of not less than \$100 nor more than \$1,000, or imprisonment up to 90 days, or both. If the offense is committed with intent to defraud, or is a second or subsequent offense, the penalty on conviction is a fine set at not less than \$1,000 nor more than \$3,000, or imprisonment up to 180 days, or both.

The Consumer Credit Code was amended by HB 1584 and by HB 40. HB 1584 adds any act or practice which is deceptive to the consumer to those activities prohibited as deceptive trade practices. HB 40 establishes a division of consumer affairs in the Consumer Credit Commission to handle the administration and enforcement of Chapter 10, Title 79, Deceptive Trade Practices.

Existing law provides for a mechanic's lien for labor and materials attached to a house, building, improvement, or railroad property. SB 733 amends this original provision by defining the time of inception of a lien as the earlier of (1) the time of actual and visible commencement of construction, or (2) the recording of the written agreement for construction.

In SB 535, the 62nd Legislature declared that "there is a need for more and better housing . . . and one of the most detrimental constraints to meeting this need is the difficulty of introducing technological innovation into residential construction," since

local governments in many instances have been reluctant to permit innovations because of the lack of competent, objective facilities for testing and measuring performance ability. To alleviate this situation, SB 535 created the State of Texas Building Materials and Systems Testing Laboratory, which includes a Technical Testing and Evaluation Council. Selected public colleges will participate in the functions of the laboratory, and members of the council are to be laboratory directors at participating schools. Work of the laboratory will include the testing of building materials, products, and systems in order to establish performance capability, and performance certification statements will be issued by the laboratory as a matter of public record.

SB 955 amends the law which permits the state, political subdivisions of the state, financial institutions, insurance companies, and fiduciaries, to invest in bonds issued by public housing authorities if the obligations are secured by a pledge of annual contributions by the United States government to also permit investment if the obligations are secured by a pledge of the full faith and credit of the United States.

Relating to trusts created after the effective date of the Texas Trust Act, HB 335 provides that except in testamentary trusts in which the testator or testatrix has expressed a contrary intent, proceeds from a total or partial corporate liquidation are treated as principal, and distributions made from ordinary income by certain regulated investment companies and trusts are income.

The Texas Business Corporation Act was amended by HB 389 to permit certain transactions which will allow Texas corporations to participate in so-called "triangular mergers," in which, under 1968 amendments to the Internal Revenue Code, a controlled subsidiary of a corporation may acquire, tax-free, the assets of a third corporation in a statutory merger.

The permissible maximum interest rate on housing authority bonds is increased from 6 percent to 8 percent by HB 661.

HB 857 raises the fee for filing certain instruments under the Business & Commerce Code in the office of the secretary of state, and HB 858, a similar measure, raises the fee for filing certain instruments under the Texas Uniform Limited Partnership Act with the secretary of state.

The liability of surety on warehouseman's bond is limited by HB 1069 in the aggregate to the face amount of the bond and the act provides further that the surety's liability does not accumulate for each successive license period.

HB 263 provides a uniform fee to be charged by county clerks for the filing of documents relating to federal tax liens and

also provides a method of filing a certificate of nonattachment and a certificate of subordination. As to realty, the documents are filed with the county clerk of the county where the realty is located. Personalty documents are to be filed with the county clerk of the taxpayer's residence or, in the case of corporations, with the secretary of state.

The reporting of false information regarding a person's credit worthiness is treated in HB 1504. Under this bill anyone knowingly reporting false information regarding a person's credit worthiness to a credit rating bureau or any credit rating bureau knowingly furnishing false information regarding a person's credit worthiness to a third party is guilty of a misdemeanor. Penalty on conviction is a fine of not more than \$200.

SB 502 relates to supervision and examination fees payable by credit unions to the Credit Union Commissioner. Under SB 870, the definitions of "person" and "company" are clarified in The Securities Act to include governmental bodies. With respect to criminal penalties, however, "person" is still interpreted to mean a natural person.

Banks, Savings and Loan Companies, Interest                      One of the major enactments relating to banks and banking was SB 75, which changes the composition of the Finance Commission. Under existing law, the banking section was composed of four officers of state banks, one of whom was from a bank with capital and surplus of \$100,000 or less, two of whom were from banks with capital and surplus more than \$100,000 but not more than \$400,000, and one of whom was from a bank with capital and surplus in excess of \$400,000. The new act divides all state banks into quartiles, based on their capital and surplus, and provides that the banking section be composed of one officer of a bank in each quartile.

With the growth of drive-in banking requiring more and more facilities for this purpose and in view of statutory restrictions on branch banking, additional regulations were needed relating to the distance drive-in facilities might be located from the main bank. SB 409 authorizes banks in counties having a population of 350,000 or more to establish drive-in facilities up to 1,850 feet from the main banking facility.

SB 465 expands the authority of the commissioner of banking, with the approval of the governor and a majority of the Finance Commission, to declare a financial moratorium on any state bank in certain emergency situations. The measure also provides a method by which the officers of a bank may close the bank for up to 48 hours in an emergency.

The list of bank holidays is revised by SB 466. April 21 (San Jacinto Day) will no longer be a bank holiday, and several

existing bank holidays will be observed on Monday rather than on the calendar day on which the holidays actually fall. All Saturdays become bank holidays under this bill.

SB 912 makes it clear that the provision of the Texas Banking Code which permits a notary public to take acknowledgments of instruments in which the bank is interested, even though he is employed by or owns stock in the bank, is applicable to national and private banks as well as state banks.

The banking commissioner is authorized by SB 997 to authorize cease and desist orders and remove bank officers in the event of certain unsound practices in state banks.

SB 998 regulates the acceptance of "brokered funds" by state banks, classifying those funds as an indebtedness of the bank rather than a deposit and giving the banking commissioner power to issue cease and desist orders in certain situations relating to these brokered funds.

Supervision or conservatorship by the banking commissioner of state banks which are in an unsafe condition is provided for under SB 999. The measure also provides that officers of state banks file statements of all personal loans from other banks with the board of directors of the bank of which they are officers.

SB 1001 relates to applications for a state bank charter. The act requires proposed subscribers of stock to certify the number of shares subscribed and other information about themselves in order that the banking commissioner might have more complete information concerning those interested in the application.

Procedure of the State Banking Board is treated in SB 1002. The banking commissioner is designated as chairman of the board, and certain relationships between members of the board and management of the banks are prohibited. Individual voting records on matters decided by the board are required and trial de novo appeal from the board's decisions, which has been held unconstitutional, is replaced by appeal to the district court under the substantial evidence rule.

The penalty for violations of the cash reserve requirements of the Texas Banking Code is increased from \$50 per week to \$500 per week by SB 1003. Any appeal from a final order of the Banking Board or Finance Commission must be filed within 30 days of the order under provisions of SB 1004. In keeping with a ruling of the Texas Supreme Court, it is further provided that the appeal be under the substantial evidence rule rather than trial de novo.

An amendment to the Texas Banking Code is contained in HB 1409. The provision prohibiting state bank stock held by a bank from being voted was amended to permit the voting of the stock by parties other than the bank in certain circumstances.

HB 1265 allows a fiduciary to employ a bank as custodian of stocks or securities and provides alternative methods that the bank may use in filing the stock or securities, either separated by account, trust, or estate, or in bulk by class. The bank may designate a nominee to hold the securities and the nominee is given the same two alternatives as to filing.

The requirement that a city, town, or village must use a depository bank doing business in that city, town, or village was removed by HB 1397. SB 475 prohibits governing bodies of counties, cities, school districts, or other political subdivisions from using out-of-state financial institutions as depositories, although this does not apply to financial institutions which are paying agents for specific obligations.

HB 1406 authorizes the banking commissioner to define the incidental powers of state banks granted by the Texas Banking Code. Further, it removes the requirement that state banks preserve records and cards for 10 years, leaving this regulation to the Finance Commission. Under the bill also, a state bank is permitted to make loans and carry on business as if it were a national bank. HB 1582 allows private banks to be state depositories.

The responsibility for notifying the state banking commissioner of certain transfers of state bank stock is placed upon the transferee instead of the transferor by HB 1407. Time limit for notification is 15 days.

HB 461 permits insurance companies to invest certain funds in bonds of the Inter-American Development Bank, the World Bank, and the Asian Development Bank, and in bonds of the State of Israel. The measure also permits the State Board of Education to invest the permanent school fund in bonds of the Inter-American Development Bank, the World Bank, and the Asian Development Bank. Investments in the same three financial institutions may also be made by the board of trustees of the Firemen's Relief and Retirement Fund of a city or town.

The Savings and Loan Act was amended by SB 473 to permit savings and loan associations to provide in their bylaws for the voting rights of members, to change certain requirements as to voting rights, to require audits of savings and loan associations "at frequent intervals" rather than annually, and to make other technical changes.

## Mental Health and Mental Retardation

The Texas Legislature again evidenced its great concern and interest in the needs of the mentally ill and mentally retarded in our state by enacting various measures relating to this important area of state services. HB 724 provides for the construction and maintenance of a new school for the education, care, and control of mentally retarded persons in the state. The school is to be located by the Board of Mental Health and Mental Retardation after a survey has been made showing where the school is most needed.

In HB 139, the legislature provided for the regulation by the State Department of Health of the use of synthetic narcotic drugs in the treatment of drug-dependent persons. The bill also charged the Department of Mental Health and Mental Retardation with the responsibility of developing and promoting treatment programs in which synthetic drugs are used for drug-dependent persons.

SB 373 amends the State Purchasing Act of 1957 (Article 664-3, Vernon's Texas Civil Statutes) to allow Community Centers for Mental Health and Mental Retardation Services that are receiving state grants-in-aid under the Texas Mental Health and Mental Retardation Act to purchase drugs and medicines through the Board of Control. This provision should cut the costs incurred by these community mental health centers which enable persons with mental problems to receive professional treatment on an out-patient basis in facilities nearer their homes.

In other legislation dealing with the Department of Mental Health and Mental Retardation itself, HB 652 authorizes the department and the state schools, state hospitals, and other institutions under the department's jurisdiction to purchase annuities for the benefit of their employees. SB 520 authorizes the Department of Mental Health and Mental Retardation to convey certain land previously set aside for Rusk State Hospital to the City of Rusk for use as a public park. HB 1041 amends the Texas Mental Health and Mental Retardation Act to define the qualifications necessary for appointment to the positions of deputy commissioner for mental health services and deputy commissioner for mental retardation services. To be qualified for appointment as deputy commissioner for mental health services, a person must be a physician licensed to practice in the state and have at least three years of specialized training in psychiatry. To be qualified for appointment as deputy commissioner for mental retardation services, a person must have proven administrative ability and professional qualifications, including at least five years of broad experience and knowledge in the field of mental retardation.

## Public Health and Hospitals

### Public Health

The 62nd Legislature again demonstrated concern for the further improvement of the health of Texas citizens by enacting several important public health measures.

HB 106 amends the Public Welfare Act to require the inoculation and vaccination of children admitted to child caring institutions and facilities. The bill directs the State Department of Public Welfare to promulgate rules and regulations which must include the inoculation or vaccination against diphtheria, whooping cough, tetanus, poliomyelitis, rubella, rubeola, and smallpox. Persons may be excused from the requirements by (1) an affidavit signed by a doctor stating that the immunization would be injurious to the health of the child, or (2) an affidavit signed by the parent or guardian of the child stating that the vaccination or immunization conflicts with the religious denomination of which the child is an adherent or member. SB 1007 authorizes the State Board of Health to modify or delete any of the required immunizations or to require additional immunizations for admission to child caring facilities.

SB 27 amends the Texas Education Code by requiring the same immunizations as required in HB 106 to be requirements for admission to all elementary or secondary schools or institutions of higher learning within the state. The same exceptions are provided.

SB 971 authorizes the State Board of Health to modify these requirements.

In an effort to better protect children from neglect and abuse, Article 695c-2, Vernon's Texas Civil Statutes, was amended by SB 149 to require the reporting of abuse affecting the mental health of children to the office of the county attorney. Previously, the statute provided only for the reporting of infliction of physical injury or physical neglect. Persons making such a report without malice are immune from any civil or criminal liability under the acts.

SB 362 provided for the regulation of certain hazardous substances by the State Department of Health. The department was given authority to examine substances and to ban them from commerce if necessary to protect public and safety. Labeling procedures are defined and outlined. Violation of any provisions of the act or of any rule promulgated under the authority of the act is a misdemeanor punishable on conviction by a fine of \$100 to \$1000, or 90 days' imprisonment, or both.

A research advisory panel was created by SB 387 for the purpose of approving or disapproving research projects involving narcotics or dangerous drugs. The panel may grant its approval to qualified researchers who wish to conduct projects to determine the nature

and effects of narcotic or dangerous drugs. Persons acting within the authority of a panel-approved research project are immune from prosecution for a violation of the Uniform Narcotic Drug Act.

SB 534 provides that medical personnel and institutions performing or assisting in the transplantation or transfusion of tissue, organs, or blood from one person to another will not be liable for damages except for negligent acts.

SB 574 creates the Governor's Commission on Physical Fitness to promote and increase the physical fitness of all the citizens of Texas.

SB 801 amends the "Brooks Study Act" to extend the life of the Advisory Council for Children with Learning Disabilities for two additional years until August 31, 1974. The council is directed to report to the 63rd Legislature its findings and recommendations concerning the establishment of diagnostic and treatment facilities for children with learning disabilities.

SB 811 amends Article 4447a to provide that county commissioners courts and municipal authorities may cooperate in establishing a "health district" to promote the effectiveness of local health problems.

Under SB 977, persons, hospitals, and related institutions are allowed to provide information concerning the condition and treatment of any person to individuals or organizations making inquiries under the authority of the State Department of Health. The purpose of the inquiry must be to identify persons who may be in need of immunization.

HB 139 makes it unlawful to administer a synthetic narcotic drug for the purpose of treating drug addiction without a permit from the State Department of Health. The department is designated as the administrator of policy and enforcement for the use of synthetic drugs in treating addicts. Violation of any rule or regulation promulgated under this act is a misdemeanor punishable on conviction by a fine of not more than \$3,000 or confinement in the county jail of not more than 6 months, or both.

Another forward step was made in the fight against pollution with the passage of HB 322, which amends the Texas Clean Air Act to require that any person, organization, or corporation planning to construct a new facility or to modify an existing facility which may emit air contaminants obtain a construction permit from the Texas Air Control Board. If the board finds that the emissions from the proposed facility will not conform to applicable standards or to the intent of the Texas Clean Air Act, the permit will not be granted. A granted permit may be revoked if it is found that terms of the permit are being violated. An operating permit must also be obtained prior to operation of the facility. The board is authorized to seek an injunction to halt construction or operation without the required permit or in violation of the permit.



In other health legislation, HB 172 permits two or more counties to join together to create a medical examiner's district and to maintain jointly the office of medical examiner. HB 663 grants any person 18 years of age or older the capacity to donate blood to the American Red Cross, a blood bank, or a licensed hospital; however, persons between the ages of 18 and 21 may not receive compensation for their donated blood. HB 918 allows commissioners courts of certain counties to provide for emergency ambulance service within the county. HB 733 extends the provisions of Article 4590f, Vernon's Texas Civil Statutes, to include radiation not covered by the Radiation Control Act of 1961.

Hospitals and  
Hospital Districts

Pursuant to Article IX, Section 9, of the Texas Constitution, the 62nd Legislature authorized the creation of 18 new hospital

districts contingent on a majority vote of the qualified property-holding voters of each district. Once a hospital district is created, the directors of the district may levy taxes, construct medical facilities, and offer medical services for the people living in the district.

Several local bills were enacted relating to specific hospital districts for the purpose of authorizing revenue bonds, increasing the tax rate, and providing for the sale and leaseback of unneeded land of hospital districts.

HB 403 changes the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital, the name of San Antonio State Tuberculosis Hospital to San Antonio State Chest Hospital, and the name of the East Texas Tuberculosis Hospital to the East Texas Chest Hospital.

HB 211 grants permission to the Harlingen and San Antonio State Chest Hospitals to create pilot programs for the treatment of persons with chronic diseases of the respiratory system other than tuberculosis.

HB 799 establishes at the East Texas Chest Hospital a program for the finding and treatment of all chest diseases. The bill also designates that hospital as the agency of the state and primary facility to conduct research, develop techniques and procedures, and provide training and teaching for carrying out the state's policy of providing such a program of healing and treatment of chest diseases.

### Insurance

One of the foremost pieces of insurance legislation enacted by the 62nd Legislature was SB 31, which was designed to provide relief to Texas citizens who are residents of coastal areas subject to hurricanes and those who live in other sections of the state where there is high risk of tornadoes and like disasters. The act establishes a Texas Catastrophe Property Insurance Pool, and under its provisions windstorm, hail, and fire insurance in high-risk areas may be placed with insurers through the pool facility.

Of industry-wide significance also is the model Insurance Holding Company System Regulatory Act (SB 233), which provides for regulation of insurance holding companies and their subsidiaries and affiliates. HB 1830 prohibits certain conflicts of interest and further regulates the conduct among officers, directors, and certain shareholders of insurance companies.

Insurance agency regulations are treated in three bills enacted by the 62nd Legislature. HB 680 restricts fire and casualty insurers' power to cancel without notice agency contracts after such contracts have been in effect for two years; HB 694 alters the license and appointment fees of agents licensed under Article 2.107 of the Texas Insurance Code; and SB 400 relates to the licensing of local recording agents and creates an Agent's Education Advisory Board.

Workmen's  
Compensation

SB 730 relates to workmen's compensation and gives to the Texas Workmen's Compensation Assigned Risk Pool the responsibility of providing insurance for rejected risks to any city, county, or state agency authorized to provide such coverage for its employees. The pool is also required to provide insurance on all policies and claims in existence for any company judicially declared insolvent. SB 265 amends the employers' liability and workmen's compensation laws of Texas by making all diseases arising out of employment compensable, including injuries caused by repetitious physical traumatic activities. Formerly, compensation was limited to a list of specific occupational diseases. The bill also repeals provisions setting time limitations on the Texas Employers' Insurance Association's liability for occupational diseases and provisions limiting compensation to the period during which such diseases are acute.

The legislature passed HB 3 to update the separate workmen's compensation statute for employees of Texas Tech University. The Act amends the definition of institution and increases the amount of appropriations to be set aside for workmen's compensation awards and expenses at institutions under the direction of the Board of Regents of Texas Tech University to 3-1/2 percent of the annual workmen's payroll of the institution.

Life  
Insurance

The issuance of group life insurance was altered by two bills. SB 360 increases the amounts of group life insurance which may be issued to a creditor to insure certain debtors and raises the amount from educational and agricultural loans from \$10,000 to \$25,000. HB 796 amends the group life insurance provisions of the Insurance Code to clarify that a corporate entity may be the assignee of a group life policy.

In other legislation affecting life insurers, HB 1714 authorizes life insurance companies to make student loans guaranteed by the federal government. SB 666 authorizes and regulates the issuance of life insurance policies or annuity contracts in fixed or variable amounts. HB 1289 authorizes certain local mutual aid associations,

statewide mutual assessment companies, and stipulated premium companies to issue policies of life insurance. SB 872 places restrictions on the compensation or emoluments which may be paid to officers, trustees, or directors of domestic companies.

Authorized investments of a domestic life insurance company are treated in HB 823. The act authorizes investment, under certain circumstances, in first mortgage bonds or first lien notes of a corporation which has not been in existence for five consecutive years if the bonds or notes are secured by contracts made by a five-year qualified corporation. The act also provides that a prior lien to the extent of not more than 10 percent of the net worth of a corporation which has a net worth of not less than \$5 million may exist without disqualifying the notes or debentures of the corporation as a legal investment.

HB 694 amends Article 21.07 of the Texas Insurance Code by differentiating between certain kinds of life and accident and county mutual fire insurance agents for licensing purposes. While for most agents the annual license fee of \$10 and the \$4 fee for each appointment remain unchanged, the bill does reduce these fees to \$5 and \$2, respectively, for county mutual fire insurance agents writing insurance for certain companies whose business is devoted exclusively to industrial fire insurance and agents writing life insurance for certain types of mutual associations, corporations, and companies.

Other Insurance Laws Included in vehicle legislation enacted by the 62nd Legislature are three bills relating to insurance. SB 989 authorizes, for the purpose of satisfying the Texas Motor Vehicle Safety-Responsibility Act, the purchase of liability insurance excluding the first \$250 of liability in an accident. SB 827 permits, under certain circumstances, a rate to be charged for motor vehicle insurance in excess of the standard rates promulgated by the insurance board. While not directly relating to insurance rates, SB 612 authorizes the Board to promulgate rules for the safe operation for vehicles directly dispensing motor fuels for retail sales. Any city may enact regulations more restrictive than those promulgated by the board.

SB 432 repeals existing law regulating mortgage guaranty insurers and reenacts most of the law in a new Insurance Code Article 21.50; the act thereby allows state certification of additional mortgage guaranty insurers and provides for regulation by the State Board of Insurance.

The State Board of Insurance is given power to compel fire insurers to give reduced rates to any locality reducing fire hazards under HB 968. In the property insurance field also, the 62nd Legislature passed SB 662, establishing the Texas Property and Casualty Insurance Guaranty Act. Under the Texas version of this model legislation, insurers writing property and casualty insurance in this state jointly guarantee the solvency of each individual insurer and may be assessed to provide a fund for claims against an insolvent insurer.

HB 1287 alters the law relating to the filing with the State Board of Insurance of instruments containing false statements. Through this measure, an effort has been made to make the long-standing prohibition against fraudulent filings more enforceable. HB 1273 expands the authority of the State Board of Insurance to deal with alien insurance carriers. Under the provisions of the bill, the board may suspend, as well as revoke, certificates of authority to do business in the state. A new standard of actionable conduct involving "systematic . . . willful disregard of contractual obligations" is added to existing law under the act.

The State Board of Insurance is empowered by HB 145 to promulgate and enforce reasonable rules concerning cancellation and nonrenewal of family automobile and residential fire insurance homeowners policies. HB 636 alters the partial exemption from regulation of reciprocal or inter-insurance exchanges.

HB 1270 authorizes, under certain limited circumstances, the withdrawal of duplicate or excessive deposits made, under statutory compulsion, with the state treasurer by certain insurance companies.

The Asset Protection Act (SB 839) requires that certain insurers maintain unencumbered assets in an amount equal to reserve liabilities. The act further creates a preference among assets and requires sworn reports to the insurance commissioner.

Under provisions of SB 613 the commissioner of insurance replaces the chairman of the insurance board as the state official amenable to service of process upon insurers under insurance laws.

SB 578 authorizes state departments and agencies to purchase liability insurance covering the use of aircraft and watercraft on state business by their officers and employees. Prior law authorized the purchase of insurance for other types of vehicles and equipment.

### Labor and Industrial Safety

While the majority of bills passed in the area of labor law took the form of amendments to the Workmen's Compensation Act and the Unemployment Compensation Act, the roles of women and military personnel in the labor field also attracted the attention of the 62nd Legislature. HB 591 alters the hours of work allowable for women by permitting a female employee to work more than 9 hours a day or 54 hours a week if she consents to the overtime employment. The only exceptions to this provision are women employed in a professional, administrative, executive, or outside sales capacity. With the passage of HB 280, private employers are required to reemploy a person called to active duty in the state military forces unless circumstances have changed to the extent that reemployment would be unreasonable or impossible. Failure to reemploy under this statute may make the employer liable for damages of up to six months' compensation and attorneys' fees.

The amendments to the Workmen's Compensation Act covered discrimination, benefits, procedures, and persons covered. Provisions

dealing with the Industrial Accident Board are contained in HB 992 and HB 349. HB 992 provides that the Industrial Accident Board must furnish an employee with claim forms when the report of the accident or injury is made by the subscriber, and that the time period for filing the claim by the employee does not begin until the subscriber has filed his report. HB 349 allows a claimant to receive the amount of his claim, if the sum is certain, although a dispute still exists as to which subscriber or insurer is liable. Those potentially liable are required to deposit proportionate shares of the sum certain with the Industrial Accident Board. Upon final determination of liability, any subscriber or insurer is entitled to reimbursement for any overpayment.

SB 751 allows recovery for a second injury and establishes a Second Injury Fund composed of benefits allowed a deceased employee who had no survivors. SB 265 streamlines the definition of injury and occupational disease and HB 685 extends the premium tax to self-insurers on their medical and indemnity costs. An additional fee must now be paid by the employer through each subscriber under HB 686. This is an annual fee of \$7.50 on each legal entity on which policies are issued. The bill also provides for de novo appeal from a ruling of the Industrial Accident Board.

Counties or drainage districts which fail to provide either self-insurance or insurance under a policy of insurance are now subject to waiver of common law defenses of contributory negligence, fellow servant doctrine, and assigned risk, and such employers may be sued by employees for common-law negligence under SB 264 and SB 364.

The Texas Unemployment Compensation Act was amended by HB 266 to comply with provisions of federal law. Among the changes are the inclusion of nonprofit organizations in the definition of employer, extension of benefits, prohibitions against denial of benefits, and methods of contributions of employers and reimbursement of contributing employers. HB 1424 further amends the Texas Unemployment Compensation Act by raising the total benefit for total unemployment from \$45 to \$63, increasing the tax rate on employers, defining the ceiling on the unemployment compensation fund, declaring the state to be a reimbursing employer, and if any of the provisions of the act do not conform to the federal requirements, authorizing the Texas Employment Commission to administer the act to achieve conformance until the convening of the next regular session of the legislature.

To assure that all employees are free to file claims with the Industrial Accident Board, HB 113 makes an employer liable for damages suffered as a result of a discriminatory act by an employer because of the filing of a claim or hiring of an attorney by the employee to pursue proceedings under the Workman's Compensation Act.

Finally, HB 1254 provides for the licensing of migrant labor camps, and HB 1001 changes requirements for members of the board of the Texas Private Employment Agency Board and prohibits the charging

of a fee by licensees for services other than referrals resulting in employment.

### Industrial and Economic Development

The 62nd Legislature enacted several measures designed to encourage the industrial and economic development of the state. SB 931, the Texas Rural Industrial Development Act, is significant in its efforts to promote industrial development and employment in certain rural areas where population growth has been low or there is less than average manufacturing employment. The act authorizes the making of certain loans by the Texas Industrial Commission to industrial development agencies in amounts not to exceed 40 percent of the cost of the project if the agency holds funds or property in an amount not less than 10 percent of the cost of the project and the remainder of the necessary financing is assured.

SB 803 gives Texas cities, counties, and certain other political subdivisions the authority to issue revenue bonds for the purpose of acquiring property for industrial development. It also authorizes such subdivisions to lease, sell, or convey the property. The final effect, however, is questionable. The legislature recognized that a constitutional amendment may be required to enable the political subdivisions to proceed under this law, and SJR 33, proposing such a constitutional amendment, failed to pass. Thus SB 803 is effective only to the extent permitted by existing provisions of the Texas Constitution.

The enactment of HB 653 authorizes the county judge of certain counties to appoint a county industrial commission to study and undertake ways and means of promoting the development of business, industry, and commerce within the county in cooperation with the Texas Industrial Commission.

### Oil, Gas, and Other Minerals

A decision of the Texas Supreme Court interpreted the Mineral Interest Pooling Act as excluding many small landowners from its provisions. To remedy the situation created by this decision, the 62nd Legislature enacted SB 359, which amends Subsection (a) of Section 2 of the Mineral Interest Pooling Act to define more clearly the circumstances under which applicants can pool mineral and royalty interests in oil and gas reservoirs.

HB 1755 amends the law relating to lease of oil, gas, and other minerals within state-owned lands to extend the terms of the leases from January 1, 1971, to January 1, 1973. The existing law provided that oil and gas leases given by the state may be extended for not more than 180 days after the expiration of the primary term unless production is obtained in paying quantities. SB 629 amends this law to provide that these leases may be extended for not more than 390 days after the expiration of the primary term unless production is obtained in paying quantities.

Under existing law, a person could prospect for uranium and thorium located on state-owned land if he had a permit issued by the state

land commissioner. SB 837 removes uranium and thorium from the category of minerals for which prospecting permits may be issued and provides for the leasing of lands for exploration and production of these minerals.

HB 1862 provides that any person who leases state public land and who is prevented from exploring, developing, drilling, or producing minerals from the tract leased as a result of action taken by the State of Texas or the United States is entitled to a refund of his money. The lessee is given permission to bring suit against the state to collect the money within two years after the lease expires or to collect the money through verification by the State Land Board.

In 1959 the Liquefied Petroleum Gas Code was passed to place the regulation of the liquefied petroleum gas industry under the Texas Railroad Commission and to provide for licensing of the various segments of the industry. SB 514 amends the Code to increase and reclassify certain fees charged under the Code, provide for inspection of certain applicants for licenses, and authorize certain insurance requirements to be set by the Texas Railroad Commission.

The Radiation Control Act of 1961 provides for the licensing and regulation of sources of ionizing radiation. HB 733 adds to these sources certain kinds of radiation not presently covered in the Radiation Control Act of 1961 and makes certain other minor changes in the act.

### Parks and Wildlife Regulation

#### Administrative

The 62nd Legislature increased the number of commissioners on the Parks and Wildlife Commission from three to six by enacting

HB 979. Although the term of office is six years, first appointments of new members of the commission will be for two, four, and six years, to maintain the staggering of appointments. Under SB 659, the powers and duties of the Board of Managers of the Texas State Railroad are transferred to the Parks and Wildlife Commission; however, a short portion of the railway line was left under the control of the board of managers.

The Parks and Wildlife Department is authorized to establish a petty cash fund for the purpose of making refunds of cash receipts by HB 1563. HB 1865 sets up a "Parks and Wildlife Operating Fund" in the state treasury for general expenses authorized by the appropriations act, and the department is allowed to make refunds of money erroneously deposited under HB 1566.

A new wildlife preserve is created by HB 1864 in San Patricio and Nueces counties. The preserve is designated the Ingleside Cove Wildlife Sanctuary.

General  
Regulatory  
Authority

Provisions of the Uniform Wildlife  
Regulatory Act were extended by the  
62nd Legislature to include the follow-  
ing new counties: Concho, Kendall, and

Fannin. Lakes Livingston and Ray Hubbard were also included. The Uniform Wildlife Regulatory Act was also made applicable to a tract of land in Sabine and San Augustine counties, and all wildlife resources in Live Oak and Colorado counties. However, the rules and regulations of the department were made subject to approval of the commissioners court in Robertson, Zavala, Uvalde, Frio, and Dimmit counties.

Game  
Laws

A number of additional game laws were  
enacted by the 62nd Legislature.

Under SB 679 the taking of alligators and marine animals is authorized by permit when these specimens are to be used and displayed in aquariums. Provisions of the law declaring prairie dogs a public nuisance and requiring their destruction have been repealed by HB 357. HB 377 prohibits the hunting of any wild game birds or animals from an airplane or other airborne device. The taking of deer, elk, antelope, or wild sheep through use of a 22-caliber jetgun or rocketgun is prohibited by HB 378. HB 381 and 382 remove buffalo from the game animal list and repeal provisions of the law that allow buffalo hunting.

A special white-wing dove stamp is required as a prerequisite to the hunting of these birds by HB 738. Funds received from the sale of these stamps are to be set aside for the preservation of the white-wing dove.

Sevicemen stationed in Texas are permitted to purchase a resident hunting license under provisions of HB 396.

Fish  
Laws

HB 728 requires that redfish be at least 14 inches in length to be kept. "Private ponds" are redefined in the fish farming license law under HB 428, and the license fee to operate such farms is established at \$5. The act also allows fish farmers to receive federal funds on approval of the Parks and Wildlife Department.

SB 786 authorizes the Parks and Wildlife Department to let bids for the cleaning of public fresh waters of rough fish and turtles. HB 244 allows residents of Mexico to fish in the coastal waters of this state without having a license if they are in Texas on a United States visa.

HB 212 requires that all persons taking oysters by means of a dredge must obtain a license issued by the Parks and Wildlife Department, and the act also regulates the time, means, and manner of taking oysters by dredge.

The Texas Council on Marine-Related Affairs is created under HB 483. The council is to serve in an advisory capacity only and is authorized to hold hearings and make reports to the legislature and to the governor.



State Under SB 588, the Parks and Wildlife  
Parks Commission has been authorized to make  
rules and regulations governing the  
conduct of visitors to state parks, historic sites, scientific  
areas, and forts. On adoption, such rules may be enforced by  
peace officers, and violaters are subject to removal from the  
premises or prosecution.

HB 1535 and SB 576 authorize the Parks and Wildlife Department  
to publish and sell information on state parks.

Hunting in state parks, at historical sites, and forts, unless  
by special permit issued by the Parks and Wildlife Department,  
is prohibited by SB 620. Any person 18 years old or older is  
permitted to use state park facilities without being accompanied  
by an adult under HB 883.

Outstanding natural features and formations may be designated  
by the Parks and Wildlife Department with suitable markers  
under provisions of SB 302.

The Parks and Wildlife Department is authorized by SB 618 to  
make exchanges of land for park purposes on approval of the  
governor.

Other The penalty for unlawful entry on the  
enclosed land of another for the purpose  
of hunting, fishing, or camping is  
increased by HB 866, and the ancient sport of falconry is recog-  
nized by SB 372. The act provides for the issuance of several  
classes of licenses and allows hunting with raptors.

#### Veterans Benefits and Military Affairs

Perhaps the major new benefit granted veterans by the 62nd Legisla-  
ture was that under HB 615, whereby qualified disabled Texas  
veterans will be able to obtain special free automobile license  
plates in 1972. Vehicles with disabled vets plates will be exempt  
from parking fees charged by any governmental authority other than  
the federal government, and this exemption includes parking meters.  
To qualify, an applicant must be a resident of Texas, be a veteran  
of the armed forces of the United States, have a disability rating  
of 70 percent or more, and be drawing compensation from the federal  
government as the result of service-connected disability. A veteran  
qualified will be entitled to register one passenger car or light  
commercial vehicle, and a statutory fee of \$1 must accompany each  
application.

HB 614, similarly, exempts a qualified disabled veteran from  
payment of a driver's license fee.

In other veterans' legislation, HB 616 prohibits disqualification  
for state employment by reason of any service-connected disability,  
provided such disability does not render the individual incompetent  
properly and capably to perform the duties of the position or  
employment applied for. However, the act does not apply to veterans

who are receiving or who are entitled to receive military retirement pay, other than disability retirement pay, from the United States of America. In taking an examination for employment by a state department or other governmental agency or public works of the State of Texas requiring such competitive examination, a person qualified under the act who attains at least the minimum score required shall have service credit amount to 10 points added to the earned rating, and an additional five points, should the applicant have a service connected disability established by official records.

HB 548 was enacted to exempt from state college and university tuition and fees the dependent children of Texas military personnel missing in action or taken prisoner of war.

On this basis the applicant is entitled to preference for employment or appointment over all other applicants for the same position having no such disability and having no greater qualifications.

A proposed constitutional amendment (HJR 35), if adopted, would provide a tax exemption on certain property owned by him for a disabled veteran on a graduated scale based on the percentage of his disability and ranging from \$1,500 to \$3,000.

SB 584 legalizes the holding of lotteries by veterans organizations and religious groups.

HB 30 amends Article 5789, Section 7, Revised Civil Statutes of Texas, 1925, as amended, which relates to awards, decorations, and medals, by creating the Texas Outstanding Service Medal. The medal may be presented to any member of the state military forces whose performance has been such as to merit recognition performed in a superior and clearly outstanding manner.

To relieve armed services personnel from out of state who are serving in Texas military establishments from payment of the non-resident hunting license fees, HB 396 amends Article 895c of Vernon's Texas Penal Code to provide ". . . that members of the Armed Services on active duty for a period of greater than 30 days at any Federal installation or facility within the State may purchase a resident hunting license." Adequate proof of duty assignment is required under the statute.

### Constitutional Amendments

The 62nd Legislature approved 18 proposed changes in the Texas Constitution, the state's basic legal document which had already been amended 200 times since ratification in 1876. Four of the amendments proposed by the 62nd Legislature were submitted to the Texas electorate at a special election held on May 18, 1971, but with only one of them adopted the number of times the constitution has been amended now stands at 201. The remaining 14 proposals will be on the general election ballot on the second Tuesday in November, 1972.

The only amendment to win approval at the May 18, 1971, election was SJR 17, which authorized the Texas Water Development Board to issue \$100 million bonds to provide financial assistance to cities and other public agencies in the form of grants or loans for sewage projects. Defeated were the following:

SJR 15--No. 1 on the Ballot on May 18, 1971 Proposing to establish a State Ethics Commission empowered to set rules of ethics for members of the legislature, state officers, and legislative officers and to investigate violations; to recommend compensation for members of the legislature and the lieutenant governor and to recommend improvements and economy in the legislative process.

HJR 21--No. 2 on the Ballot on May 18, 1971 Proposing that the legislature may propose amendments to the Texas Constitution in called as well as regular sessions of the legislature.

SJR 5--No. 3 on the Ballot on May 18, 1971 Proposing to remove the limitation on the total state appropriations for assistance grants for the needy aged, the needy blind and the needy disabled, and setting a limitation of \$55 million on total state appropriations during a fiscal year for assistance grants for needy dependent children and the caretakers of such children.

In November, 1972, the additional 14 proposed constitutional amendments will be submitted to Texas voters. These include:

SJR 1 Proposing amendments to Article IV, Sections 4, 22, and 23, Texas Constitution, providing a four-year term of office for the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, secretary of state, and certain statutory state officials.

SJR 7 Amending Article VIII, Section 1-b, Texas Constitution, providing an exemption of an amount of the value of residence homesteads of all persons age 65 or older from all ad valorem taxes.

SJR 16 Amending Article I, Section 3, Texas Constitution, providing that equality under the law shall not be denied or abridged because of a person's sex.

SJR 20 Exempting directors of soil and water conservation districts from prohibition against dual office holding and compensation.

SJR 29 Amending Article XVI, Sections 33 and 40, prohibiting the payment of state funds to persons holding more than one civil office of emolument, to exempt certain state employees.

HJR 31 Amending Article IX, abolishing the Lamar County Hospital District.

- HJR 35 Amending Article VIII, Section 2, relating to a tax exemption for certain property owned by a disabled veteran. The exemptions would be on a graduated scale based on the percentage of the veteran's disability and would range from \$1,500 to \$3,000.
- HJR 41 Amending Article XVI, Section 61, relating to compensation of justices of the peace on a salary basis. Abolishing in certain counties the commission system of compensation based upon fees collected by justices of the peace.
- HJR 57 Amending Article VII, relating to the county permanent school fund, to alter constitutional restrictions on its investment and to permit the commissioners court of any county to reduce the permanent school fund of that county and distribute the amount of the reduction to the independent and common school districts to reduce bonded indebtedness or to make permanent improvements. Under the amendment, commissioners must retain a sufficient amount of the fund to pay ad valorem taxes on school lands or royalty interests owned at the time of the distribution.
- HJR 58 Amending Article III, relating to the salary of members of the legislature to provide for a salary of \$8,400 a year for both senators and representatives.
- HJR 61 Granting authority to the legislature to establish a constitutional revision commission which would report its recommendations no later than November 1, 1973. The members of the 63rd Legislature would then be convened in January 1973 as a constitutional convention to serve 60 days for the purpose of drafting a new constitution for submission to the voters of Texas.
- HJR 68 Amending Article XVII, Section 1, relating to proposing amendments to the Texas Constitution during called as well as regular sessions of the legislature and altering the method of publishing notice of proposed amendments.
- HJR 82 Amending Article III, relating to rates of interest to be borne by bonds. Interest rates not to exceed 6 percent on all bonds issued pursuant to constitutional authority would be authorized to enable Texas bonds to be competitive in the bond market.
- HJR 95 Relating to providing a salary of \$22,500 for the lieutenant governor and the speaker of the house of representatives.

APPENDICES

Appendix A

HOUSE AND SENATE INTERIM COMMITTEES

CREATED BY THE 62ND LEGISLATURE

Regular Session

- HB 467 (61st Leg.) -- Crime & Narcotic Advisory Commission
- HB 483 -- Council on Marine-Related Affairs
- SB 414 -- Legislative Property Tax Committee
- SB 494 -- Advisory Commission on Intergovernmental Relations
- SB 709 -- Texas Ranger Commemorative Commission
- HCR 64 -- Historic Flags of Texas
- HCR 71 -- Parks & Wildlife Department Statutes
- HCR 83 -- Constitutional Funds & Bonds
- ✓HCR 110 -- No-Fault & Competitive Auto Insurance
- HCR 122 -- Junior Colleges & Technical Institutes
- HCR 125 -- Severed Mineral Estates in Texas
- HCR 128 -- Desalinization of Salt Water
- ✓HCR 129 -- Vegetable Marketing
- HCR 130 -- State & Local Tax Policy
- HCR 131 -- Land Use & Environmental Control
- HCR 136 -- Nuclear Power Plants in Texas
- HCR 153 -- Water Resources & Land Use
- HCR 154 -- Faculty Compensation
- HCR 184 -- Texas Penal Code
- HSR 17 -- Insurance Industry & State Board of Insurance
- HSR 18 -- Pension Plans for State Employees
- HSR 24 -- Emotionally Disturbed Children

HSR 52 -- Pornography & Its Control  
HSR 55 -- Parking Liaison  
HSR 59 -- Historical Preservation  
HSR 65 -- Volunteer Firemen's Pension Plan  
✓HSR 89 -- House General Investigating Committee  
HSR 101 -- Population & Natural Resources  
HSR 138 -- Degree Plans  
✓HSR 227 -- Texas-Mexico-Central American Industrial Relations  
✓HSR 230 -- Mass Transportation System  
HSR 247 -- Civil Air Patrol  
HSR 287 -- Electrology  
HSR 301 -- Juvenile Delinquency  
HSR 374 -- Access to Floor of the House  
HSR 400 -- Mexican-American Rail Passenger Service  
HSR 403 -- Solid Waste Disposal  
HSR 404 -- Texas Food Processing Industry  
HSR 422 -- Recreational Water Safety  
HSR 424 -- Marking & Branding of Livestock  
HSR 436 -- Problems with Plastic Pipe  
HSR 438 -- Coastal Waterways & Shipping Industry  
HSR 442 -- Data Processing Study  
HSR 444 -- Administration of Public Education  
HSR 445 -- Criminal Procedure  
HSR 446 -- Administration of Occupational Regulation  
HSR 447 -- Law Enforcement Education  
HSR 451 -- Nursing Aides & Licensing of Nurses  
HSR 455 -- Licensure of Auto Repair Businesses

HSR 460 -- Shrimping Industry in Texas  
HSR 467 -- Utilization of Solid Waste  
HSR 468 -- Restoration, Arts, & Heritage  
HSR 474 -- Parks & Wildlife Department  
HSR 479 -- Texas Youth Council  
HSR 487 -- No-Fault Auto Insurance & Competitive Rate-Making  
HSR 490 -- Electronic Communication System of the House  
HSR 494 -- Coordination of State & Federal Air Quality Standards  
HSR 497 -- Insurance Industry & State Board of Insurance  
HSR 500 -- Health Services & Health Care  
HSR 513 -- Capitol Exterminating  
HSR 516 -- Distribution of State Water Resources  
HSR 517 -- Landlord-Tenant Relationship  
HSR 520 -- Hearing Aid Industry in Texas  
HSR 524 -- Teaching Loads at State Colleges & Universities  
HSR 526 -- Oil & Gas Regulation  
✓ HSR 527 -- Texas Judicial System  
HSR 529 -- Technical-Vocational Education Programs  
HSR 532 -- County Government in Texas  
HSR 535 -- State Employees Suggestion Program  
HSR 537 -- Vocational Education Programs  
HSR 538 -- Taxation & Economy in State Operations  
HSR 539 -- Drug Treatment Facilities  
✓ HSR 545 -- Pari-Mutuel System of Horse Racing  
HSR 547 -- Water Resources & Land Use  
HSR 549 -- Technical-Vocational Education Program  
HSR 553 -- Disposition of Property Damage Claims



- HSR 554 -- Public Defender System
- HSR 555 -- West Texas Water Plan
- HSR 556 -- Highway Beautification
- HSR 559 -- Education Microwave Transmission Network
- HSR 561 -- Minimum Teaching Loads of Full-Time Faculty
- HSR 567 -- Development of a Youth Resources Council
- HSR 569 -- Generic Drugs
- HSR 570 -- History: "Members of the Legislature"
- ~~HSR~~ 571 -- Coastal & Marine Resources
- HSR 572 -- State Program Review
- ~~HSR~~ 573 -- Permanent Identification System for Personal Property
- HSR 578 -- Oil Well Contractors "Hold Harmless" Agreements for Texas
- HSR 581 -- Organized Crime in Texas
- HSR 583 -- Laws on Optometry
- HSR 590 -- Structure of Local Governments
- HSR 591 -- Upper Level Two-Year & Masters Degree Senior College Program
- HSR 598 -- Environmental Protection Act
- HSR 601 -- City & County Jails
- HSR 603 -- Texas Banking Industry
- HSR 608 -- Consumer Credit
- HSR 609 -- Procedural Operations in the House
- HSR 611 -- Dental Care
- HSR 616 -- Alleged Violations of Chairman of State Board of Hairdressers and Cosmetologists
- HSR 619 -- Meat Inspection Procedures
- ~~HSR~~ 628 -- Imported Fire Ants

HSR 630 -- Insurance Benefits for City Employees  
HSR 632 -- House Offices  
HSR 636 -- Medical Welfare Program in Texas  
HSR 647 -- Administration of Public Education  
HSR 651 -- Information Compiled by State Agencies  
HSR 670 -- County Government  
SCR 8 -- Texas Coastal Area Interagency Natural Resources Council  
SCR 11 -- Texas Poet Laureate  
SCR 64 -- American Revolution Bicentennial Commission  
SCR 79 -- Drought Relief  
SCR 86 -- Traffic Courts System in Texas  
SCR 89 -- Role of Advisory Council for Technical-Vocational  
Education  
SCR 101 -- Nursing Home Industry  
SCR 103 -- Prevention of Life Insurance Company Insolvencies  
SCR 116 -- Rio Grande Water Study  
SCR 118 -- Adequate & Safe Drinking Water  
SCR 129 -- Vacancy Statute  
SCR 132 -- Problems of Coastal Lands & Waters  
SCR 133 -- Study & Revision of Hard Mineral Laws  
SCR 135 -- State Tax Policy  
SR 58 -- Inclusion of Health, Rehabilitative, & Social Resources  
within State Department of Human Resources  
SR 124 -- Senate General Investigating Committee  
SR 932 -- Immunization & Health  
SR 1148 -- Vocational-Technical Education  
√SR 1161 -- Texas Election Laws  
√SR 1168 -- Texas Population Distribution

SR 1182 -- Auto Insurance Rates  
SR 1216 -- Environment  
SR 1217 -- Use of Narcotics & Dangerous Drugs by Youth  
SR 1254 -- No-Fault Insurance System  
SR 1267 -- Foreign Livestock & Grain Trade Development  
SR 1268 -- Cost of Medical Care  
SR 1290 -- Teacher Retirement System  
SR 1291 -- Auto Repair Rates  
SR 1292 -- Increasing Costs of Health Care  
SR 1295 -- Increasing Costs of Medical Care  
SR 1296 -- State Civil Service System  
SR 1306 -- Aircraft Owned by State  
SR 1307 -- Auto Insurance  
SR 1329 -- Charitable Foundations  
SR 1339 -- Texas Medicaid Program  
SR 1357 -- State Park in Maverick County  
SR 1359 -- Examining Boards & Licensing Agencies  
SR 1362 -- Data & Information Communications Systems  
SR 1398 -- Public Junior Colleges  
SR 1400 -- Pari-Mutuel Horse Racing System  
SR 1402 -- Revenue & Tax Planning  
SR 1403 -- Consumer Credit  
✓SR 1412 -- Problems of Texas Youth  
SR 1414 -- Protection of the Right of Privacy  
✓SR 1425 -- Coastal Lands & Waters  
SR 1427 -- Communication & Information System  
SR 1438 -- Rules of the Senate

- SR 1442 -- Texas Laws Regarding Narcotics, Dangerous Drugs & Marijuana
- SR 1443 -- Physical Fitness
- SR 1444 -- State Parks, Recreational Areas & Historic Sites
- SR 1445 -- 18-21 Year Old Voters
- ✓SR 1446 -- Urban Education
- SR 1453 -- Reforms in Lobbying Laws & Procedures
- ✓SR 1455 -- Sales Tax
- SR 1458 -- State Department of Consumer Protection
- SR 1467 -- Workmen's & Unemployment Compensation
- SR 1478 -- Texas Tort Claims Act
- SR 1479 -- Standards for Workmen's Compensation
- SR 1480 -- Microfilming of Public Records
- SR 1485 -- Dental Care

First Called Session

- HCR 4 -- State Aid to Private Colleges & Universities
- HSR 6 -- State Aid to Private Colleges & Universities
- HSR 12 -- Employment Practices of State Agencies
- HSR 16 -- State Aid for Tuition to Private Colleges & Universities
- HSR 20 -- Organization of Executive Branch of Government
- HSR 42 -- Parking Facilities in Capitol Complex Area
- HSR 47 -- Legislative Process of the House
- HSR 50 -- Inspection of Meat
- HSR 52 -- Use of State Facilities by Private Groups or Individuals

SR 3 -- Reserves & Supply of Energy Fuels

SR 30 -- Problems Created by Nonreturnable Containers

APPENDIX B

Measures Vetoed by the Governor--Regular Session

<u>Bills</u>	<u>Subject</u>	<u>Date Vetoed</u>
SB 11	General Appropriations Bill for biennium-- vetoed in part. (See attached proclamation, dated June 20, 1971, showing line-item vetoes and reasons therefor, as well as veto of entire second year of biennium, together with reasons for veto.	6/20/71
SB 172	Permitting executive director of Parks and Wildlife Commission to allow "taking, exportation, transportation or possession of fish or wildlife" threatened with statewide extinction for "educational or scientific purposes" and for propagation. Vetoed because commission already has most of authority contained in bill.	6/11/71
SB 392	Making possession of certain paraphernalia for injecting dangerous drugs unlawful. Vetoed because HB 1649, already signed by governor, achieves the same objective.	6/15/71
SB 576	Permitting publishing of information on state parks and historical sites and sale of such publications, etc. Vetoed because HB 1535, with minor exception, is identical.	7/11/71
SB 580	Relating to Municipal Annexation Act. Vetoed because governor believes it presents serious legal problems.	7/17/71
SB 728	Making possession of an illegally killed game bird or game animal a violation. Vetoed because identical with HB 1489, which was enacted and signed by governor.	7/11/71
SB 813	Relating to intergovernmental contracting and similar to, but more restrictive, than HB 646, which was enacted and signed. Vetoed because enactment of two bills similar in intent, but differing in certain language and phraseology, might result in litigation.	7/17/71

<u>Bills</u>	<u>Subject</u>	<u>Date Vetoed</u>
SB 821	Exempting Parks and Wildlife Department's construction projects from supervision by State Building Commission. Vetoed because the State Building Construction Administration Act was passed by 59th Legislature to provide an economic and orderly standardization measure for administration of state agency construction projects, and governor considers exception provided by SB 821 a backward step.	6/11/71
SB 919	Authorizing Parks and Wildlife Commission to appoint a state liaison officer who would be limited in his action to those matters having prior approval of Parks and Wildlife Commission. Vetoed because Texas Constitution (Art. IV, Sec. 10) empowers governor to appoint persons to represent state in all intercourse and business of this state with other states and the United States, thereby making the creation of a state liaison officer unnecessary.	6/11/71
HB 517	Providing that a private mental hospital could transfer a voluntary patient to a state mental hospital after service of notice to patient by the administrator of the private hospital or his designee that the patient is to be transferred. Vetoed because (1) the bill would complicate and confuse administration of vital provisions of Texas Mental Health Code dealing with voluntary mental patients; (2) it could result in persons being hospitalized in state mental hospitals without their actual consent, without notice to their relatives or guardian, and without any type of hearing in the county or probate court; and (3) it might discourage mentally ill persons from seeking hospitalization voluntarily.	6/17/71
HB 556	Relating to tort actions for personal injuries or property damage, usually referred to as negligence or fault cases. Vetoed because bill would eliminate the special issue system in Texas, would completely change the function of the jury and eliminate its prior function in finding ultimate facts, and would throw the judicial system into utter chaos and cause a further substantial increase in insurance premiums. Also, constitutionality of bill might be questioned under Article III, Section V, Texas Constitution.	5/5/71

<u>Bills</u>	<u>Subject</u>	<u>Date Vetoed</u>
HB 628	Abolishing office of county superintendent in all counties having no common school districts, and providing that county judges perform duties of county superintendent. Vetoed because decision should be left to localities, and commissioners court of any county has this authority under present law.	6/11/71
HB 743	Allowing junior college districts to be enlarged to cover all of territory contained in county in which located, so as to permit establishment of a broader tax base to obtain revenue for operation of district. Vetoed because way should be provided to allow people who are affected by such annexation to determine for themselves whether they wish to be included in the junior college district.	6/11/71
HB 825	Providing that no member of State Banking Board may knowingly be or become indebted to or financially interested in any state bank, directly or indirectly. Vetoed because SB 1002, enacted and signed by governor on June 15, 1971, conflicts with HB 825, and renders it unnecessary.	6/17/71
HB 930	Requiring competitive bidding before any political subdivision can enter into any contract involving the expenditure of \$1 million or more. Vetoed because no comprehensive study has ever been conducted to determine the scope and consistency of present laws relating to governmental contracting, and this type of study should be made before enactment of bill affecting such a broad range of governmental activities.	6/18/71
HB 1131	Relating to intergovernmental contracting within a county with population of 1.5 million or more. Vetoed because HB 646, recommended by Texas Urban Development Commission, and authorizing a broad range of intergovernmental contracting, was enacted, and terms of HB 1131 are much more restrictive and applicable only to county with population of 1.5 million or more.	6/11/71



<u>Bills</u>	<u>Subject</u>	<u>Date Vetoed</u>
HB 1262	Prohibits any municipality, corporation, or person, from dumping refuse or garbage within 300 yards of any public road. Vetoed in that bill is defective because it exempts persons operating vehicles on public road instead of, as intended in bill as introduced, cities disposing of waste in accordance with rules and standards promulgated by State Department of Health.	6/11/71
HB 1705	Relating to appointment of assistant district attorney of 35th Judicial District. Vetoed because after measure had been cleared by author with three county judges in district, one of the three county judges requested that it be withdrawn and that the author oppose the bill.	6/11/71
HB 1733	Relating to method, number, and seasons for taking shrimp from that part of Lake Sabine that is in Orange County. Vetoed because measure would have effect of imposing restrictions on taking of live bait upon persons in Orange County while exempting persons operating in Jefferson County portion of Lake Sabine, thus being discriminatory.	6/11/71
HB 1807	Making possession of a high-powered rifle or a shotgun with buckshot while in control of a dog prima facie evidence of a violation of hunting deer with a dog. Vetoed at request of author of this local bill on reconsideration because of harshness of provision.	6/11/71
HB 1840	Relating to interest rate on bonds of San Patricio Municipal Water District. Vetoed at request of author on reconsideration.	6/11/71
HCR 188	Requesting that governor return HB 1644 to House Enrolling and Engrossing Clerk for purpose of including constables in provisions of the act. Vetoed because HB 1644 had already been signed by governor when HCR 188 arrived in his office on May 31, 1971, and thus HCR 188 would not have had the intended effect of altering the provisions of HB 1644.	6/17/71

Bills

Subject

Date Vetoed

Measures Vetoed by the Governor--First Called Session

SB 10

Removing the proposed site of The University of Texas at San Antonio from the purview of SB 580, passed during the regular session. Vetoed because governor had already vetoed SB 580, and thus necessity for enactment of SB 10 became questionable.

6/17/71

PROCLAMATION  
By The  
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 20, 1971  
(Copy)

Senate Bill No. 11, Sixty-Second Legislature, Regular Session, appropriates over 7 billion, 100 million dollars--the largest appropriation bill in the history of Texas. Without question, the demands of a growing, dynamic and changing citizenry require the state to provide funding for essential state services. However, our spending is proliferating without cause or justification. From 1940 to 1972, state spending per capita will have grown from \$26 to \$346 million--a 1,300 percent increase. Even after adjusting these costs for inflation, spending will have increased \$26 to \$117 per person during this period. This is a 350 percent rise in 30 years.

In its efforts to satisfy the desires of all the people, the Legislature has not given sufficient consideration to the equally important demand for economy in government. There is example after example in this Appropriations Bill of liberal raises for already well-paid executives. To me, this is incautious spending. Other examples of imprudent and excessive funding also exist. Unfortunately, many of these items are written in such a way that it is impossible for me to veto them. Since I cannot reduce the amount of an item, much of the gratuitous spending cannot be vetoed for the 1972 fiscal year. The items I am vetoing for fiscal year 1972 are unnecessary or can be postponed without jeopardizing the delivery of essential services by the State.

Since a Special Session of the Legislature is mandatory to fund welfare for 1973, a unique opportunity is available for the Legislature to adjust and correct the unwarranted expenditures included in Senate Bill No. 11, during the second year of the biennium.

Therefore, by authority granted in me by Article IV, Section 14, of the Texas Constitution, I hereby veto each and all of the items appropriated for the fiscal year ending August 31, 1973 from Senate Bill No. 11, Sixty-Second Legislature, Regular Session.

By the time of the Special Session, we should have an accurate estimate of what the Federal Government is actually going to do about the Welfare Program. We should have from the State Comptroller a new and more up-to-date estimate of available revenue for financing appropriations in the 1973 fiscal year. The

Legislature will have another chance to write a more realistic and economical appropriations bill for 1973. I believe they can and will do better.

In addition to vetoing the entire appropriation for the fiscal year ending August 31, 1973, by authority granted in me by Article IV, Section 14, of the Texas Constitution, I hereby veto certain items from Senate Bill No. 11, Sixty-Second Legislature, Regular Session, for the fiscal year ending August 31, 1972:

SUMMARY OF ITEMS VETOED - 1972

<u>Article II</u>	<u>1972</u>
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION DALLAS NEUROPSYCHIATRIC INSTITUTE	
Item 16 - For Construction of Institute	\$ 1,600,000
TEXAS YOUTH COUNCIL - GATESVILLE SCHOOL FOR BOYS	
Item 6 - Dyslexia Program	\$ 50,000
<u>Article III</u>	<u>1972</u>
ALCOHOLIC BEVERAGE COMMISSION	
Item 9 - Director of Programs	\$ 14,500
ATTORNEY GENERAL'S OFFICE	
Item 11 - Court costs (including costs of depositions and court reporters' fees); for enforcement of Tort Claims Act; and for witness fees and expenses	\$ 250,000
Item 12 - For all costs incurred in Redistricting Suits	\$ 100,000
Item 14 - Board of Barber Examiners Fund No. 40	\$ 10,207
STATE BUILDING COMMISSION	
Item 16 - To purchase or otherwise acquire a building known as the Stephen F. Austin Hotel together with all improvements thereon, and all furniture, furnishings, fixtures and equipment located thereon, and situated on Lots Nos. One (1) and Two (2) in Block No. Eighty-four (84) in the City of Austin, Travis County, Texas	\$ 375,000

Item 17 - For all necessary costs in repairing, remodeling and renovating of the Stephen F. Austin Hotel Building for conversion into State office space	\$ 425,000
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Article III

1972

HISTORICAL SURVEY COMMITTEE

Item 11 - For construction of a research center and museum at Clarendon, including current and recurring operating expenses, salaries, part-time and season help, acquisition of property, consumable supplies and materials, professional fees and services, travel, and capital outlay	\$ 219,925
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Item 13 - For the purchase of historical flags to be displayed in the Capitol Building	\$ 20,000
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Item 15 - Oral history projects	\$ 50,000
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Article III

1972

PARKS AND WILDLIFE COMMISSION

Item 10e - For the development of the Quanah Parker Interpretive Center at Copper Brakes State Park	\$ 150,000
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Item 10f - Acquisition, restoration, and maintenance of historical structures and sites:	
(1) Sabine Pass Battle Site	\$ 50,000
(2) Other Structures and Sites	\$ 500,000

Item 12 - For the removal of moss from the public waters of the State, including salaries, wages, travel, rents, capital outlay and all other necessary costs and expenses whether by contract or direct payment	\$ 150,000
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Item 21 - Environmental Planning and Coordination	\$ 25,000
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Article III

1972

DEPARTMENT OF PUBLIC SAFETY

Item 15 - For the purchase of one (1) pickup truck and camper	\$ 6,000
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Article III

1972

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES  
SPECIAL PROVISIONS

Section 8a - Barber Examiners Fund No. 40 \$ 6,480  
Section 8b - Barber Examiners Fund No. 40 \$ 21,900

Article IV

1972

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY  
SYSTEM

Item 11 - For allocation to El Paso Community  
College for start-up expenses \$ 250,000

Article IV

1972

TEXAS A & M UNIVERSITY SYSTEM - TEXAS AGRICULTURAL  
EXPERIMENT STATION

Item 2k - Development of three new Regional  
Research Centers \$ 300,000

TEXAS A & M UNIVERSITY SYSTEM - PRAIRIE VIEW  
AGRICULTURAL AND MECHANICAL COLLEGE

Item 8i - Environmental Pollution Institute \$ 80,000

TEXAS A & M UNIVERSITY SYSTEM - TARLETON STATE  
COLLEGE

Item 7b - Masters Level Program Development \$ 55,000

LAMAR UNIVERSITY

Item 7b - Spindleton Museum \$ 700,000

BOARD OF REGENTS FOR THE STATE SENIOR  
COLLEGES - ANGELO STATE UNIVERSITY

Item 6d - Graduate Program Development \$ 120,000

TOTAL

\$ 5,529,012

OBJECTIONS TO ITEMS AND REASONS FOR VETO (1972)

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION  
DALLAS NEUROPSYCHIATRIC INSTITUTE  
Item 16

Construction of a Dallas Neuropsychiatric Institute has been the subject of discussion and controversy for at least the last six years. There is no evidence at this time that would indicate that the ultimate role and scope of the Institute has been clearly defined or justified. We cannot afford to invest \$1,600,000 in a project unless the opportunities for a successful program are more apparent.

It would also appear that the terms of the appropriation are in direct conflict with the statute creating the institute and the Constitutional provision related to funding of construction projects for The University of Texas, to which the Institute would be transferred. Therefore, I am vetoing this item.

TEXAS YOUTH COUNCIL - GATESVILLE SCHOOL FOR BOYS  
Item 6

The Gatesville State School is currently operating a dyslexia program without a special line item appropriation. Additional funds for this program were not requested by the Texas Youth Council. I believe this program can be adequately financed by the Youth Council without this special item. Therefore, I am vetoing this item.

ALCOHOLIC BEVERAGE COMMISSION  
Item 9

This exempt position is vacant and the Commission has no plans to fill it. Therefore, I am vetoing this item.

ATTORNEY GENERAL'S OFFICE  
Items 11 and 12

In 1969, I vetoed an appropriation for the contracting of attorneys to represent the State as special assistant attorneys general. The reasons invoked then remain valid today. It is the duty of the Attorney General's Office to represent the State in all legal proceedings, not to hire special council for particular cases such as redistricting or tort claims. Since the Attorney General's staff is large and well funded, the interests of the State will be served best by relying on full time assistant attorneys general to represent the State. For these reasons, I am vetoing these two items.

Item 14

Since the Legislature failed to enact legislation increasing fees to the Board Fund, it is estimated that income to the Fund will be \$80,000 insufficient for financing anticipated appropriations and demands for the 1972 fiscal year. By eliminating these charges the Barber Board should have sufficient funds to maintain their operations until a Special Session is called. At this time, the Legislature will have an opportunity to either increase the fees to support the operations of the Board or to reduce appropriations. For these reasons, I am vetoing this item.

STATE BUILDING COMMISSION  
Items 16 and 17

The Building Commission did not request funds for the purchase and renovation of the Stephen F. Austin Hotel. These items appeared only in the final Appropriations Bill. No open discussion of the items occurred. A detailed analysis of the cost of converting this hotel into office space has not been conducted. A reasonable cost estimate for conversion of the hotel to office facilities is three times the amount appropriated. No state parking facilities are available to this building. This would certainly create a hardship on state employees and citizens working and conducting business with state agencies located in this building. For these reasons, I am vetoing these two items.

HISTORICAL SURVEY COMMITTEE  
Item 11

The appropriation for this project was not requested by the Historical Survey Committee or recommended by me or by the Legislative Budget Board. In my opinion, the construction and operation of a research center and museum at Clarendon is not the responsibility of the Historical Survey Committee. Because of the tremendous demand for State funds and the necessity for additional taxes, this item represents an expenditure that can be postponed or possibly funded by the one cent cigarette tax dedicated to the State Park Fund. Therefore, I am vetoing this item.

Item 13

The appropriation was not requested by the Historical Survey Committee. It was not recommended by the Legislative Budget Board or by me. The flags which were to be purchased with this appropriation have not been located and no estimate of the cost of purchasing them is available. Since it is the purpose of the interim committee established by a House Concurrent Resolution to investigate these matters, however, this appropriation should be considered by the next Regular Session of the Legislature. I am, therefore, vetoing this item.



Item 15

This item was not requested by the Historical Survey Committee or recommended by me or by the Legislative Budget Board. No description of the projects to be undertaken with this appropriation is included in this bill. Because of this lack of discernible legislative intent, I am vetoing this item.

PARKS AND WILDLIFE COMMISSION

Items 10e and 10f

The Sixty-Second Legislature, Regular Session, enacted and I approved House Bill 738, which establishes the State Parks Fund. This fund is available for park planning, acquisition and development and will provide sufficient funds for the Commission to construct these projects if they are determined to be a high priority. For this reason, I am vetoing the line item appropriations for these projects.

Item 12

This appropriation was not requested by the Commission or recommended by me. Sufficient resources are available elsewhere within the Commission's appropriation to purchase and operate the necessary equipment for this work if it is deemed necessary and desirable by the Commission. For these reasons, I am vetoing this item.

Item 21

Senate Bill No. 321, Sixty-Second Legislature, Regular Session, would have placed environmental planning and coordination for the State under the jurisdiction of the Parks and Wildlife Commission. This appropriation would have been used to implement that legislation. Since Senate Bill No. 321 was not passed into law, I am vetoing this appropriation.

DEPARTMENT OF PUBLIC SAFETY

Item 15

The Department of Public Safety did not request funds for the purchase of a pickup truck and camper. This item appeared only in the final Appropriations Bill. The Department has the authorization and sufficient funds available to purchase this equipment if it is needed. For these reasons, I am vetoing this item.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES SPECIAL PROVISIONS

Section 8a and Section 8b

Since the Legislature failed to enact legislation increasing fees to the Barber Fund, it is estimated that income to the Fund

will be \$80,000 insufficient for financing anticipated appropriations and demands for the 1972 fiscal year. By eliminating these charges the Barber Board should have sufficient funds to maintain their operations until a Special Session is called. At this time, the Legislature will have an opportunity to either increase the fees to support the operations of the Board or to reduce appropriations. For these reasons, I am vetoing these items.

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM  
Item 11

The construction and operation of community colleges in Texas has always been financed through the cooperative efforts of the State, students and the citizens of the community college district. Since the citizens of the El Paso Community College district have failed to pass a maintenance tax to provide funds for operation of their college, I considered this appropriation to be in conflict with our state's concept of developing a community college. In my opinion, expenditure of funds in this manner would establish an undesirable precedent in the financing of community colleges. For these reasons, I am vetoing this time.

TEXAS A & M UNIVERSITY SYSTEM - TEXAS AGRICULTURAL EXPERIMENT STATION  
Item 2k

The development of three new Regional Research and Extension centers was not included in this institution's budget request submitted to the Governor's Office or the Legislative Budget Board. Although it is my understanding that land has already been acquired for the proposed research centers, it will require at least one year to build the facilities. Since Article VII, Section 18 of the Texas Constitution prohibits the use of General Revenue Funds to construct buildings or make other permanent improvements in the Texas A & M University System, this item could only be utilized for operating expenses which will not be needed for at least a year. Accordingly, I am vetoing this item.

TEXAS A & M UNIVERSITY SYSTEM - PRAIRIE VIEW AGRICULTURAL AND  
MECHANICAL COLLEGE  
Item 8i

Other State agencies and institutions are already involved in similar programs. While the need to work on matters of environmental pollution is very great, there is not reason for costly and needless duplication of efforts. In my opinion, the college should concentrate its efforts on the strengthening and enrichment of the present educational program. This item was recommended neither by me, the Legislative Budget Board, nor was it included in the original Senate Appropriations Bill. In addition, the program approval for this endeavor has never been granted by the Coordinating Board, Texas College and University System. For these reasons, I am vetoing this item.

TEXAS A & M UNIVERSITY SYSTEM - TARLETON STATE COLLEGE

Item 7b

This item was recommended neither by me, the Legislative Budget Board, nor was it included in the original version of the House Appropriations Bill. At this time, sufficient justification has not been made to show the need for this item. Because of the tremendous demand for state funds and the need for additional taxes, this item represents an unnecessary expenditure and burden on the taxpayer. For these reasons, I am vetoing this item.

LAMAR UNIVERSITY

Item 7b

This item was recommended neither by me, the Legislative Budget Board, nor were funds provided for it in the Senate Appropriations Bill. In view of the tremendous demand for State funds and the necessity for increased taxes, such an item at this time represents a needless expenditure and burden on the Texas taxpayer. If these funds are from the General Revenue Fund for the purpose of constructing a museum, this appropriation would be in conflict with Article VII, Section 17, of the Texas Constitution. For these reasons, I am vetoing this item.

BOARD OF REGENTS FOR THE STATE SENIOR COLLEGES - ANGELO STATE  
UNIVERSITY

Item 6d

At the present time, sufficient justification for this program has not been developed which would show the need for it. Because of the great demand for State funds and the need for increased taxes, this item represents an unnecessary expenditure and burden on the taxpayer. For these reasons, I am vetoing this item.

STATEMENT OF OBJECTIONS TO RIDERS, SENATE BILL NO. 11

Although I have some doubts as to the Governor's constitutional authority to veto language in an appropriations bill, I feel that in view of the request of certain State agencies and my objections to these provisions and the doubtful validity of these provisions as they appear in Senate Bill No. 11, I am compelled to make every effort possible within my power to strike down and/or point out the invalidity of the following provisions:

The rider provision reading as follows:

"None of the funds appropriated to the Attorney General may be expended for legal services related to the Texas Optometry Board unless such services are performed by a full-time Assistant Attorney General housed in the Supreme Court Building."

found on page III-24. This section is direct conflict with the statutory language of the provision establishing the Texas Optometry Board and is therefore considered invalid.

The rider provision reading as follows:

"None of the funds appropriated in this Act may be expended for classified positions which function as hearings examiners unless the person filling such position has been licensed to practice law in the State of Texas. The Attorney General and State Classification Officer shall cooperate in carrying out the intent of this provision and shall withhold any payments for the position in question until such violation has been corrected. Provided, however, that this provision shall not apply to such classified positions filled before the effective date of this Act."

as it appears at page V-51, Section 47. This rider is unconstitutional as an attempt to amend the general law by rider in the appropriation bill. The State Classification Plan of 1961 specifically provides the method and manner of changing the Classification of employees.

The rider provisions reading as follows:

"None of the funds appropriated in this Act may be expended for the purpose of purchasing policies of insurance covering claims arising under the Texas Tort Claims Act, or for the purchase of any liability insurance policies for individual officers or employees of the State under the provisions of Chapter 797, Acts of the Sixty-first Legislature, Regular Session, 1969 (Article 6252-19a, Vernon's Texas Civil Statutes) or under the provisions of Chapter 212, Acts of the Sixty-first Legislature, Regular Session, 1969 (Articles 6674s-1, Vernon's Texas Civil Statutes), or under the provisions of Chapter 208, Acts of the Forty-third Legislature, Regular Session, 1933 (Article 6166z10, Department of Corrections, Vernon's Texas Civil Statutes)."

as it appears at page V-54, Section 56. In my opinion, this provision is unconstitutional in that it is an attempt to amend Article 6674-s I (in addition to other articles of general law) which specifies that the Texas Highway Department shall have the authority to insure its officers and employees through the purchase of policies and for the further reason that this provision

could interfere with the efficient operation of several state agencies since it would be difficult to fill certain hazardous positions if protection was not afforded to these positions.

The rider provision reading as follows:

"None of the funds appropriate above may be expended for classified or exempt positions which have as their primary purpose the rendering of legal services."

found on page III-24. This section is in direct conflict with the statutory language of the provisions establishing the Texas Optometry Board and is therefore considered invalid.

Senate Bill No. 11 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the Sixty-Second Legislature, and in accordance with Section 14, Article IV of the Constitution of Texas, this bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I  
have hereunto signed my name  
officially and caused the seal  
of State to be affixed hereto at  
Austin this 20th day of June, 1971

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PRESTON SMITH  
Governor of Texas

By the Governor:

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SECRETARY OF STATE

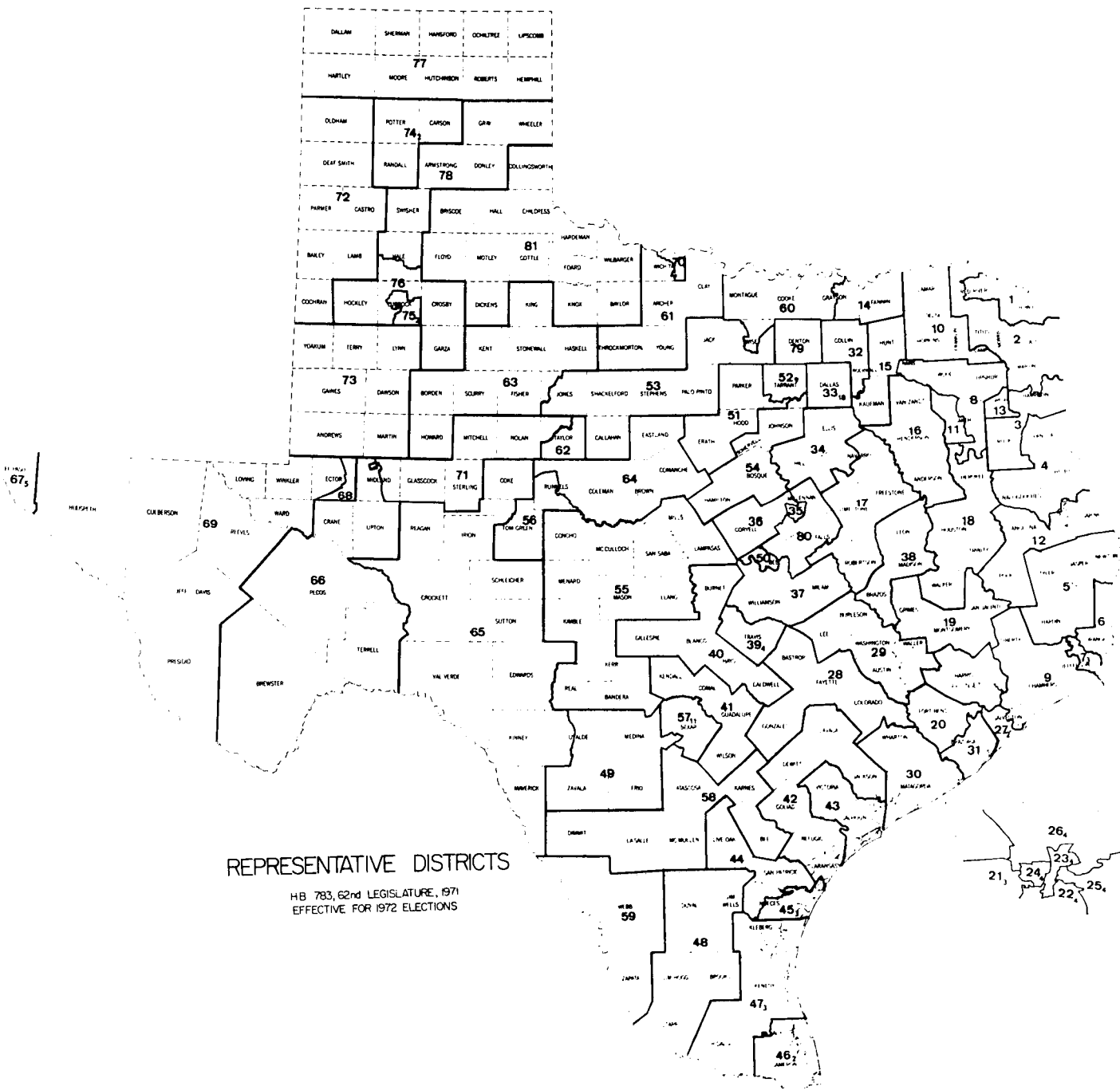
APPENDIX C

MAPS SHOWING LEGISLATIVE AND CONGRESSIONAL DISTRICTS

Established by HB 893, Regular Session

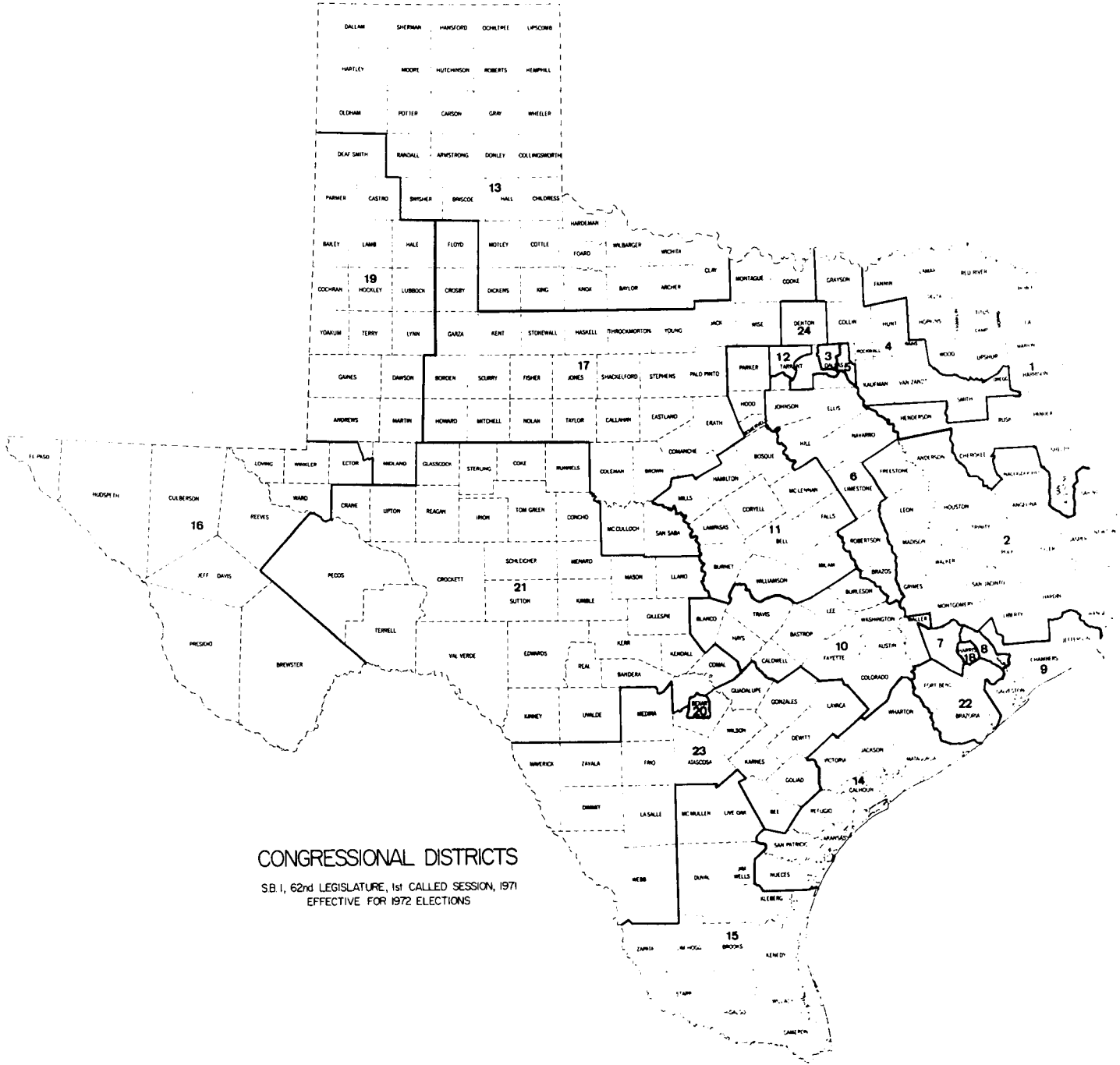
and

SB 1, 1st Called Session



REPRESENTATIVE DISTRICTS

HB 783, 62nd LEGISLATURE, 1971  
EFFECTIVE FOR 1972 ELECTIONS



CONGRESSIONAL DISTRICTS  
 SB 1, 62nd LEGISLATURE, 1st CALLED SESSION, 1971  
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