of the

63rd Legislature -- Regular Session

January 9 -- May 28, 1973

A Summary

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Box 12128 – Capitol Station
Austin, Texas 78711
# ACHIEVEMENTS OF THE 63RD LEGISLATURE—REGULAR SESSION

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ACCOMPLISHMENTS OF THE REGULAR SESSION OF THE 63RD LEGISLATURE

July, 1973

Introduction

The big news of the 63rd Legislature's regular session was "reform." But the best news to the average Texas citizen was "no new taxes." Governor Dolph Briscoe made it plain from the beginning of his administration that he would oppose every effort to enact a new tax bill, and that he was confident that a state budget could be approved without the necessity of a tax bill.

From the day the session began on January 9 until its members had adjourned on the midnight deadline on May 28, 1973, the entire 140-day session was marked by hard work and conscientious effort by the many new members of each house—77 in the house of representatives and 15 in the senate—who wanted to prove to the homefolks that they were doing what they had been sent to Austin to do. Senior members worked equally hard in proving to their constituents that the confidence shown in reelecting them was justified. They made an earnest endeavor to live up to all pledges and to provide the experienced leadership expected of them.

The new presiding officers of both houses, Lieutenant Governor William P. (Bill) Hobby in the senate and Speaker Price Daniel, Jr., in the house of representatives, brought new energy and determination to accomplish successful legislative programs.

All concerned had a vivid memory of the Sharpstown fiasco, and all wanted to be able to conclude the session with good, clean records of achievement.

Members of the 63rd Legislature at session's end had just cause for pride in their efforts. Quality, in many instances, made up for quantity. Final compilations showed that of 1,749 house bills and 997 senate bills introduced, 388 of those originating in the lower chamber were enacted, while 300 of the senate bills were finally passed. Thus, of the total 2,746 bills introduced, 688 were enacted. Of these, 29 were vetoed by the governor, who also made a number of line-item vetoes in the appropriations bill (HB 132).

Another 1,603 simple and concurrent resolutions were introduced in both houses, with 204 concurrent resolutions enacted and 1,052
simple resolutions getting through final passage. Of these, 70
called for interim studies of special problems of Texas state
government to be made either by special interim committees or by
existing standing committees. Reports, including findings and
recommendations, on all studies are to be made to the 64th

By comparison, the 62nd Legislature had 2,932 bills introduced
during the regular session, of which 1,067 were finally passed.

Numerous proposals for constitutional amendments were also
introduced despite the fact that members of the 63rd Legislature
will be reconvened in January, 1974, to act as a constitutional
convention directed to draft a new constitution or to revise the
nearly 100-year-old Constitution of 1876. A constitutional
revision commission has been meeting and holding public hearings in
different parts of Texas for the purpose of compiling
recommendations that will provide guidelines for the constitutional
convention. Creation of the constitutional revision commission
(SCR 1) was one of the first matters to receive the attention of
the 63rd Legislature. After members had been appointed the
commission began holding public meetings throughout the state
almost immediately. On June 29, 1973, the commission completed the
last of its scheduled public meetings.

Even though an entirely new constitution may be proposed and
adopted next year, there were 97 joint resolutions proposing
constitutional amendments introduced during the regular session.
Of these, 38 originated in the senate and 7 of them were passed by
both houses, so that they will appear on the ballot to be
considered by the Texas electorate on November 6, 1973. Of the 59
proposed constitutional amendments introduced in the house, 2 were
approved by both houses and will appear on the same ballot.

Subjects of these nine proposed constitutional amendments include
annual sessions of the legislature and increased legislative
salaries, revenue bonds for counties and cities on the Gulf Coast,
requirements regarding conservation and reclamation districts, tax
exemptions for homesteads of unmarried adults, property tax
exemptions for certain water supply corporations and cooperatives,
probate jurisdiction of district courts concurrently with county
courts, additional bonds for the veterans' land fund, and authority
of local governments to levy ad valorem taxes sufficient to pay
principal and interest on general obligations.

Other notable successes of the session included the enactment of
seven of the nine reform measures advocated by Speaker Daniel.
Also, the $9.7 billion state budget, despite enormous increases in
governmental costs due to inflation as well as growth in the number
of state services, was approved and certified by the comptroller
without the enactment of new tax laws.
The ethics bill (HB 1) was the first to be introduced, and it took until the last day of the session to get it passed. After 21 called meetings of a joint conference committee, the compromise measure received overwhelming majorities in both houses. The senate vote was 27-3 in favor of the bill, and the house approved it by a vote of 145-2.

Another bill in the reform package was the new lobby control law (HB 2), which, in the final product, was considerably weaker than originally sought by Speaker Daniel. Nevertheless, it offered greater control than the 1957 act. This bill, too, was passed in the session's last hours on Monday, May 28.

The law requiring disclosure of political campaign contributions and spending was revised and strengthened by House Bill 4. Significantly it will require politicians to show who pays off big campaign deficits following their election to office. This measure also reached final passage toward the end of that long Memorial Day.

The 1967 open meetings law (HB 3) was strengthened and revised and, for the first time, became applicable to legislative committees.

Still another law (HB 8) requires public disclosure—again a first—of who pays for the election of house speakers and how the money is spent. Its companion is a law (HB 9) to outlaw threats and promises to get votes for speaker candidates.

The speaker's attempt to limit house speakers to one term (HB 7) failed when Attorney General John Hill expressed the belief that the bill would be unconstitutional. Another bill (HB 5), on which the constitutional question was raised—this time by the senate—would have put statutory restrictions on joint legislative conference committees.

A landmark public records law (HB 6) was enacted, making it possible to determine in Texas for the first time which records are public and which are not.

Of course, from the standpoint of state operations the most essential legislation enacted was the big $9.7 billion appropriations bill (HB 132). Passed by both house and senate with multiple amendments on which there was disagreement in both houses, the final version was worked out in conference committee with committee members adhering to the first Joint Rules adopted by a legislature in nearly 10 years.

In the first place, the Joint Rules require that all conference committee meetings be open to the public and press. Further, the conference committee is given no authority under the rules (1) to change, alter, or amend text not in disagreement; (2) to omit text
not in disagreement; (3) to add text on any matter not in disagreement; or (4) to add text on any matter not included in either the house or senate versions of the bill. Also, discussions in conference committee regarding the appropriations bill, as applicable also to other conference committee discussions, are limited to the matters in disagreement only.

Still further restrictions were imposed under the Joint Rules that prohibited the conference committee on appropriations from changing any item appearing in the same amount in versions of both houses, and from changing any item to a lower or higher amount than the lowest or highest version originating in either house. The committee was given discretion, however, in circumstances where an appropriation is made for an item in one house and not in the other, either to omit or include the item but only in the same amount of the version in which it appears.

Total budgeted expenditures for the next two years under the act amount to approximately $1.5 billion more than those for the preceding biennium.

Although no new tax measure was enacted, the 63rd Legislature did take steps to see that improvements are made in sales tax collections. House Bill 564, which is designed to pick up an additional $15 to $18 million in revenues in the next two years, requires businesses which collect $750 or more from sales taxes each month to turn the money in on a monthly instead of a quarterly basis. After the first two years, revenues resulting from this new procedure are expected to bring in an additional $8 to $10 million in each biennium. The gain results from the state's ability to use the money and interest on it immediately, rather than giving the businesses involved the opportunity to employ these sums for their own working capital.

Requirement of a security bond (HR 433) of businesses collecting the sales tax is also expected to result in less default in tax payments. The comptroller was able to certify an additional $30 million in revenues for the state on the basis of this new law.

These two revenue-producing bills originated as part of a package of six measures proposed by a special interim committee of the 62nd Legislature which studied bases of the sales tax in Texas. The remaining four bills did not make it through the legislative process.

Revision of the elections laws and narcotics and dangerous drug laws also held high priority among members of the 63rd Legislature.

Although the election law bill (SB 41) started out simply to change the dates of primary elections, before it had passed through all phases of the legislative process it had evolved into a "unitary"
primary bill, which, in turn, was abandoned. In the version adopted, the act left primary dates where they now are—the first Saturday in May with the run-off in June—and still requires that separate polling places be maintained for each party. An additional provision states that parties which do not receive 20 percent of the vote for governor in the 1974 general election cannot hold primaries in 1976.

The general appropriations bill contains $3.8 million to finance the primaries. However, the election law bill (SB 11) reinstates a reduced filing fee, ranging from $50 to $1,000. This is a provision to which many members objected because of fears of an unconstitutional ruling should the law be tested by federal courts. Unlike the old statute, where filing fees provided the only means of getting on the primary ballot, the new act provides an alternate method through petition.

Penalties for possession and sale of dangerous drugs were altered in one of the most controversial and time-consuming pieces of legislation (HB 447) of the session. The conference committee report, which was enacted, focuses on lowering penalties for first possession of small amounts of marijuana.

Another of the sweeping changes in the state's lawbooks, which was made by the 63rd Legislature, was the first overall revision of the Texas Penal Code in 117 years (SB 34). Basically the result of an almost 10-year study by the State Bar of Texas, the new code, in brief, consolidates statutes and penalties for felony and misdemeanor violations.

A new Title II of The Family Code (SB 168) was enacted, which revises and recodifies the laws on adoption, child support, and other aspects of parent-child relations. A new Title III of The Family Code (SB 111) was also enacted. It revises laws concerning juvenile delinquents and proceedings concerning them. A new category of "children in need of supervision" is also included in the code.

To bring them more in line with federal guidelines, workmen's compensation laws were revised with broadened coverage and increased benefits provided under Senate Bill 283.

The chapter of the Uniform Commercial Code relating to secured transactions was updated and overhauled (SB 131).

A radically new comparative negligence law (HB 88) was enacted. This act makes it possible for injured persons to sue for damages and collect in proportion to their degree of negligence in accidents. Heretofore, a person found even slightly to blame could collect nothing.
Making its perennial appearance before a Texas Legislature was the subject of competitive automobile insurance rates. Although legislation of this type had been among the most controversial bills of the 62nd Legislature and failed in enactment two years ago, a new act (HB 64) to put some competition into automobile insurance rates was passed with ease by the 63rd Legislature. One of Governor Briscoe's proposals, this legislation is expected to result in reduced rates. Further, the governor has expressed his purpose to prod the State Board of Insurance into forcing competition in other property insurance rates under existing law.

A new consumer protection act (HB 417) authorizes suits for triple damages in event of fraud, thus giving the citizen a break he has been needing for some time.

The heated controversy over full rights to maturity for 18-20 year olds was resolved with the enactment of Senate Bill 123. Women's lib also scored a victory when denial of credit rights due to sex or marital status was prohibited with the enactment of House Bill 250.

A 10-man conference committee offered its compromise on the last day of the session of a death penalty bill with a life sentence option. The act (HB 700) restores the death penalty—stricken by federal courts—for certain categories of crime, all involving murder.

Hailed as a milestone was the enactment of a bill (SB 121) setting up Texas' first state-supported bilingual education program. It is said to provide the most progressive bilingual training program in the nation. Also of significance in the education system was enactment of a bill (HB 787) providing state-supported kindergartens starting this fall, for all 5-year-olds.

To reduce the workload on the many overburdened district courts in Texas an omnibus court bill (SB 52) creating 14 new district courts in various parts of the state was enacted. Separate measures also created additional county courts at law, criminal county courts at law, and domestic relations courts.

Perhaps foremost among other significant bills which failed to pass was the $44 million compromise public school finance bill (HB 946). The dramatic finish to the measure came when the house vote was announced as a 70-70 tie, which Speaker Daniel declined to break. Despite this failure to enact a measure considered by many to be crucial to the public school system, Governor Briscoe reaffirmed his decision not to call a special session of the legislature to resolve the problem of school financing pointed out by a three-judge federal court in the "Rodriguez" decision in 1971. The lower court opinion said that the Texas "school finance system produces unconstitutional disadvantages for children in districts
with low taxable property values." But, on appeal the U.S. Supreme Court said that while such inequities exist, they do not violate the U.S. Constitution.

Another minus on the legislative ledger was the 63rd Legislature's failure to act on legislative reapportionment. Thus the controversial multi-member districts of some Texas cities will doubtless continue in effect at least until the 64th Legislature convenes in January, 1975.

Despite the last-minute character of much of its action, the 63rd Legislature was able to tally more pluses than minuses to its credit. It was highly productive in efforts on behalf of the Texas citizen—the consumer—the average individual who is usually in the middle and suffers most from taxes, benefits least from services. John Q. Public wasn't hurt by the 63rd Legislature—and he was certainly helped.

State Finances—Taxing and Spending

Taxing

No new taxes were necessary to meet the requirements of the conference committee's compromise general appropriations bill (HB 139) enacted by the 63rd Legislature. Funds picked up from federal revenue sharing and failure of legislation introduced to provide new methods for the costly financing of public school education were in part responsible. Thus, some observers see the fact that no new taxes were imposed merely as postponement of the inevitable rather than a lasting solution to the continuing problem of increasing revenue needs.

To assure the state full benefit of federal revenue sharing, a bill (SB 124) was enacted creating a Federal Revenue Sharing Trust Fund to receive cash authorized under the Federal State and Local Fiscal Assistance Act of 1972. Placed under the administrative control of the comptroller, funds in excess of cash requirements for current expenditures may be invested by him. The bill also promulgates rules and regulations for the availability of cash and provides that the trust fund will be charged with certain salary-related costs, to be credited to the general revenue fund.

The fact that no new taxes were levied did not preclude the introduction and enactment of a number of measures—about 15, in fact—relating to methods of tax payments, tax exemptions, payment for permits, and other fiscal procedures.

Most significant, perhaps, was House Bill 564, relating to sales tax collections. This bill, which it is estimated will add $15 to $18 million to state revenues in the next two years, requires businesses which collect $750 or more from sales taxes each month to turn the money in on a monthly, rather than a quarterly, basis.
In succeeding bienniums, the new procedure is expected to average some $8 to $10 million in additional revenues. The gain results from the state's ability to use the money and interest on it immediately, rather than giving the businesses involved the opportunity to employ these delayed collections for their own working capital.

Another bill which is expected to increase the state's coffers without making further inroads on the citizen's pocketbook is House Bill 433. It requires businesses collecting the sales tax to obtain a security bond and is expected to result in fewer defaults in tax payments. On the basis of its enactment the comptroller was able to certify an additional $30 million in revenues for the state.

The Legislative Property Tax Committee, created by the 62nd Legislature, was initially financed from a special fee of $1 charged on each delinquent tax receipt processed by the county tax office. House Bill 68 eliminates the special fee for delinquencies on taxes assessed on or after January 1, 1973. However, for a two-year period beginning June 1, 1973, the bill appropriates to the committee whatever balance remains in the property tax committee fund on that date plus all fees collected from assessments issued prior to January 1, 1973. This amount is estimated at $475,000.

During the past several years in which cities have had the option of levying a 1 percent local sales tax to be paid along with the state sales tax, allocation of the sales tax revenue by the comptroller to the city where the liability was incurred has involved difficulty in situations where jurisdictions border on or are encompassed by other jurisdictions. Cities have been barred access to the comptroller's records of locally-registered permit holders and thus have been unable to check on delinquencies and the status of collection efforts. To provide relief to these local jurisdictions, a bill (HB 76) was enacted which requires the comptroller, on request by the city, (1) to provide the names of all businesses registered and doing business within the city; and (2) to provide information concerning any delinquent sales tax permit holder and the status of any collection efforts by the comptroller. Also, should a city discover a business within its city limits that is not included within the reports, the city is required to notify the comptroller. Any funds erroneously transmitted must be transferred to the correct jurisdiction. The comptroller's reports to the city are to be made quarterly on request by the city.

Among the ad valorem or other tax exemptions provided through legislation of the 63rd session were exemptions from the property tax and from the franchise tax for certain nonprofit corporations providing homes for the handicapped or elderly (HB 361); exemptions
for volunteer fire departments from property tax and exemptions for sales tax receipts from the sale, lease, or rental of tax items to volunteer fire departments (HB 96); exemptions from the property tax of museums or galleries charging admission and museum schools maintained and operated in connection therewith (HB 1289); exemptions from the limited sales, excise, and use tax of ileostomy, colostomy, and ileal bladder appliances and related supplies (HB 958) to bring these items within the group of exemptions already provided by law on appliances for other physical impairments; and property tax exemptions for property held by a nonprofit corporation for use in the development of a medical center or a medical education facility (SB 67).

To give the Texas taxpayer redress from the penalty imposed on delinquent taxes when the delinquency resulted from the tax assessor-collector's failure to issue notice of the amount of tax due before delinquency occurred, Senate Bill 6 provides that should the tax assessor-collector fail to issue such notice before the first day of February of the year following the tax year, then any penalties prescribed under existing law would be allowed as a tax credit in the amount of penalties assessed within two years immediately following the tax year for which the assessor-collector failed to issue timely notice. However, to qualify the taxpayer must have paid the full amount of taxes owing and due within 60 days after issuance of the tax notice by the assessor-collector and the credit would be applicable only to the property having the same legal description as that on which the delinquency occurred.

Bills enacted relating to the issuance of permits and provision of permit lists include Senate Bills 228, 229, and 242. In lieu of annual bonds now required under the Liquefied Gas Tax Act continuing bonds are to be furnished by liquefied gas bonded suppliers, dealers, and users to secure the payment of liquefied gas taxes collected for and accruing to the state (SB 228). In order to determine the validity of a supplier, dealer, or user permit, the measure requires the selling supplier to examine the permit or a photocopy of the permit, and requires the comptroller to prepare and distribute an alphabetical list of bonded suppliers, dealers, and users to all bonded suppliers. Either this list or the permits themselves serve as evidence of validity. If neither is available, the selling supplier is required to make inquiry of the comptroller for validity or to collect the tax imposed. This act, and companion measures, are expected to save the state expense in seeing that new bonds are issued each year and to relieve the industries concerned of the burden of furnishing new bonds or renewal forms each calendar year.

Continuing bonds furnished by motor fuel tax distributors instead of new bonds issued each calendar year are established under a similar amendment (SB 229) to the Motor Fuel Tax Act. Distributor-user's permits remain in effect from the date of
issuance until the following December 31, and the comptroller, in his discretion, may waive the requirement for application for permit and automatically issue a new permit for the next calendar year. Permits are still subject to cancellation or revocation, however, and bonds remain in effect until the surety on the bond is released.

Finally, amendment of the Diesel Fuel Tax Act by Senate Bill 242 provides for continuing bonds furnished by diesel fuel bonded suppliers and users in lieu of the annual bonds previously required.

Certain unrefunded motor fuel tax receipts from motorboat fuels have been allocated to a special boat fund under Senate Bill 375. In similar legislation enacted by the 62nd Legislature, the fund was designated as a "Land and Water Recreation and Safety Fund," and after administrative costs were met the remainder was to be used to purchase, construct, or maintain boat ramps in or near public waters. The new law (SR 375) designates the revenues concerned as the "Special Boat Fund," and provides that it may be used also for acquiring land for recreational purposes. Allocation remains 25 percent to the available school fund and 75 percent to the special boat fund.

Appropriations

After nearly two weeks of debate in the House of Representatives on the general appropriations bill (HB 139) the measure went to joint conference committee with its senate counterpart. A weekend of hard work by the committee ironed out the differences, and on May 23, 1973, the senate approved the compromise two-year state budget of $9.7 billion. The next day the house followed suit. As passed, the bill appropriates approximately $1.5 billion more than estimated spending during the current 1972-1973 biennium. Before signing the bill on June 16, 1973, the governor trimmed some $1.59 million by line-item vetoes.

Feeling the cut was the San Antonio State Hospital, for which $198,000 had been provided for use in renovating necessary ward buildings. In explaining this veto the governor pointed to Senate Bill 1, 62nd Legislature, 3rd Called Session, which appropriated $250,000 that he deemed sufficient to provide these same services.

Another line-item veto which carried with it the greatest reduction in spending was a special appropriation of $1,000,238 to the Animal Health Commission to maintain a large staff of animal health inspectors to control or eradicate animal disease in Texas. This veto was based on the fact that the commission has flexibility to use these inspectors in any program where they are needed, and the commission's available contingency appropriation of $1,003,224 for a scabies eradication program, which is projected for completion by the end of 1974, would release additional funds for other needs.
The scabies eradication program is limited to the expenditure of $294,340 annually. Thus, the governor expressed the belief that sufficient resources are already available to the commission to implement the provisions of Senate Bill 681 for the eradication of bovine brucellosis without the new appropriation.

A new position in the Texas Commission on Arts and Humanities, that of humanities program officer, was deleted from the appropriation of that agency by the governor's veto. Calling for an expenditure of $24,500 for the biennium, the position was deemed unnecessary because the commission has both an executive director and an assistant director for project activities and field operations, which he felt should be sufficient to administer the programs. Additionally, an item appropriated for special projects in the amount of $50,000 for the biennium was vetoed, the governor expressing the belief that the appropriation would not materially enhance the present program of the commission.

The sum of $280,000 for the biennium was vetoed from the appropriation of the Employees Retirement System and Judicial Retirement Administration because this Item 9 was included for the purpose of implementation and administration of the group insurance program contingent upon enactment of Senate Bill 637 or House Bill 1290, both of which failed to pass.

Finally, the new position of director of special projects for the Parks and Wildlife Department, carrying with it a biennial appropriation of $43,500, was vetoed because it had not been requested by the department, recommended by the Legislative Budget Board, or the Governor's Budget Office, and had not been included in the senate version of the appropriations bill. Further, the governor felt that duties and responsibilities to be performed by this position were uncertain and no compelling need had been demonstrated for the position.

After the vetoes the general appropriations bill totaled $9,703,011,877, compared to the $9,704,608,115 agreed to by the conference committee. Recommended spending from general revenue totals about $2.0 billion, an increase of $338.5 million over the current spending level. Over $316 million of shared federal revenues estimated to be allocated to Texas in the period from January 1, 1972 to August 31, 1975, has been included.

A change in the organization of the general appropriations bill was made when the Department of Public Welfare was included in Article II, Health, Welfare and Rehabilitation Agencies, instead of in Article III, Executive and Administrative Departments and Agencies, as in prior bienniums.

For the biennium, public education received the largest allocations—around $2.25 billion the first year and $2.42 billion
the second. Health, Welfare and Rehabilitation Agencies followed with totals of approximately $1.29 billion the first year and $1.28 billion for fiscal 1975. Not far behind was the category of Executive and Administrative Departments and Agencies, where spending will be something over $1.29 billion in fiscal 1974 and $1.20 billion in fiscal 1975.

The Judiciary category of spending was allocated the smallest amounts. For fiscal 1974, nearly $12.5 million has been appropriated, with $12.6 million appropriated for the second year of the biennium.

Legislative spending for each of the two years will be somewhat higher than during the past biennium and a little above amounts allocated to the judiciary. For fiscal 1974, $17.7 million has been allocated, with $16.1 million budgeted for fiscal 1975. Of course, the fact that the legislature will be convening as a constitutional convention in 1974 is largely responsible for much of the increase from the approximately $11 million which was appropriated for fiscal 1973.

One of the first bills enacted by the 63rd Legislature was for the purpose of providing an appropriation for the Constitutional Revision Commission (SB 1). Amounts appropriated for the commission to hold public hearings, pay travel and per diem expenses for members, staff, and expert witnesses, and provide salaries of professional and clerical positions totaled $900,000.

A special appropriation (HB 183) to phase out the Governor's Committee on Human Relations was made with the enactment of a bill extending operations of the committee until the end of the current fiscal year, August 31, 1973. Legislation creating the committee had provided for its existence until February 1, 1973. Under the bill the governor was also authorized to appoint the members of the committee to serve until August 31, 1973.

The Industrial Accident Board received authority to transfer $14,000 in its appropriation from its designated "Current and Operating Expenses" to "Salaries and Classified Positions" with the enactment of Senate Bill 526.

An appropriation in the amount of $118,972.41 was made out of general and special funds for various claims against the state by House Bill 568.

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids received the sum of $2,800 for travel and operating expenses with the enactment of House Bill 699.

To assure the 63rd Legislature the necessary funds to meet its obligations to employees and suppliers, an appropriation totaling
$1.5 million was made, with $0.5 million allocated to the senate and $1.0 million designated for the house of representatives (HB 911). The appropriation covers the fiscal year ending August 31, 1973.

Another appropriation covering the remaining months of the current fiscal year was made for the position of executive director of the Industrial Accident Board with the enactment of Senate Bill 832. The sum of $7,000 was appropriated for this purpose.

The Legislature and Constitutional Revision

The Legislature For the first time in almost a decade the two houses of the Texas Legislature adopted Joint Rules for the functioning of the 63rd Legislature. Among the most significant provisions of the new rules was the creation of the Joint Legislative Committee on Administration, with the duty of conducting studies of various phases of legislative administration, such as printing, enrolling and engrossing, and status reporting, to determine the feasibility of joint operation of such facilities. Then, should joint operation of any facility be provided, the facility would be placed under the control and direct supervision of the joint committee. However, the joint committee was restricted from interfering with the operation of the offices or staffs of individual senators or members of the house of representatives.

The provision that all conference committees be open to the public and press under the Joint Rules was in keeping with the move toward openness in government which characterized the entire regular session of the 63rd Legislature.

Other new procedures set out in the Joint Rules pertained to the form of bills and restrictions placed on conference committees in trying to adjust the differences between the two houses. The latter were discussed in detail in the introduction to this report. The following requirements for form of bills were established:

(1) Where a bill or resolution proposes to amend an existing portion of the constitution, a statute, or a legislative rule, the complete text of the existing portion must be quoted in full.

(2) Language to be added to the existing portion must be inserted in its appropriate place in the text and is to be underlined.

(3) Language to be deleted must be typed in solid capital letters and enclosed in parentheses.

(4) If the language to be added replaces a part of the existing text, the new language must precede the existing text being
(5) If a portion of a word is being changed, then the entire word must be replaced, with the word first inserted correctly and underlined, followed by the word as it appears in existing text enclosed in parentheses.

(6) If the amendment involves a complete redraft of the entire text of the original to the extent that it would confuse rather than clarify to show additions and deletions, the preceding requirements would not apply.

(7) Compliance with the preceding requirements is mandatory in all stages of the legislative process, except in the engrossing and enrolling of the bill or resolution, when the underlining and deleted text are omitted.

Legislative procedures were also involved in Senate Bill 332, relating to the severability of statutes. The enactment of this legislation obviates the use in each statute of the heretofore essential severability clause declaring that if any portion of an act be held invalid the remainder of the act shall stand. The new law (SB 332) provides that each statute enacted previously or in the future be declared severable except as otherwise specifically provided in the statute.

Another innovation designed to facilitate operations of the legislature was the creation of the Legislative Information System Committee as a permanent legislative service agency of the state (HB 127). The committee is comprised of the chairmen of the house and senate administration committees, the secretary of the senate and the chief clerk of the house, the director of the Legislative Reference Library, the director of the Legislative Budget Board, the executive director of the Texas Legislative Council, and the State Auditor, with each member's service on the committee considered an additional duty of his regular office or employment.

The committee is directed by the statute to establish a system, referred to as the Legislative Information System of Texas (LIST), which shall make available to the legislature, its committees, and agencies "the most modern, efficient, and businesslike equipment, facilities, systems, and techniques that may be provided for the accomplishment of their duties, including data processing systems that will streamline and speed up the drafting, printing, processing, and distribution of legislative documents, the reporting of the status and history of legislative documents, the processing, printing, and distribution of journals, statutory revision, printing and publication of the session laws and statutes, and all other mechanics involved in the legislative process." The committee also has authority to execute contracts to carry out the purposes of the act and to employ staff and
consultants. Funding may be by appropriations to the committee, to
the house or the senate, or to other legislative service agencies
"on whose behalf equipment, facilities, or systems are being
prepared or operated, or any combination of these arrangements."

Under House Bill 171, the Legislative Budget Board is required to
establish a system of fiscal notes to accompany through the
legislative process all bills and resolutions authorizing the
expenditure or diversion of state funds. These fiscal notes must
cover a five-year period beginning with the effective date of the
affected bill or resolution.

Among the nine or ten bills enacted pertaining to the legislature,
three—House Bills 2, 8, and 2—were among the reform measures
pushed by Speaker Daniel.

House Bill 2, the lobby control measure, when finally passed was
much weaker than originally introduced in the House and somewhat
stronger than existing law. It includes misdemeanor criminal
penalty for violations in accordance with the Texas Penal Code.
All lobby registration requirements relating to contact with state
agencies were stricken from the original measure, but it did retain
provisions requiring lobby registration of any person whose
expenditures—not including his own food, lodging, and
transportation—amount to more than $200 quarterly "for
communicating directly with one or more members of the legislative
or executive branch to influence legislation." The $200 figure was
$50 more than House conferees had originally proposed. Under the
act a registered lobbyist is required to provide the names and
addresses of organizations and associations he represents whose
members contributed or paid dues of as much as $500 a year. The
original house version had set this figure at $250 a year. The new
lobby bill also provides for year-round coverage of lobby activity,
not just coverage when the legislature is in session.

Public disclosure of who pays for the election of house speakers
and how the money is spent is required under House Bill 8, and its
companion (HB 2) outlaws threats and promises to get votes for
speaker candidates.

House Bill 4, relating to reporting political campaign expenses,
will be covered in this section of this report on Elections,
Voting, and Political Campaigns. House Bill 1, the ethics bill,
covers all state officials and will be discussed in detail in the
section on State Officials, State Departments and Agencies, and
Examining and Licensing Agencies.

To clarify and strengthen the statutory provisions governing the
rental or lease of office space by members of the legislature,
House Bill 619 authorizes the Board of Control to waive the
statutory requirement of submitting requests for lease to that
agency and advertising for bids on the lease of office space when payment of leases and rentals of space is to be made from the expense fund of either house of the legislature. In such instances, however, leases and rentals are made subject to applicable legislative rules and policies.

Another measure enacted which related to the legislature and the legislative process was Senate Bill 982. This act makes changes in the membership and terms of the Legislative Property Tax Committee. Membership is increased to seven with the addition of a senator and a member of the house of representatives, making two members from each house. Two year terms are stipulated, with appointments beginning on June 1 of odd-numbered years and committee members eligible for reappointment. The committee is also given authority to accept gifts and grants, which after deposit in the State Treasury are appropriated to the committee for a two-year period.

Although the 63rd Legislature failed to come to grips with reapportionment of legislative districts and Texas seats in the United States House of Representatives as directed by federal courts, one measure was enacted to reappoint State Representative Districts 57H and 57I (SB 590). Both seats were in Bexar County and minor adjustments were made for population purposes.

A constitutional amendment (SJR 8) was proposed by the 63rd Legislature, for submission to the Texas electorate on November 6, 1973, which, if adopted, would increase the annual salaries of members of the legislature from the present $4,800 to $15,000. The per diem allowance would be set at $18 instead of the $12 now allowed. The proposed amendment to Article III, Sections 5, 24, and 49a, and Article VIII, Section 6, would also provide for annual sessions of the legislature, not to exceed 180 days, instead of the present 140, in odd-numbered years. The session in even-numbered years would be for 60 days, but the governor would have authority by the resolution to extend this session by another 30 days, should he deem it necessary. The even-numbered year session would be restricted to the consideration of only fiscal and emergency matters submitted by the governor. The present constitutional provisions for convening special sessions would be retained under the proposed amendment, but the order of business requirement has been deleted. In order to make the constitutional provision requiring reports on anticipated revenue conform with the proposal for annual sessions, Article III, Section 49a, of the Constitution would also be amended by Senate Joint Resolution 8 to provide for yearly rather than biennial reports.

On November 7, 1972, the Texas electorate adopted a constitutional amendment proposed by the 62nd Legislature to authorize the 63rd Legislature to establish a constitutional revision commission. The amendment also provided
that the commission would report its recommendations to the legislature not later than November 1, 1973. Members of the 63rd Legislature would then be convened in January, 1974, for the purpose of drafting a new constitution or revising the current constitution for submission to the voters of Texas. The convention would be allowed to sit through May 31, 1974, and could extend its life for 60 days beyond that date. The only subject matter restriction on the convention as provided by the proposed amendment is that the present Bill of Rights of the Texas Constitution be retained in full.

Creation of the Constitutional Revision Commission, as authorized by Article XVII, Section 2, of the Texas Constitution, by Senate Concurrent Resolution 1 was one of the first matters to receive attention by the 63rd Legislature. The 37 members of the commission, representative of both sexes, ethnic groups, social groups, economic groups, and geographical regions of the state, were appointed by an appointment committee composed of the governor, lieutenant governor, attorney general, speaker of the house of representatives, the chief justice of the supreme court, and the presiding judge of the court of criminal appeals, with the governor serving as chairman.

The commission, as required by the resolution, met initially in Austin and has since held meetings in six geographical areas of the state. The commission is also empowered to select citizen committees, serving without compensation or expenses, in each of these geographical areas to assist with its work. Per diem of $50 for each day in which a member attends to the business of the commission is allowed under the resolution. Each commission member is entitled to reimbursement for actual and necessary travel and other expenses incurred while attending the business of the commission. Provisions for staff are also included in the resolution, including the employment of an executive director and consultants appointed by him "within approved budget limits."

All departments and agencies of the state, including the Texas Advisory Commission on Intergovernmental Relations and the Texas Legislative Council, are directed to cooperate with the commission and its staff.

To fund operations of the commission, Senate Bill 1 appropriated the sum of $900,000 to the commission, and allocated to salaries of professional and clerical positions, $240,000; travel and per diem for members, staff, and expert witnesses, $300,000; and professional fees, part-time help, consumable supplies and other expenses, $360,000.

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

Originally established to terminate on the second Tuesday in January, 1974, the date the constitutional convention convenes, terms of office of members of the commission were extended in the final version of the resolution to 60 days after this date, in order that the constitutional convention might have the benefit of advice and consultation with commission members.

Proposed Constitutional Amendments—November 6, 1973

Despite the possibility of an entirely new constitution for the state of Texas, nearly 100 proposals for constitutional amendments were introduced during the regular session of the 63rd Legislature. Of the 97 proposed constitutional amendments introduced, 59 originated in the house of representatives and 38 originated in the senate. Seven of the senate's proposals and two of those introduced in the house made it to final passage and will appear on the same ballot on November 6, 1973. These nine proposals, listed with captions, include:

SJR 1  Proposing an amendment to Article XVI, Section 59, of the Texas Constitution; establishing certain requirements relative to the enactment of laws creating certain conservation and reclamation districts.

SJR 8  Proposing an amendment to Article III, Sections 5, 24, and 49a and Article VIII, Section 6, of the Texas Constitution, as amended, to provide for annual regular sessions of the legislature and to provide an annual salary and per diem for the members of the legislature.

SJR 12 Proposing an amendment to Section 7, Article XI, of the Constitution of the State of Texas; amending Section 7 to provide that certain counties and cities bordering on the Gulf of Mexico may levy a tax to pay for bonds issued for the construction of sea walls and breakwaters upon the vote of the majority of the resident property taxpayers voting in an election.

SJR 13 Proposing amendments to Article VIII, Sections 1-a and 1-b, of the Texas Constitution, to extend the $3,000 ad valorem tax exemption to the homesteads of unmarried adults.

SJR 25 Proposing an amendment to Article VIII of the Texas Constitution by adding a Section 2C authorizing the legislature to exempt certain water supply cooperatives from the property tax on certain facilities.
SJR 26 Proposing a constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals.

SJR 29 Proposing an amendment to Article XI of the Constitution of the State of Texas by adding a new Section 5(a) to said Article XI, to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of and interest on their general obligations as defined herein hereafter lawfully issued; placing restrictions on the amount of such general obligations; and providing for the submission of said constitutional amendment to a vote.

HJR 6 Proposing an amendment to Article III, Section 49-b, of the Texas Constitution, as amended, to provide for an additional $100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund.

HJR 7 Proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses.

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

State Officials Ethics legislation has made a perennial appearance before Texas legislatures in recent years, and just one day after the 63rd Legislature convened, House Bill 1, providing new ethics regulations for elected state officials, state agency heads, and certain appointees, was filed on January 10, 1973. The first bill introduced in the house of representatives,
it was one of the last to be enacted—on the last day of the session—and passage was successful only after numerous amendments by both houses had sent the bill to conference committee. After 21 called meetings of the joint conference committee, the compromise measure, considerably weaker than when it started, made its way to the governor\'s desk.

The act requires elected state officials, state agency heads, and certain appointees in more "sensitive" state jobs to reveal their sources of occupational income, any stockholdings, a list of bonds and notes they hold, a list of debts in excess of $1,000, and a list of gifts of money or property that exceed $250. They must also list all board of directorships and other executive positions held, a description of corporate ownership in excess of 50 percent, a list of trust income and sources, and a description of property owned. Reports are to be made to the secretary of state.

A category system is the basis for financial reports rather than specific values, so that any time money is revealed the report is to specify only that the amount involved was less than $1,000, between $1,000 and $5,000, or more than $5,000. Values of stocks held or received are to be reported under similar categories. Land holdings are to be reported to the extent of the number of acres or the number of lots held in each county.

With regard to the reporting of retainers, prepayment for anticipated services is exempt from reporting requirements if work was actually done to equal the amount of the retainer.


Other appointees are subject to disclose any "substantial interest," meaning being an officer or an employee, in a business that is either regulated by the state or does business with the state.

Finally, the ethics bill also sets up standards of conduct stating that no state officer or employee shall accept gifts or favors, make personal investments, or accept outside employment in conflict.
with his official duties.

House Bill 3, another in the package of reform measures backed by Speaker Daniel, strengthens and revises the open meetings law, making it applicable for the first time to legislative committees.

Another measure affecting state officials, this time in their capacity as custodians of records, was House Bill 6. This act makes it possible to determine just which records are public and which are not by listing some 16 exceptions in a wide range of types of information varying from that deemed confidential by law, statute or judicial decision to trade secrets of commercial and financial information to birth and death records maintained by the Bureau of Vital Statistics.

In other action relating to state officials, the legislature enacted a bill (HB 183) to extend the terms of office of the Governor's Committee on Human Relations to August 31, 1973, from the term expiration date of February 1, 1973 in the original act. An appropriation in the amount of $36,389, was made to cover this additional period of operations of the committee.

The office of the governor was also affected by creation of a Division of Disaster Emergency Services (SB 786) in that office to assume both the responsibility and the funding now residing in the Department of Public Safety. Director of the division is to be appointed and serve at the pleasure of the governor. A Disaster Emergency Funding Board, composed of the governor, the lieutenant governor, speaker of the house, chairmen of the senate and house appropriations committees, and the director of the division of emergency services is also established in the law.

State Departments and Agencies

Few changes were made by the 63rd Legislature in operations and functions of state departments, agencies, boards, and commissions. However, membership on the Texas Industrial Commission was increased from nine to twelve members (HB 873) in order to provide representation from rural areas of the state. The act defines a rural area as a county which has no city located on or within its boundaries with a population of 50,000 or more. To be appointed by the governor for terms of six years, as are other members of the commission, the rural representatives must not reside in an incorporated city or town which has a population of more than 10,000. As introduced, House Bill 873 would have created a Texas Rural Development Commission instead of providing a rural business development division of the Texas Industrial Commission. The sum of $600,000 for the biennium was included in the general appropriations bill (HB 132) for Rural Industrial Development Act Loans to be administered by this new division of the Texas Industrial Commission.
Another measure directed toward the rural population and its problems was House Bill 683. This bill, as discussed in the section of this report on higher education, provides for the creation of the State Rural Medical Education Board of six members, to be appointed by the governor with advice and consent of the senate. Three members of the board are required to be legally qualified practicing physicians, with not less than five years experience in the actual practice of medicine within Texas rural areas, and three members are to be citizens who have maintained residence for not less than five years in Texas rural areas. Major function of the board is to receive and pass upon applications for loans, grants, or scholarships made by students who are bona fide citizens and residents of Texas and who have a desire to become physicians. They must also be acceptable for enrollment in a qualified medical school. In return for the loan, grant, or scholarship to a medical school for a term of not more than four years, the individual who practices his profession in a rural area is authorized to credit one-fifth of the loan, grant, or scholarship, together with interest for each year of practice in the rural area. Other provisions of the measure authorize the board to make rules and regulations, appoint advisory committees to assist it, and accept gifts, grants, or donations to be deposited to the Texas Rural Medical Education Board Fund.

To preserve and promote the history of the Texas Navy, legislation (SB 94) was enacted whereby The Texas Navy, Inc., a corporation created under the Texas Non-Profit Corporation Act, has been designated the official body to conduct the affairs of the Texas Navy. Objectives are the promotion and advertising of the historic character and heroic acts of the Texas Navy and the promotion of travel by visitors to historical sites and areas in which the Texas Navy operated. The corporation will also conduct a public relations campaign to encourage interest and participation by individuals and government entities in the pursuit of these objectives.

Innovative legislation (SB 638) authorizes the governor to designate several cultural basins—at least four, but no more than seven—in the state and to appoint a commission for each one designated. Each of the three major metropolitan areas is to be placed in a separate basin. Staff support for the commissions is to be supplied in the governor's office, and the Greater South Texas Cultural Basin is established by the act as the pilot project in the new program. The stated purpose of the act is to improve the quality of life for the residents of Texas by stimulating orderly economic and socially desirable development and conservation and utilization of the state's human and natural resources through partnership of local citizens, local governments, state agencies, and federal agencies.

Membership in each cultural basin commission is to consist of five
local citizens, the chairman or president of each regional council of government within the particular cultural basin, six state agency heads to coordinate activities of the commission with all agencies of state government, and representatives of five federal agencies to coordinate activities of the commission with federal agencies.

Name changes in existing agencies were accomplished with the enactment of three measures, House Bills 274, 901, and 1082. House Bill 901 changes the name of the Bureau of Labor Statistics to the Bureau of Labor Standards. In House Bill 1082, the name of the Texas Vending Machine Commission is changed to the Texas Amusement Machine Commission. House Bill 274 changes the name of the Texas Historical Survey Committee to the Texas Historical Commission, with the purpose of transferring all functions and duties of the Texas Historical Survey Committee to this commission newly created in other legislation (HB 1512). The Commission is designated to administer the National Historic Preservation Act of 1966 in Texas and to prepare, maintain, and keep up to date a "Statewide Comprehensive Historic Preservation Plan." In addition to the old duties of the Texas Historical Survey Committee in giving direction and coordination to the state historical marker program, the commission has been assigned the responsibility for marking districts, sites, individuals, events, structures, and objects significant in Texas and American history, architecture, archeology, and culture, and is required to keep a register of all such markings. The act prohibits any county from selling, leasing, damaging, or demolishing the historical or architectural integrity of any courthouse of the county, present or past, without first giving six months notice to the commission. The commission also has authority under the act to conduct educational programs, seminars, and workshops throughout the state covering all phases of historic preservation.

Several bills were enacted which made changes in the membership of existing boards and commissions or qualifications of members. Among them, Senate Bill 392 prohibits the appointment to the board of the State Commission for the Blind of any person who is engaged in, associated with, or otherwise representing a business, discipline, profession or trade conducted for the primary purpose of selling or furnishing goods or services of the type provided by the State Commission for the Blind as a significant part of the assistance which the commission is authorized to extend to eligible individuals.

Senate Bill 963 increases from 18 to 19 the number of members of the Texas Commission on Interstate Cooperation. The category receiving the additional member is the Governor's Committee on Interstate Cooperation, where 6, instead of 5, members are to serve.
Membership on the Texas Animal Health Commission was also increased with the enactment of House Bill 645. Added categories for appointment are an individual involved in the equine industry, an individual involved in the feedlot industry, and an individual involved in the livestock marketing industry.

Sale of securities secured by governments was placed under regulation of the securities commissioner with the amendment of the securities act by Senate Bill 71. To accomplish this end, the exemption under the existing act applying to securities secured by governments or other public bodies was stricken. Further, changes are made to specify three practices as felonies in addition to fraud, already a felony. Practices subject to felony conviction are (1) employing any device, scheme, or artifice to defraud, (2) making an untrue statement or omitting a statement under circumstances which would mislead another, and (3) doing anything which operates or will operate as fraud or deceit. A change is also made from declaring it a felony to make a false statement in a document filed with the commissioner to declaring it a felony to make a statement which is false or misleading in any respect, given time and circumstances, in such a document.

To make it less difficult to secure individuals qualified to serve as deputy savings and loan commissioners, since under existing law requirements for this position have been the same as those for the commissioner, Senate Bill 102 was enacted to provide that the deputy savings and loan commissioner merely have practical experience in a savings and loan association instead of the five years' experience formerly required. Also experience as a savings and loan hearing officer has been added to the list of positions which qualify as the requisite experience for the office of savings and loan commissioner.

Senate Bill 327 was enacted to clarify the duties and powers of the Texas Coastal and Marine Council to specify that the council serve as an advisory body to cooperate with and assist the legislature, state and federal agencies, and other political subdivisions with respect to coastal resources management and other marine-related affairs. Membership of the council has been also enlarged to authorize the lieutenant governor and speaker each to appoint six rather than four members of the council, with three appointees of each of these officials to be members of the houses of the legislature over which each presides, and the other three council members appointed by each officer to be named from the educational profession, commerce and industry, and the general public.

Three bills were enacted which directly relate to the operations of the State Board of Control. One with ecological overtones, Senate Bill 255, requires the board to establish facilities for collecting wastepaper in public buildings under its control and to sell the paper so collected to the highest bidder for recycling purposes. A
companion measure (SB 256) requires the board to contract for paper containing the highest percent of recycled fibers for all purposes for which paper with recycled fibers may be used. Agencies purchasing through the Board of Control are also directed to place orders for papers containing recycled fibers to the highest extent of their needs. Purchase of recycled paper is to be made to the extent that such paper is available at a reasonable price through normal commercial channels.

Senate Bill 684 alleviates the condition whereby the Board of Control has been restricted from making even minor repairs on property under its control without approval of the State Building Commission. The State Building Construction Administration Act has been amended to include "projects of repair and rehabilitation, except major renovations, of buildings and grounds on State Board of Control inventory" among exceptions to the act.

State agency reports on equal employment opportunities for women and minorities are filed under federal requirements with the United States Equal Employment Opportunity Commission. However, it has been difficult, if not impossible, for individuals or other agencies to obtain copies of these reports. To remedy this situation, House Bill 486 requires that each state agency, department, board and institution file with the State Library at least 10 copies of any report filed with the equal opportunity commission. Further, another three copies must be filed with the State Legislative Library.

Under House Bill 383, the Texas Banking Code of 1943 is amended with respect to meetings, voting, and term of office of the chairman of the Finance Commission. Specifically, the term of office of the chairman of the Finance Commission is established at one year, beginning on July 1 of each calendar year and expiring on June 30 of the succeeding calendar year. Commission members are prohibited from serving consecutive terms as chairman.

Existing law authorizes the Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas to charge admission fees to the general public to visit state property, with the exception of the Alamo, under their custody and control. Moneys so collected have been deposited in trust for expenditure by these organizations in maintaining and repairing these properties. House Bill 730 amends the law to provide that admission receipts and profit from the operation of concessions at each of the properties be held separately in trust by the organizations concerned to be expended only for repair and maintenance of the particular property at which the money was received.

In another bill dealing with revenues from admissions charges and concession profits (HR 1611), the Battleship Texas Commission is authorized to increase the maximum revenue which it may retain from
the $25,000 allowed under the old law to $100,000. Interestingly, the fiscal note accompanying the second printing of the bill indicates that the maximum income to the state in the past several years over and above the $25,000 allowed the commission has been less than $800 annually. The commission uses these revenues to maintain and repair the Battleship Texas.

In other legislation (HR 1634) the adjutant general is authorized to accept funds from the federal government, such funds to be deposited with the state treasurer and paid out by him on properly drawn warrants. An employee whose salary is paid from these funds is to be paid not less than the federal hourly minimum wage as provided under the Fair Labor Standards Act of 1938, Section 206.

Senate Bill 889 amends the statute relating to payments made from the Bicentennial Fund to place the fund on the same basis as other funds in the state treasury. This is accomplished by deleting the requirement that payments from the fund be based on sworn accounts.

The Texas Library and Historical Commission is authorized to accept lands and buildings, cash and property donations for use in facilitating the establishment of regional historical resource depositories under terms of Senate Bill 845. However, the acceptance of such gifts by the commission on behalf of the state may not create any financial obligation on the state.

House Bill 1482 includes both general housekeeping provisions in the act creating the Veterans' Land Board and redefines the term "veteran" as used in the act. The latter provision will not take effect unless House Joint Resolution 6, proposing an amendment to continue the veterans' land program, is adopted. A veteran is redefined as one who has served 90 consecutive days after September 16, 1940, instead of between September 16, 1940, and March 31, 1955. To be eligible, the veteran is required to have been a Texas resident for five years prior to the application date. It also permits an applicant's spouse to complete the transaction if he dies.

A veteran still in service but stationed outside the United States is allowed to designate a representative to appear for him before the board's appraiser on the land to be purchased by the board. A major new function was assigned to the Legislative Budget Board by House Bill 169, which requires the board to establish a system of performance audits designed to provide a comprehensive and continuing review of the programs and operations of each state agency, commission, department, school, and institution. Annual performance reports are to be made to the legislature annually. Performance reports are required to analyze the operational efficiency of state agency programs and functions in terms of unit-cost measurement, workload efficiency data, and program output standards as the board may establish. The director of the board is
authorized by the bill to employ personnel necessary to accomplish the purposes of the act.

The Texas Department of Corrections is affected by House Bill 1056, which states that an inmate in the custody of the department or in any jail in Texas may not act in a supervisory or administrative capacity over other inmates nor may such inmate administer disciplinary action over another inmate. House Bill 1239 authorizes the Department of Corrections to contract with other states, the federal government, or foreign governments for the purpose of manufacturing license plates. Also affecting the Department of Corrections is a bill (SB 265) providing that the Texas Board of Corrections may insure the officers and employees of the department from liability to third persons arising from and out of the use and operation of aircraft by the department. Heretofore, permission to obtain insurance liability coverage was limited to the operation of automobiles, motor trucks, and other motor vehicles. This legislation also authorizes the board to insure any aircraft owned by the department against damage, or loss, theft, or destruction. Insurance so contracted is required to be on forms approved by the State Board of Insurance as to form and by the attorney general as to liability.

Employees of the Interstate Parole Compact are treated in Senate Bill 231. The State of Texas is a party to the compact and the governor is authorized to appoint a representative. The new legislation designates his appointee as the Interstate Parole Compact Administrator and authorizes him to appoint two assistants, to be designated "Deputy Parole Compact Administrators."

House Bill 1193 adds additional duties to the Performance Certification Board. This agency, already charged with establishing standards and enforcing them in the manufacture or sale in Texas of mobile homes, is required by the act to set minimum standards for the proper blocking, anchoring, and securing of inhabited mobile homes in coastal and other areas of the state. Provisions are also included for inspection of anchoring devices, and the act includes penalties for violations. A violation is deemed a misdemeanor subject to a fine of not less than $25 nor more than $100 and costs of court.

To facilitate a more effective and efficient delivery of human resource services to the state's poor, House Bill 845 authorizes the Texas Department of Community Affairs to establish multipurpose human resource centers in various communities in the state. Any state or local governmental agency or private, nonprofit human resource agency that has filed a state or regional plan for delivery of human resource services with the department is eligible to locate staff in such centers.
Of all legislation enacted by the 63rd Legislature the most significant to state employees was, of course, the general appropriations bill (HB 132), which provided salary increases for classified personnel. The bill provides a three-step, 10.2 percent increase for salary groups 2 through 7; a two-step, 6.8 percent increase for groups 8-12; and a two-step, 6.8 percent increase for groups 13-21, all to be made in the first year of the biennium. The second year of the biennium an across-the-board increase of one step, 3.4 percent, will be made.

In addition, a longevity increase is provided for employees with five years of continuous service in 1974 amounting to an additional one-step increase, or 3.4 percent, but this is authorized only for employees in groups 2-7. There is also a merit salary provision, amounting to 1.7 percent of budgeted positions each year.

State holidays, also of interest to state employees, have been changed by Senate Bill 50. The birthday of the late President Lyndon B. Johnson, August 27, is substituted in the enumeration of legal state holidays for that of President of the Confederacy Jefferson Davis, which was observed on June 3. The bill also designated January 19, formerly observed as General Robert E. Lee's birthday, as "Confederate Heroes Day" in honor of both Jefferson Davis and Robert E. Lee, as well as other Confederate heroes.

Three measures were enacted affecting the State Employees Retirement System—Senate Bills 714 and 899 and House Bill 1553.

Senate Bill 714 provides for mobility between the three state retirement systems—judicial, teachers, and state employees—without loss of credits or benefits. Participants in any one of the three retirement systems may transfer credits to another on changing jobs, but in so doing must make up in a lump sum contributions which would have been made had the transferee participated in the system all along. The state, however, is required to make up its share of the retirement contribution for an employee who transfers between systems, and the three separate retirement systems are required to cooperate on the transfer of participants and their benefits.

Senate Bill 899 makes a number of major changes in the Employees Retirement Act, which will become effective on September 1, 1973. By categories, the changes are made in membership and contributions, membership fees, purchase of military and other service credit, service retirement annuities, early retirement, minimum standard annuity, disability retirement, death benefits, and annuity adjustments or increased retirement income for retirees.

Except for retirees who return to duty, all salaried and hourly
employees, including those in temporary or part-time employment, and all full-time appointive salaried officials are required to become contributing members of the system on September 1, 1973, or on the first day of employment thereafter. Contributions will be 6 percent of actual gross pay. With regard to membership fees, the legislature, for the first time, has appropriated a sum to cover these fees. The customary $2 annual fee will not be deducted from any member's salary during the biennium September 1, 1973, through August 31, 1975.

Effective September 1, 1973, employees may claim certain military service credit any time following their first state employment, but with a required interest payment of 10 percent per year if they do not do so during their first year of eligibility.

In another provision, the interest payment required to restore service for which contributions have been withdrawn remains at 5 percent per year. Interest on service never previously established will be 10 percent per year from the time such service was performed. These interest rates have been levied to protect the retirement fund from loss of income that would have been earned had the employee contributions and state matching been invested from the time the previous service was performed.

For service retirement annuities, final average salary will be the average of the highest 60 months out of the last 120 months, and the 60 months need no longer be consecutive. Further, service retirement annuities for persons retiring after September 1, 1973, will be increased by application of a new table of values, shown as follows along with the present table:

<table>
<thead>
<tr>
<th>Present</th>
<th>Effective 9-1-73</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 10 years, 1.30% per year</td>
<td>1.35% per year</td>
</tr>
<tr>
<td>Second 10 years, 1.56% per year</td>
<td>1.60% per year</td>
</tr>
<tr>
<td>Third 10 years, 1.56% per year</td>
<td>1.70% per year</td>
</tr>
<tr>
<td>Thereafter, 1.82% per year</td>
<td>1.90% per year</td>
</tr>
</tbody>
</table>

The executive secretary of the Employees Retirement System has prepared the following comparison showing the maximum "standard" annuity for various lengths of service as a percentage of "final average":

<table>
<thead>
<tr>
<th>Present</th>
<th>Effective 9-1-73</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 years—13.0%</td>
<td>13.5%</td>
</tr>
<tr>
<td>20 years—28.6%</td>
<td>29.5%</td>
</tr>
<tr>
<td>30 years—44.2%</td>
<td>46.5%</td>
</tr>
</tbody>
</table>
Retirement earlier than age 60 is also treated with changes in the act. Employees may, at or above age 55 and with 30 years or more of service, retire without actuarial reduction as is now required. Employees may, at or above age 55 and with 25 years of service, retire with actuarial reduction from age 60. Special provisions for early retirement of specified peace officers and custodial officers remain in effect.

An increase is made in the act in the minimum standard annuity from $50 per month to $65 per month. Benefits on disability retirement are also increased. Disability retirements are to be calculated at 1.6% of final average salary for each year of service instead of the present rate of 1.56% per year, and the minimum amount payable is to be 32% instead of 31.2%. In no case will payment be less than $95 per month instead of the $90 per month now allowed. The maximum amount payable will be 63% of the final average instead of 62.4%.

Changes have also been made by the bill in death benefits. If an employee dies with less than 20 years of service, his designated survivor, or his estate, will receive all of his contributions plus interest plus an additional 5% for each full year of creditable service. It is no longer necessary that the employee be survived by a spouse or minor children. If an employee dies with 20 or more years of service, monthly payments are to be made according to his death benefit plan. If he has not filed such a plan, a plan may be selected by his designated survivor or by the executor of his estate. Presently, this option may be exercised only by a surviving spouse or the guardian of minor children.

Annuity adjustments are made in the bill for those who have already retired. Effective September 1, 1973, payments to annuitants with respect to retirements prior to September 1, 1973, will be adjusted as follows:

<table>
<thead>
<tr>
<th>Effective Date of Retirement</th>
<th>Rate of Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 1972, through August 31, 1973</td>
<td>4%</td>
</tr>
<tr>
<td>September 1, 1971, through August 31, 1972</td>
<td>6%</td>
</tr>
<tr>
<td>Prior to September 1, 1971</td>
<td>8%</td>
</tr>
</tbody>
</table>

The third bill relating to the Employees Retirement System of Texas amends the existing act to add the secretary of state to the appointive officials with membership in the system (HB 1553).

Senate Bill 872, although not relating directly to the Employees Retirement System, does offer optional retirement benefits for all public employees—state, county, city, town, or other political
subdivision—through the authority it grants such public employees to enter into a deferred compensation plan providing for the purchase of insurance and annuity contracts and mutual fund contracts. Under terms of the act, the public employee and the political subdivision that is his employer may reach an agreement, by contract, to defer in whole or in part any portion of the employee's compensation and, subsequently, with consent of the employee, the subdivision may contract for, purchase, or otherwise procure a fixed or variable life insurance or annuity contract or mutual fund contracts for the purpose of funding a deferred compensation program for the employee. Such contracts may be obtained from any life underwriter duly licensed by the state to contract business in Texas. Administration of the deferred compensation program is placed under the state comptroller or his designee, with payroll deductions to be made by the appropriate payroll officer. The administrator, however, may contract with a private corporation or institution to provide consolidated billing and other administrative services. The deferred compensation program is to serve in addition to any retirement, pension, or other benefit programs established by the state or any of its political subdivisions. However, such deferments are not subject to taxation until distribution is actually made to the employee.

Examing and Licensing Agencies

The category of examining and licensing boards among state departments and agencies was subject to more amendments through legislation by the 63rd Legislature than perhaps any other division of state government. Although no new licensing boards and commissions were created, applicability of provisions of a number of them was broadened to include additional occupations or professions. Also, amendments to existing statutes in many instances made changes in requirements for licensure, in board memberships, and in fees charged for licensing. Of general interest to state departments and agencies affected by the legislation was Senate Bill 178, which exempts the state and its departments and agencies involved in such operations from payment of the license fee required for the licensing of nursing and convalescent homes, certain kinds of foster care residences, and related institutions. It was deemed impractical to have one state agency pay a fee to another, as was required prior to the enactment of Senate Bill 178.

Another measure (SB 144) dealing with fees increases the cost of permit renewals for the operation of a barber shop from $1 to $7. Due date for such renewals has been changed from November 2 of each year to July 1. Biennial issuance of teachers' certificates is provided for in the bill instead of continuing the requirement for certificates issued annually, except when application is made with the applicant fulfilling requirements during the period from
November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year. Under these conditions a fee of $12 is required for a teacher's certificate for one year. Teacher's certificates are to be renewed biennially on or before November 1 of odd-numbered years upon payment of a renewal fee of $25, the same fee required for the initial certificate when requirements are met and application is made during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year.

The permit for a school is increased from $200 to $500, and the annual renewal fee for the school's certificate has been increased from $100 to $125. Licensing requirements for a barber's technician have been reduced, with the period for working at a licensed barber school or college set at 30 days instead of the 60 days formerly required. Barber's technicians are added to registered barbers and registered assistant barbers in the requirement for renewal of certificates of registration. Such renewals are also put on a biennial basis of $25, rather than an annual basis at $8.

Renewal fees of $30 for the biennium are required of registered barbers who retire from the practice of barbering for not more than five years and no examination is required; if the registered barber has been retired for more than five years, he may renew his license by paying a $10 examination fee, and on fulfilling the requirements of the examination, an additional $25, to give him a certificate of registration for two years. Exceptions in the requirement for renewal of certificates of registration are made in the case of registered barbers while serving in military, air or naval forces of the United States. In such instances, application for renewal of certificates must be made within 90 days following release from military service, when the renewal fee is $10 for the biennium or $5 for a single year, and when application and payment are made during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year.

A duplicate registrant certificate has been provided for and is available on written application of the registrant and payment of a fee of $5. It has been estimated by the Legislative Budget Board that the increased fees under the act will bring approximately $146,655 additional in revenues to the Board of Barber Examiners each year.

*Senate Bill 222* empowers the Texas State Board of Dental Examiners to regulate dental laboratories and technicians, whose only regulation previously has been the requirement that they may only deliver their work products to dentists and then only when furnished with a written work order or prescription. Also created under the act is a Dental Laboratory Advisory Board, to be appointed by the Board of Dental Examiners and composed of four
laboratory owners and two laboratory technicians, to serve six-year, staggered terms. Dental laboratories are required to register annually with the Board of Dental Examiners at a fee which may be set by the board between $25 and $200, according to needs as determined by the board. Fee for registration by a dental technician may be set at not less than $10 nor more than $25, as determined by the board. The board is empowered to sue to enjoin violations and may revoke or refuse to renew certificates and licenses for violations.

Landscape irrigators are required to be licensed under Senate Bill 237, with licensing supervision placed under the Texas State Board of Landscape Architects. Membership of the board is increased to six, to include three members who have been actively engaged in the practice of landscape irrigation for a minimum of 10, 8, and 6 years, respectively. These members are in addition to the three members representing the landscape architecture profession. Terms of the new members are six years, with appointments to be made on a staggered basis every two years. In addition to its duties in connection with landscape architects, the board is required to set standards governing the connections to any public or private water supply. Chairman of the board, to be selected by members, is required to be a landscape architect. Licensing as a landscape irrigator is by examination, with the examination fee to be $50. This provision excepts any landscape architect licensed under the act in the performance of necessary services for design, construction, repair and installation of any landscape irrigation system. Reciprocal registration without examination is provided for a landscape architect or irrigator in a state or country having requirements substantially equivalent to those under the Texas law, if such state or country provides reciprocal licensing for Texas licensees. Fee for a landscape irrigator's certificate is set at not more than $100. Revocation of a certificate of registration is provided for in instances of violations of provisions of the act, the practice of fraud or deceit in obtaining the certificate, gross negligence or incompetency or misconduct in the practice of irrigation, a registrant's holding himself out to the public as an engineer unless he is licensed under provisions of the Texas Engineering Practice Act or other applicable licensing law, and a registrant's holding himself out as a surveyor unless he is so licensed.

Penalties for violation of provisions of the act include a fine of not less than $100 nor more than $500, or confinement in jail for not more than three months, or both. Annual fee for a landscape irrigator is to be set by the board, but in no event is it to be more than $100.

House Bill 1204 amends the law creating and defining the duties of the Board of Architectural Examiners. The profession of architecture is redefined in line with a uniform definition being
developed in other states in order to make possible reciprocal licensing. In other changes, the bill narrows exemptions from the act and otherwise modernizes and updates the organization and function of the Board of Architectural Examiners. A cutoff date of June 30, 1980, is placed on the board’s authority to accept for examination applicants who are non-graduates in architecture. The use of architectural seals is limited to duly registered architects or to people under their personal supervision. Firms are prohibited from engaging in the practice of architecture unless all architectural services are rendered by and through persons holding registration certificates. The registration date for the practice of architecture is changed to January 1 of each year, and fees are increased: from $50 to $100 for an application for an examination; from not less than $5 to not more than $50 for annual registration of a resident; and from $20 to not more than $100 for registration of nonresidents.

Senate Bill 302 expands the authority of the State Board of Registration for Public Surveyors by giving it the power to establish standards of conduct and ethics for public surveyors. In addition, it is authorized to initiate action against any person to enjoin any violation of the act or any rule or regulation of the board. Board members are also authorized to collect $25 per day while engaged in the discharge of their duties and, for the first time, time so spent includes necessary travel. Also allowed are all legitimate expenses incurred in the performance of their duties. Qualifications necessary for licensing as a surveyor have been changed to some extent by adding the requirement that an applicant be at least 21 years of age. Educational and experience requirements are listed with four alternatives provided: (1) four years of study in land surveying or civil engineering at an accredited college or university leading to a bachelor’s or higher degree plus a specific experience record of two or more years as a subordinate to a registered public surveyor or other person qualified in land surveying; (2) four years of college or university study in fields other than surveying or engineering leading to a bachelor’s or higher degree plus specific experience of four or more years as a subordinate to a registered public surveyor or other person qualified in land surveying—the course must have included not less than 32 hours or equivalent in any combination of courses in civil engineering, land surveying, mathematics, photogrammetry, forestry, or land law and the physical sciences; (3) successful completion of a course of study in land surveying or board approved survey-related courses at an accredited college or university of 32 semester hours of study and six years or more of experience as a subordinate to a registered public surveyor or other person qualified in land surveying—five years of such experience to indicate that the applicant was in responsible charge of the accuracy and correctness of the work performed; and (4) graduation from an accredited high school and a specific experience record of six years as a subordinate to a registered...
public surveyor or a person qualified in land surveying, of a character indicating that applicant was in responsible charge of accuracy and correctness of surveying work performed—applicants under this provision must also show that they have become self-educated in the surveying field.

The former registration fee of $20 was increased to an amount set by the board not to exceed $50. An applicant failing an examination may apply for reexamination at the expiration of six months, but after the first reexamination, each new application must be accompanied by a fee of $50 for a reexamination. Other provisions of the act remain unchanged from existing law.

Four bills (SR 508, SR 863, HB 771, and HB 1704) pertain to licensing and other requirements within the jurisdiction of the Texas Cosmetology Commission. **Senate Bill 508** limits the issuance of temporary licenses to persons wishing to do demonstrations and hold clinics at national, international or state conventions or educational shows held in Texas. Another amendment to existing law provides that renewal licenses issued by the commission between September 1, 1973, and September 1, 1974, may be issued for a period not to exceed 15 months, with the renewal fee to be prorated based on the renewal fee provided under existing law.

**Senate Bill 863** exempts hair cleansing and scalp conditioning from the licensing requirements, but requires training of such hair technicians in a vocational rehabilitation program or a school program approved by the Texas Education Agency and the Texas Cosmetology Commission as well as certification from the Texas Cosmetology Commission to engage in the practice of hair cleansing and scalp conditioning. Other requirements in **Senate Bill 863** include those relating to hours of training necessary, age of hair technician, number of beauty operators in shop employing hair technician, annual application, health certificate, and renewal of certificates.

**House Bill 771** relates to the licensing of cosmetology instructors. Prior to the bill's enactment, existing law required completion of 1,000 hours of instruction in a licensed private beauty culture school before a person could apply for a license as an instructor in cosmetology. As amended by **House Bill 771**, the act permits a publicly financed junior college to offer the same training in a vocational training program.

Provisions relating to requirements of a private beauty culture school are treated in **House Bill 1704**. Existing law required a private beauty culture school to maintain on its staff not less than two full-time instructors licensed under the act. **House Bill 1704** requires further that the school shall maintain on its staff and on duty during business hours not less than two full-time instructors licensed under the act.
Only one change is made in the law relating to the licensing of pharmacists by **House Bill 300**. This provides that pharmacist-interns who have graduated, or are within 30 hours of a degree in pharmacy, may prepare and fill prescriptions. The presence and supervision of a registered pharmacist, certified by the State Board of Pharmacy, is required, however, and as supervisor is responsible for all actions of the intern. In other legislation relating to pharmacists, **House Bill 277** increases fees for pharmacists' licenses from $50 to $100, for permits to operate a pharmacy from $10 to $25; and for drug manufacturing permits from $25 to $200. **Senate Bill 369** also relates to the pharmacy profession. Under its terms, the State Board of Pharmacy may impose fines of up to $50 for violations of state pharmacy laws.

**House Bill 372** excludes from regulation by the Texas Board of Private Investigator and Security Agencies those persons or companies transporting routine business supplies such as stationery, manila folders, etc. "Courier Service" as originally defined has been redefined as any person or company that transports documents, papers, and the like "under armed guard."

Before enactment of **Senate Bill 701**, there were no Texas laws regulating the licensing of insurance claims adjusters. This bill requires the licensing of insurance adjusters by the State Board of Insurance. Persons in training as adjusters may act without license for a period of up to 12 months and an out-of-state adjuster need not be licensed for adjustment of a single loss. Penalty for acting as an adjuster without a license is a misdemeanor punishable by a fine of not more than $500 or a jail sentence of not more than six months, or both. Application for an adjuster's license is to be made to the Texas Insurance Adjusters Board, which also has jurisdiction over licensing of certain out-of-state adjusters, issuance of temporary licenses and special licenses. An advisory board, to be appointed by the insurance commissioner with the approval of the board, is created to make recommendations as to scope and content of the examination and fees are set for obtaining a license, as well as procedures for renewal of licenses. The act provides for expiration of licenses on January 1, and provides for denial, suspension for no more than 12 months, or revocation of licenses under certain circumstances.

The penalty for conducting a child-care center, a child-placing agency, or placing children for adoption without a license is the subject of **House Bill 331**. Before **House Bill 331** was enacted, a fine of up to $100, or imprisonment up to one year, or both, was the penalty set for impersonating a licensed institution or agency. This penalty was deemed ineffective, however, in deterring the activities of unlicensed child-care institutions, child-placing agencies, and individuals bringing about adoptions. The change incorporated in the law by **House Bill 331** increases the maximum
fine to $1,000, with the county jail sentence remaining at the maximum of one year.

House Bill 463 changes only one provision of existing law relating to homes or institutions licensed by the State Department of Health and caring for pregnant women. It removes the restriction that heretofore prohibited these homes from caring for non-pregnant women under 50 years of age simultaneously.

Administrators of child-caring institutions are required to be licensed by the Department of Public Welfare after January 1, 1974, with the enactment of Senate Bill 180. Until December 31, 1974, the department may grant a provisional license to an applicant who has not taken the required examination. Certain moral, educational and experience qualifications must be met before a provisional license may be issued and in such instances experience requirements are more strict than for issuance of a regular license. Examination fee is $25. A license, valid for two years, requires a fee of $25. A proportionate system of educational and experience requirements is set up under the law. Four grounds for revoking a license include (1) felony conviction; (2) fraud or deceit misdemeanor conviction; (3) intemperate use of alcohol or drug addiction; and (4) gross negligence of duty as child-care administrator. The State Board of Welfare is required to appoint a six-member advisory council to advise the board on matters relating to licensing of child-care administrators.

The law regulating the licensing of chiropractors is amended by House Bill 487, which authorizes the Texas Board of Chiropractic Examiners to license certain applicants who have not taken the state's written examination if they hold a certificate from the National Board of Chiropractic Examiners, meet all other requirements of the Texas law, pass a personal interview and practical examination, and pay an additional fee of $50.

A cut-off date on the existing exemption relating to educational qualifications for members of the legislature making application to take the examination for license to practice law was included in House Bill 340. The section providing the exemption is made applicable only to those persons who were members of the Texas Legislature prior to the convening of the 64th Regular Session in January, 1975. Another exemption was instituted for those who have served as a judge of any court of record in the state for a period of ten consecutive years prior to making application to take the examination. This exemption is made applicable only to persons who were judges of courts of record prior to January 1, 1974.

In recognition of the shortage of medical doctors in Texas, the 63rd Legislature enacted House Bill 576 to authorize Texas residents who are also citizens of the United States and who possess diplomas issued by medical schools outside the United
States, which are listed in the World Directory of Medical Schools, to commence an internship or residency in any hospital licensed by the State of Texas without being required to take an examination other than that required by the Texas State Board of Medical Examiners of graduates of United States medical schools.

**Senate Bill 831** provides that some 29 agencies which issue licenses for various occupations may change the date on which licenses are renewed in order to avoid rush periods during which all licenses issued by a particular agency must be renewed. Agencies affected by the act include the Texas Board of Chiropractic Examiners, the Texas State Board of Examiners of Psychologists, the Texas Board of Athletic Trainers, the Texas Board of Physical Therapy Examiners, the Texas State Board of Public Accountancy, the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, the Board of Nurse Examiners, the Texas Optometry Board, the Texas State Board of Podiatry Examiners, the State Board of Morticians, the Texas State Board of Plumbing Examiners, the Texas Board of Architectural Examiners, the Texas State Board of Landscape Architects, the Texas Board of Licensure of Nursing Home Administrators, the Texas Board of Private Investigators and Private Security Agencies, the Texas Motor Vehicle Commission, the State Board of Barber Examiners, the Texas Cosmetology Commission, the Board of Vocational Nurse Examiners, the Water Well Drillers Board, the Polygraph Examiners Board, the State Board of Registration of Public Surveyors, the Texas Real Estate Commission, the State Board of Registration for Professional Engineers, the Texas Structural Pest Control Board, the Texas State Board of Veterinary Medical Examiners, the State Board of Dental Examiners, the Texas State Board of Medical Examiners, and the State Board of Pharmacy.

**Public Buildings**

Texas law relating to architectural barriers to the handicapped was amended by **Senate Bill 613**. The act returns to the board of regents of The University of Texas System, with respect to buildings on campuses of the system, the responsibility for administration of the state law requiring that buildings constructed with public funds be free of architectural barriers to the handicapped. As originally passed in 1969, the law provided that governing boards of the respective public institutions of higher education would have responsibility for administration of the law on their campuses, but an amendment in 1971 impliedly gave total responsibility for assuring compliance to the State Building Commission, which has jurisdiction over all other public buildings.

**House Bill 292** authorizes any state agency requesting a building project analysis by the State Building Commission to stipulate that an amount not to exceed one percent of the original cost estimate be used for fine arts projects at or near the building construction site. The building commission is required by the act to cooperate
with the Texas Commission on the Arts and Humanities in determining how to utilize such funds appropriated by the legislature. Works of living Texas artists are to be favored, with artists of all ethnic origins given consideration. The act is applicable to those building projects to cost in excess of $250,000.

In memory of and tribute to the late President Lyndon Baines Johnson, legislation (HB_492) was enacted renaming the State Finance Building, located between East 16th and East 17th Streets and between Congress Avenue and San Jacinto Streets, the "Lyndon Baines Johnson Building." Another bill (HB_1644) renamed the State Archives and Library Building to the "Lorenzo de Zavala State Archives and Library Building" in tribute to this illustrious Texas patriot who was a leading statesman and ad interim vice president of the Republic of Texas.

State Land Transfers

State Authority was granted in separate bills to Stephen F. Austin State University, West Texas State University, East Texas State University, Lamar University, Texas Tech University, Southwest Texas State University, and Pan American University to buy, sell, or exchange certain pieces of property described in each bill.

Senate Bill 880 and House Bill 182 deal with conveyances of land by Texas Tech University. The conveyance authorized by Senate Bill 880 was made to permit extension of Indiana Avenue through the campus of the university by the Texas Highway Department. Cost of the construction project was estimated by the Legislative Budget Director to be $1.71 million. The board of regents of Texas Tech University now has authority under the act to convey title, rights-of-way, or easements for this purpose to the State Highway Department. House Bill 182 also authorizes the board of regents of Texas Tech University to convey land to the Texas Highway Department in the amount of 6,569 acres. The acreage is situated in Kimble County.

Two bills were enacted with reference to land sale by East Texas State University. Senate Bill 678 adds a new section to the Texas Education Code to give the governing board of East Texas State University sole and exclusive management and control of lands set aside and appropriated to or acquired by the university, with authority to sell, lease, and otherwise manage, control and use such lands. The act stipulates, however, that land may not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. It also prohibits making of a grazing lease for a period of more than 10 years. House Bill 178 authorizes the board of regents of the same university to sell and convey 160 acres of land in Union County, New Mexico, which the university received from the estates of Fred
Howard Amos and Mrs. Alf Smith, with funds realized to be dedicated for use for the Fred Howard Amos Scholarship Fund. The board is authorized in the same measure to sell two lots in Shamrock, Wheeler County, Texas, which were received from the same estates, with funds realized also to be dedicated to the Fred Howard Amos Scholarship Fund at East Texas State University. Another 34.25 acre tract, which was conveyed to the state for the use and benefit of East Texas State University by T. I. Knight, et al., is also fully described in the act and the board of regents is authorized to sell and convey this acreage to the Commerce Industrial Development Association for use for industrial sites, with proceeds from the sale to inure to the benefit of East Texas State University.

Stephen F. Austin State University is authorized by Senate Bill 361 to sell and convey a total of 58.5 acres of land in Nacogdoches County, which was given to the university by Rachel Lovenia Perry by probate will, with proceeds to be dedicated for use for a scholarship fund at the university.

Senate Bill 384 authorizes the board of regents of West Texas State University to transfer land owned by the university to the South Randall County Hospital District. The act provides that should the hospital facilities be abandoned or neglected, title and interest in the land would revert to the use and benefit of West Texas State University.

An exchange of land between Lamar University and the City of Port Arthur is authorized by Senate Bill 839, with the university's board of regents given the authority to make the exchange. Land to be exchanged is within the area called Pleasure Island.

Under House Bill 245, the Board of Regents, State Senior Colleges, is authorized to acquire 25 acres of land in the former Camp Gary, located in Caldwell County, Texas, for Southwest Texas State University. Title is to be transferred through the Secretary of Health, Education, and Welfare of the United States Government.

House Bill 1680 also relates to the conveyance of land at Southwest Texas State University. The Board of Regents, State Senior Colleges, is authorized to transfer title to a tract of land, owned by the state but used for the benefit of Southwest Texas State University, to Campus Christian Community, as a part of the purchase price for another tract of land to be conveyed by the Campus Christian Community to the State of Texas for the use of the university.

Finally, House Bill 1477 authorizes the purchase by the board of regents of Pan American University of the Jacob Brown Memorial Civic Center or Friendship Gardens, or both, from the City of Brownsville for the use of Pan American University at Brownsville.
Other State Lands

The law relating to the sale of land owned by a political subdivision of Texas includes the provision that notice of offer of sale must be published in a newspaper of general circulation in the county where the land is located, or in an adjoining county if there is no newspaper in the county, together with a general description, the location of the land, and procedures under which sealed bids may be submitted. This act has been amended by House Bill 40, enacted by the 63rd Legislature, to provide that notice must also be published in the event such public land is to be exchanged or traded. Notice is required to be given on at least two separate occasions, and no sale or exchange shall be held less than 14 days after the last notice. Narrow strips of land, streets and alleys, easements where the abutting property owner also owns the underlying fee simple title, land owned by a political subdivision which it desires to have developed by contract with an independent foundation, and land originally acquired for streets, right-of-way, or easements, which the political subdivision desires to exchange for other land for this purpose, are exempt from the bid procedures and publication requirements.

Senate Bill 502 authorizes the Parks and Wildlife Commission to transfer tangible property, other than money or real estate which is held for limited purposes, from one division of the Parks and Wildlife Department to another division. If, however, the property to be transferred has been acquired with funds, the use of which is limited by law or dedicated in any other manner, and the prospective use of which is different from use allowed by law, the department is required to transfer from other available funds to the fund from which the property was acquired the value of the property at the time of transfer.

The Texas National Guard Armory Board is authorized by House Bill 549 to transfer certain property owned by the board to the town of Colorado City, Mitchell County, Texas.

The School Land Board, in conjunction with the General Land Office, is authorized by House Bill 735 to trade fee and lesser interests in Public Free School Fund Lands for fee and lesser interests in lands not owned by the state upon decision of the School Land Board and the Commissioner of the General Land Office that the trade or trades are in the best public interest. Such trades may be made either for the purpose of aggregating sufficient acreage of contiguous lands to create a manageable unit or to create a buffer zone for the protection and preservation of lands having unique scenic, historical, or archeological value or for acquiring lands with such values for the public trust. The School Land Board, in conjunction with the General Land Office, is also given authority to manage lands acquired under authority of the act. Any such trade made is to be reported by the School Land Board to the 64th
Legislature, and authority granted by the act is terminated on December 31, 1974, and no trades can be made after that date.

Authority for trade of certain land is also granted to the State Board of Corrections in House Bill 1622, which gives the board the privilege of exchanging a tract in Brazoria County for land in Anderson County. The Brazoria County land owned by the State of Texas for the Texas Department of Corrections is needed for an airport for the people of the county.

Land owned by the State of Texas in Galveston County is conveyed to the City of Galveston by Senate Bill 942, to be used in connection with the operation of a port and to promote navigation and marine commerce. The state retains all mineral rights under the act, which directs the School Land Board to convey the property for a consideration of $1,000 per acre, totalling $26,580. Should the property conveyed be used for other than the purposes set forth, the act provides for its reversion to the State of Texas.

The act which created a state park on the Brazoria County coastline was repealed with the enactment of House Bill 1571. This measure also provides for transfer of the land involved to the General Land Office.

The governor and the commissioner of the General Land Office are authorized by House Bill 1660 to execute a patent to convey to abutting landowners a fee simple title to surface and all mineral rights of certain land within the City of Abilene which was located within the 30 feet from cutbank to cutbank of Elm Creek prior to the relocation of Elm Creek in 1947. Conveyance is to be made in exchange for cash in the amount of fair market value, with money received to be deposited in the permanent school fund.

Public Retirement Systems

Considerable legislative activity on the subject of public retirement systems resulted in the passage of several measures that affect state and local retirement plans.

Three bills were enacted to amend the state employees retirement system. House Bill 1553 removes certain administrative employees and officers of the legislative branch from classification as elective members of the system and sets up a separate category of membership and benefit schedule for them. Senate Bill 899 extends membership in the system to temporary and part-time employees, changes several provisions concerning qualifications for benefits, and eliminates the designation of the Texas Public Employees Association as a state agency for purposes of the act. In addition, Senate Bill 899 provides increased benefits, including the availability of retirement without reduction of benefits at age 55 for certain members. Senate Bill 617 requires the state to pay
premium costs of group life, health, accident, hospital, surgical, and medical expense insurance for retirees of the Central Education Agency, Texas Rehabilitation Commission, and the Coordinating Board of the Texas College and University System.

For the first time, a procedure was created whereby members, not yet retired, of the state employees, judicial, and teacher retirement systems with service in more than one class of membership may receive service credit for their work in more than one membership class. Senate Bill 714, which outlines this procedure, also permits elective state officials to claim a maximum of six years of service credit for prior service as a federal employee.

The 63rd Legislature enacted several changes in the Teacher Retirement System. Senate Bill 352 deletes the requirement that a member give notice of a choice to receive optional benefits at least 30 days before retirement and substitutes a requirement that the notice be given in writing but within no specified period. Senate Bill 352 makes numerous other changes, including liberalizing benefits for members retiring before the age of 60 with 20 to 25 years of service, creating a cash refund procedure on the death of a retired member or designated beneficiary under certain circumstances, and creating an optional deduction from benefits paid to retired members, the amount deducted to be paid directly by the state to the federal government to cover the cost of medicare premiums.

House Bill 89 adds two members to the teacher retirement trustee board and requires one board member to be selected from among retired former teachers. Requirements for reinstatement of membership in the system were changed by House Bill 1022, which allows reinstatement after service in seven years of any ten-year period after returning to teaching. Formerly, reinstatement was possible only after returning to teaching for five consecutive years.

Two other measures amended the Teacher Retirement System. Senate Bill 293 alters the criteria governing transfers of money by system trustees from the interest account to the expense account.

House Bill 1633 changes the definition of an "optional retirement program" as it is used in the system.

The 63rd Legislature considered and passed several measures to amend retirement and pension plans for firemen and policemen.

House Bill 1024 amends Section 7F of Article 6243e, Vernon's Texas Civil Statutes, by requiring any change in benefits or eligibility requirements made by a board of trustees of a firemen's fund to apply to volunteer as well as paid firemen, and any change may be
made to apply to firemen no longer in the department who are
receiving benefits or are entitled to receive benefits under the
pension plan of the department. House Bill 1240 authorizes the
trustees of firemen's funds to provide for earlier retirement if
the board deducts an additional amount from member's wages, the
additional amount to be 10.75 percent instead of the 6.5 percent or
9 percent now authorized.

House Bill 910 adds a new section to Article 6243e to apply to all
cities of less than 210,000 population which adopt the provisions
of the section by ordinance and majority vote of fund members. The
new section provides for a vote of fund members to determine the
rate of member contributions and equal city contributions to the
fund, the permissible rate to be within a certain range of
possibilities. House Bill 910 sets out eligibility requirements
for participation in the fund and sets out methods of
administration of the fund.

House Bill 1447 and House Bill 1448 apply only to Firemen and
Policemen's Pension Fund in San Antonio. House Bill 1447 provides
increased pensions for members who retired before August 30, 1971.
House Bill 1448 makes several changes relating to payment of
benefits for suspended firemen and policemen and relating to
calculation of benefits for firemen and policemen with less than
five years of service.

House Bill 1519 applies only to the Firemen and Policemen's Pension
Fund in El Paso. It authorizes changes in benefits, contributions,
and eligibility requirements, but only if the changes are approved
by an actuary and by majority vote of the fund members and do not
impair vested rights.

Senate Bill 112 applies only to the firemen's fund in Austin. It
changes the definition of "annual salary" and provides comparable
contribution increases by the city and members from 11.2 percent to
11.85 percent.

Senate Bill 775 relates to the Houston firemen's fund and Senate
Bill 695 relates to the Houston policemen's fund. Senate Bill 775
changes the city contribution to the fund from one and a half times
the total paid by members to twice the sum of member contributions.
Senate Bill 775 also authorizes employment of an attorney and a
physician to assist the trustees in administration. Senate Bill
695 abolishes the requirement that a surviving spouse of a
policemen who dies after being entitled to a pension must have been
married to the policeman prior to his retirement in order to
receive certain benefits.

One of the major areas of concern and accomplishment during the
Regular Session of the 63rd Legislature was water conservation and
development. Among the subjects considered by the legislature were
water district reform, operations of state water-related agencies,
and proposed solutions to numerous local water problems.

During the last several years, there has been growing concern
regarding the proliferation of local water districts designed to
provide water, sewer, and drainage services to subdivisions
surrounding metropolitan areas. Numerous complaints concerning
mismanagement from persons residing within the districts resulted
in studies by three interim committees and the recommendation of 13
bills designed to correct existing problems.

Probably the most important of the 13 bills is Senate Bill 440,
which requires any person who sells or conveys property within a
municipal-type water district to give written notice to the
purchaser or transferee of the property that the property is
located in a water district having broad authority to issue bonds
and levy taxes. Detailed procedures are provided to assure that
persons receive the notice and to assure that title to the property
is protected. Those who fail to give the notice are subject to
suits for damages or rescission of the sale at the option of the
purchaser or transferee.

Under the provisions of Chapter 50 of the Water Code, water
districts created under the general law are required to file
certain reports and information with the Texas Water Rights
Commission for use by the commission in regulating these districts.
Since most of the municipal-type water districts are created by
special act of the legislature, the efforts of the commission to
supervise these districts has been curtailed. To remedy this
situation, the Legislature enacted Senate Bill 436 to redefine the
term "district" to include special law water districts so that the
Chapter 50 reporting requirements would apply.

In an effort to strengthen the authority of the Texas Water Rights
Commission in supervision of water districts, the legislature
adopted Senate Bills 433 and 434. Senate Bill 433 increased the
civil penalty for failure of a district to file reports and
information with the commission from $2 a day to not less than $50
nor more than $100 a day and provided for written notice of
violation. The supervisory authority of the commission over water
districts was expanded to include subpoena power, inquiry into
qualifications of directors, rulemaking power, and certain
investigatory and hearing powers under Senate Bill 434.

So that a city which will later find it necessary to annex land
located in a water district and assume its debts will have a voice
in the district creation, Senate Bill 437 requires that copies of
the petitions to create a district be sent to any city in whose
extraterritorial jurisdiction the district is to be located.
The interest rates for bonds issued by municipal-type water districts are particularly high in undeveloped districts. In an effort to assist the districts to attract the best possible price for their bonds, Senate Bill 809 requires the districts to advertise the proposed sale of bonds in a newspaper with general circulation in the county or counties in which the district is located and in a recognized financial publication with general circulation in the state.

Senate Bill 812 was adopted to assure the more efficient operation of municipal-type water districts and to allow residents of these districts to take a more active and better informed part in their operations. Under this bill, the district is required to maintain an office and meeting place within the district after there are at least 25 qualified electors in residence and is required to keep all district records or copies of these records within the district and available for public inspection.

Although many of the districts are now required to file annual audits with the Texas Water Rights Commission, these audits are not uniform, not all districts fall under the requirement, and in many cases, the audits are not filed. To remedy this situation, Senate Bill 435 was adopted which will require detailed uniform audits prepared by certified public accountants to be filed by all districts with the Texas Water Rights Commission. The commission is directed to prepare a manual of audit for use by the districts and to review the audits as they are submitted.

Election for directors of water districts are presently held in the early part of January which minimizes resident interest and participation. Senate Bill 439 moves the election of directors to the first Saturday in April, which will coincide with many other local elections.

One of the primary complaints which has been lodged against municipal-type water districts has been the close personal and business relationships which exist between developers of property in and officers of the districts on the one hand and directors and the assessors and collectors of taxes for the districts on the other hand. In an effort to minimize possible future conflicts of interests which might result from these relationships, the legislature passed Senate Bills 438 and 807 to disqualify persons from serving as assessor and collector of a district (SB 438) or director of a district (SB 807) if they have certain family relationships, employment relationships, or business relationships with the district, developers of property in the district, or officers of the district. Each bill provides for removal of persons who are in violation and provides a misdemeanor penalty of from $100 to $1,000 for each violation.

The final two bills in the water district reform package were
Senate Bills 441 and 826. Senate Bill 441 allows cities and towns to enter into contracts with conservation and reclamation districts and non-profit corporations for the acquisition of water treatment systems, sewage treatment systems, and drainage improvements. Senate Bill 826 authorizes cities to dissolve fresh water supply districts and municipal utility districts located within their corporate boundaries.

As a result of rapid urban growth, the legislature has been required to create several hundred municipal-type water districts to provide services to persons moving into urban areas. During the 62nd Legislature, Chapter 54 of the Water Code was passed in an effort to provide a more effective and more thorough system for creating these districts through the Texas Water Rights Commission. As a result of this legislation, the legislature which created 110 of these municipal utility districts during its 62nd Regular Session found it necessary to create only 6 of these districts during its 63rd Regular Session. Also created were 5 water districts designed to solve problems peculiar to specific areas of the state, one river authority, one port authority, and one water authority. One local district statute was rewritten and modernized.

The withdrawal and use of underground water along the Gulf Coast for residential, municipal, and commercial purposes has led to the subsidence of the land. In an effort to assist the persons in this area to solve the subsidence problem, House Bill 935 was passed which would allow the creation of underground water districts for the purposes of preventing subsidence through the promulgation of rules to control subsidence, development of comprehensive plans, and the issuance of permits to space wells and regulate production. Also, the legislature adopted House Bill 705, which directs the Gulf Coast Waste Disposal Authority to investigate the subsidence problem, to assist the legislature in formulating solutions to the subsidence problem, and to submit to the legislature reports relating to the authority's study and investigation.

In 1972, the Congress directed the Secretary of the Army to inspect dams in all parts of the United States and to make recommendations to the Congress and the governors of the several states for remedying problems with dams. [86 Stat. 506 (1972)] In response to the federal law and in an effort to provide local supervision of dams located in Texas, House Bill 780 was adopted which gives the Texas Water Rights Commission authority to adopt rules and regulations and to issue orders to control construction, maintenance, repair, and removal of dams.

The state, in partnership with the federal government, has in the last few years offered financial assistance to local units of government for use in providing waste treatment facilities. Senate Bill 847 was passed to make necessary changes in the laws which
provide for making the financial assistance available.

Under the laws relating to certain navigation districts, these districts have been able to purchase state-owned land and flats and to resell them to any person the district chose. Under Senate Bill 274, these navigation districts are now limited to the lease of state-owned land for district purposes with approval of the School Land Board, and land previously sold to any of these districts is limited to resale to the state in exchange for straightening boundaries.

House Bill 779 provides that appeals from decisions of the Water Well Drillers Board are to be made in a district court in the county in which the alleged violation occurred. This change was also made by the 62nd Legislature, but the bill in which it was included had a defective caption subject to challenge as being unconstitutional.

The directors of water supply corporations and sewer service corporations may now be divided into two or three classes for the purpose of having staggered terms for board members under Senate Bill 465.

In addition to the bills discussed in this section, there were a number of other bills passed by the legislature which dealt with specific problems in specific water districts and river authorities. These bills concerned terms of office and salaries of directors and commissioners, powers and duties of these districts and authorities, and tax and bond authority.

**Education**

General

The codification of the state's general education laws was completed by the 62nd Legislature; however, in the last days of the 1971 regular session, a number of bills were adopted which should have amended or been added to the Education Code. House Bill 533 codifies provisions relating to tuition equalization grants for students of certain private colleges and universities, the duties and liabilities of professional employees of school districts, combined occupancy structures in certain independent school districts, certificates of indebtedness issued by certain school and junior college districts, the issuance of teaching certificates to out-of-state applicants, and the maintenance of campus order. The bill also incorporates amendments relating to the tuition rates of junior colleges and state institutions of higher education; corrects errors of numbering, reference and format in the code; and expressly repeals certain provisions that are replaced by the code.

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Public Schools

To meet the unique educational needs of the state's many children of limited English-speaking ability and to facilitate their integration into the regular school curriculum, the 63rd Legislature through the enactment of Senate Bill 121 established a program of bilingual education in the public schools and provided for financial assistance to help defray the extra costs of the program. The bill requires the governing board of each school, beginning with the 1974-1975 scholastic year, to establish a program of bilingual education for students in each language classification in which there are 20 or more children. The program is to be on a full-time basis in all subjects required by law or by the school district, and the instruction will be conducted in the particular foreign language and in English. Instruction in the particular foreign language, as well as the associated history and culture, will also be provided. Senate Bill 121 additionally requires the Central Education Agency to conduct bilingual education training for public school personnel and requires the State Board of Education to purchase textbooks and instruction aids for use in the program.

The implementation of a statewide adult education program is the object of House Bill 147. The bill requires the Central Education Agency to develop and administer the program, to coordinate with other agencies, to administer all gifts, grants, and governmental funds for adult education, and to prescribe policies for accreditation and teacher certification in the field. Under the guidance of the education agency, public school districts, junior colleges, and universities may offer adult education programs, and the instruction may be bilingual if deemed appropriate. To facilitate the program's development, the bill extends to any school district the authority to provide late afternoon and evening sessions and to determine which students shall be admitted or assigned to such school sessions.

Senate Bill 506 directs the Central Education Agency to develop and administer a comprehensive education program on the dangers and prevention of crime, narcotics, and drug abuse. The program is designed to improve the quality of instruction and provide teacher development in the area and will encompass the services and efforts of regional education service centers and Texas school districts.

Public school curricula are also affected by other legislation. House Bill 1118 requires public high schools, beginning in the 1974-1975 scholastic year, to provide instruction on the essentials and benefits of the free enterprise system. As authorized by House Bill 155, public schools may offer an optional unit of study in consumer education beginning with the 1975-1976 scholastic year. The content of the course shall include the topics of installment purchasing, budgeting, and price comparison. To aid in the development of other optional courses by public schools, Senate
Bill 692 deletes the requirement that such courses must attract a minimum 10,000 state-wide student enrollment to qualify for free textbooks and provides instead that they must be approved by the Central Education Agency and the state accrediting committee.

House Bill 787 deletes the original "phase in" provision of the public kindergarten program. Beginning with scholastic year 1973-1974, any student over 5 and under 21 years of age, and not a high school graduate, shall be entitled to the benefits of the Basic Foundation School Program, and public school kindergartens will be offered on at least a one-half day basis for eligibility allotment purposes. School districts may choose to operate kindergartens on a full day basis for allotment eligibility purposes beginning with scholastic year 1977-1978. To facilitate the development of a curriculum and standards for accreditation and teacher certification at the prekindergarten and kindergarten levels, House Bill 91 created an Advisory Commission on Early Childhood Education.

The Legislature's concern for the educational opportunities available to the state's blind and deaf children was demonstrated by the adoption of a number of significant bills. Senate Bill 803 established regional day school programs for the deaf and directed the Central Education Agency to employ a Director of Deaf Education to develop and administer the state-wide program. The state is to be divided into areas, each furnishing a day school program for deaf students under the direction of a regional superintendent. Local resources are to be utilized to the fullest practicable extent in the establishment and operation of the regional programs which will be financed from the Foundation School Program Fund. The authority to establish and operate state funded bi-county schools for the deaf, on approval of the Central Education Agency, was extended by Senate Bill 162 to two contiguous counties with a cumulative population of over 140,000 but less than 335,000 (previously 240,000 to 335,000). The provision was modified to include Potter and Randall Counties and apply to the counties' Speech and Hearing Center in Amarillo. House Bill 1444 authorizes the State Board of Education, utilizing certain federal funds, to provide free books and instructional aids for use by blind and visually handicapped children attending private, non-profit schools.

In the area of special education, House Bill 367 includes autistic children, or those students who become absorbed in need-satisfying or wish-fulfilling fantasies as a mechanism of escape from reality, in the definition of "exceptional children" eligible for the state's comprehensive special education program. Senate Bill 464 requires that before a student is assigned to a special education class he shall be given verbal or nonverbal individual intelligence tests, selected from a list approved by the State Board of Education, in the primary home language in which the pupil is most
fluent and has the best speaking ability and capacity to understand. No school district may assign a pupil to a special education class on the basis of intelligence tests administered in a language other than the primary home language of the child.

Vocational-technical education was the subject of three bills which were adopted. House Bill 1162 establishes a formula to determine the rate of reimbursement by the state to school districts transporting vocational education students from one campus to another when contracts for the education of such students are approved by the Central Education Agency. Senate Bill 224 transfers the unencumbered balances in the public junior college contingency appropriation of the current fiscal year to the Central Education Agency to compensate for increased enrollment in vocational-technical education. House Bill 365 extends the exemptions from compulsory attendance at public schools to any child more than 15 years of age who is enrolled in a technical-vocational training program, a work-study program, or an apprenticeship program approved by the superintendent of the school he would otherwise attend and by his parent or guardian.

Numerous bills adopted by the legislature affect the operations and policies of the state's public school districts. House Bill 92 extends the deadline for school districts to adopt the quarter system from the 1973-1974 to the 1975-1976 school year. The maximum salary for certain assistant county school superintendents is increased by House Bill 1145. The Texas Education Code has previously provided that only individual independent school districts may contract and issue bonds for the construction of an athletic stadium. This has restricted the ability of smaller school districts to construct stadia, and House Bill 770 amends the code to allow any two independent school districts to construct and maintain a common athletic stadium. To do this the bill provides for the creation of athletic stadium authorities with the power to buy, construct, maintain and equip stadia, contract with school districts, issue revenue bonds, and other powers necessary to the operation of an athletic stadium.

House Bill 740 provides that a certified, full-time employee of a school district whose condition interferes with the performance of regular duties shall be entitled to a leave of absence for temporary disability of a minimum 180 days duration. Temporary disability includes the condition of pregnancy, and employment cannot be terminated during the leave of absence. Requests for a leave of absence for temporary disability as well as the 30-day advance notice of return must be accompanied by a physician's statement. An employee returning to active duty after a leave of absence is entitled to assignment at the school where he formerly taught, subject to the availability of an appropriate teaching position. In any event, the employee must be placed on active duty no later than the beginning of the next school term. The governing
board of a school district may adopt a policy, subject to certain conditions, for unilaterally placing an employee on a leave of absence for temporary disability.

House Bill 1072 permits any school district, including a junior college district, to issue interest-bearing certificates of indebtedness for the purpose of providing funds for the erection and equipping of district school buildings, refinancing outstanding certificates, or purchasing sites for future construction of public facilities. Anticipating an end to federal impacted-area funds in the near future, the legislature adopted House Bill 34, which authorizes certain affected school districts to issue time warrants if the federal program is terminated to defray the resulting loss in operating revenue. Senate Bill 349 amends the provision of the Education Code which authorizes incentive aid payments on the consolidation of two or more contiguous county-line school districts to allow such payments when only one of the consolidating districts is a county-line district.

Local fund assignments for support of the Minimum Foundation School Program are also affected by newly enacted legislation. Senate Bill 969 directs that no local fund assignment may be charged to any independent school district which is located entirely within the boundaries of a federally-owned military reservation. Regarding the computation of local fund assignments, the definition of "state university-owned land" is extended to land in Carson County owned by Texas Tech University (SB 900) and to land located in McLennan County, which is utilized by the Texas State Technical Institute (HB 1286).

Senate Bill 479 amends the provision of the Texas Education Code relating to the transfer of children of employees of state schools for the mentally retarded to a school in an adjacent school district and the payment of tuition in such instances. The provision's application is extended to the wards of affected employees and is restricted to only those parents or guardians required by the superintendent to live on the grounds of the state school for the convenience of the state.

Certain individual school districts are the subjects of several bills. House Bill 206 provides that all nine members of the board of trustees of the Dallas Independent School District shall be elected from single-member districts beginning in 1974, and that board elections will be held jointly with city elections. The board of trustees of school districts in Dallas and Harris Counties are granted ordinance-making authority by House Bill 849, relating to persons and property on school grounds, and the bill additionally provides for the enforcement of rules and regulations promulgated by such bodies.

House Bill 1722 authorizes the county judges of Hale and Hutchinson
Counties, as ex officio county school superintendents, to delegate their duties regarding certain cooperative agreements between school districts to the governing board of one of the cooperating districts. House Bill 1093 permits the La Salle County Commissioners Court on behalf of the county's common school district to levy an additional tax, contingent on voter approval, to subsidize district operations.

The Harris County Youth Village Independent School District and the Brenham State School Independent School District were created by House Bill 602 and Senate Bill 888, respectively.

The office of county school superintendent was abolished in Runnels County (SB 848), Tom Green County (HB 769), and Wheeler County (HB 1687), and the county board of school trustees was abolished in Lynn County (HB 1594). Both the office of county school superintendent and the county board of school trustees were abolished in Uvalde County (HB 1706), Caldwell County (HB 1682), Dawson County (HB 1635), and Lubbock County (HB 1420) and in Terry, Garza, Dawson, Angelina, and Henderson Counties (HB 1358).

The Texas Proprietary School Act was amended by House Bill 427 regarding the bonding requirement for certain proprietary schools and their policies governing the refund of unearned tuition. Aviation schools or instructors approved by and under the supervision of the Federal Aviation Administration and schools which offer intensive review courses designed to prepare students for law school aptitude tests or bar examinations were exempted by the bill from the provisions of the Proprietary School Act.

Higher Education

The 63rd Legislature adopted several bills which modified the Texas Education Code's provisions governing the tuitions and fees charged by state colleges and universities. To provide financial relief to part-time and graduate students enrolled in state-supported institutions of higher education, other than public junior colleges, House Bill 83 requires that all building use and student services fees be levied and collected by such institutions on a per-semester, credit-hour basis. Senate Bill 788 amends the provision which exempts blind and deaf students from payment of tuition and other fees at state colleges and universities by broadening the definition of "tuition fees" and by providing that eligibility certification by the appropriate state vocational rehabilitation agency shall be conclusive.

House Bill 931 extends the permissible source of payment for salaries of faculty members on faculty development leaves from funds appropriated by the legislature specifically for that purpose to such other funds as might be available additionally to the college or university.
House Bill 1067 enumerates the institutions and entities which compose The University of Texas System and affirms the authority of the system's board of regents to arrange, with certain exceptions, the administration, organization, and names of the system's components in such a manner as to achieve maximum operating efficiency. House Bill 1216 authorizes the board of regents of The University of Texas System, subject to the approval of the Coordinating Board, Texas College and University System, to establish and maintain a college of podiatry in its system at any location in the state. The section of the education code which relates to the donation of property to The University of Texas System and to the use of and legal title of such donations was amended by Senate Bill 609 to clarify its intent and application. Senate Bill 610 provides for the appointment of a substitute member of the Board for Lease of University Lands under certain circumstances. Senate Bill 613, which is discussed in greater detail in the section of this report on Public Buildings, returns to the board of regents of The University of Texas System, with respect to buildings on system campuses, responsibility for administration of the state law requiring that buildings constructed with public funds be free of architectural barriers to the handicapped. The University of Texas Marine Science Institute is authorized by Senate Bill 649 to perform other than coastal zone research and to establish more than one shore-based facility.

Specific colleges and universities were also the subject of newly enacted legislation. Texas A & I University at Laredo is authorized by Senate Bill 106 to offer graduate-level courses leading to master's degrees. House Bill 50 authorizes Midwestern University and the Sheppard Air Force Base Technical Center to offer a joint educational program in the health care sciences. Senate Bill 823 designates Texas Southern University as a special purpose institution of higher education for urban studies. House Bill 1048 places Tyler State College under the supervision of the coordinating board and applies to the college various general laws which relate to the operations of certain state institutions of higher education. Senate Bill 965 specifies that the members of the board of regents of West Texas State University shall be selected from different portions of the state.

The board of directors of the Texas A & M University System is authorized by Senate Bill 188 to levy and collect compulsory group hospital fees from each student enrolled at Texas A & M University at College Station. Senate Bill 129 permits Pan American University, with the approval of the coordinating board, to pledge all or any part of its tuition charges for capital improvements on the campus. Similarly, Senate Bill 2 authorizes the regents of the University of Houston to pledge all or part of tuition income for capital improvements at the Clear Lake City Campus, and the bill grants the same authority to the board of directors of the Texas A
& M System for capital improvements at the Texas Maritime Academy and Moody College of Marine Science and Maritime Resources.

*Senate Bill 485* appropriated additional funds to Texas A & M University to defray the increased costs of fuel for campus utilities. Texas Southern University (*HB 457*) and Texas State Technical Institute (*SB 555*) received additional appropriations for repairs of campus facilities.

Prairie View Agricultural and Mechanical College of Texas was designated Prairie View A & M University by *Senate Bill 487*, and Tarleton State College was renamed Tarleton State University as the result of *House Bill 1160*. *Senate Bill 491* changed the name of the governing body of Texas Southern University from "board of directors" to "board of regents."

In an attempt to alleviate the acute shortage of medical personnel in the state's rural areas, the legislature by the adoption of *House Bill 683* created the State Rural Medical Education Board and established a medical education scholarship program. The board will determine the eligibility of applicants for state loans, grants, and scholarships to attend approved medical schools. For each year the recipient practices medicine after graduation in a rural area, designated as a county of less than 25,000 population, he will be credited for one-fifth of the loan and interest, and the balance of the loan may be paid in full at the end of the second year of practice in the rural area.

Consistent with the expanded role of public junior colleges within their respective communities, *Senate Bill 218* provides that the board of trustees of any junior college district may substitute the word "community" for the word "junior" in the legal name of the district. *Senate Bill 358* enumerates the purposes of a public community college as providing: (1) technical programs up to two years in length leading to associate degrees or certificates; (2) vocational programs leading directly to employment in semiskilled and skilled occupations; (3) freshman and sophomore courses in arts and sciences; (4) continuing adult education programs for occupational or cultural upgrading; (5) compensatory education programs designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students; (6) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals; and (7) such other purposes as may be prescribed by the coordinating board or local governing boards in the best interest of post-secondary education in Texas.

*Senate Bill 356* authorizes public community colleges to develop programs, based on certain criteria, which accommodate the different learning rates of students and compensate for prior economic and educational deprivation. To aid community colleges in
establishing such programs, Senate Bill 357 directs the coordinating board to plan, initiate, and finance programs of teacher training of educationally, economically, socially, and culturally disadvantaged students in public community colleges. This training will be provided at selected institutions of higher education in the state which prepare people to teach in public community colleges.

Bills relating to the authority of certain state universities to buy, sell, or exchange property are discussed in the section of this report on State Land Transfers.

Family Law

The Family Code

The 63rd Legislature adopted Titles II and III of the Family Code. Title II (SB 168) is a complete revision of the law governing the parent-child relationship. One of its major accomplishments is to set out specifically the elements of the parent-child relationship in order that courts may treat each element in suits affecting the relationship, such as divorce, for example. The areas covered in this legislation include: voluntary legitimization, a new concept for Texas and a major change in existing law; conservatorship, or possession and support of children; termination of the parent-child relationship, as a specific and individual legal action, and this is also new for Texas; adoption; suit for protection of the child in an emergency; removal of the disability of a minor; change of name; parental liability for the child's conduct; reporting of child abuse; and consent to medical care. This title also establishes a continuing jurisdiction of the court over a child after he first enters the court system, thereby enabling a consistent and coordinated conduct of procedures and a comprehensive record file to be maintained for each child. Providing a set procedure for the child to consent to medical treatment is also an important step in the over-all care of children in Texas. Title II has for the first time set forth standardized procedures for the treatment of the parent-child relationship and maintains the best interest of the child as the overriding factor in the course of the law in this area.

Senate Bill 357, adopting Title III of the Family Code, revamps all of the juvenile law in this state, extending from proceedings before referral to juvenile court through judicial proceeding and including proceedings related to children with mental illness, retardation, disease, or defect. Major changes include classification of delinquent conduct into two categories: (1) conduct which violates the state's penal law punishable by imprisonment, and (2) conduct in need of supervision. This latter category provides for treatment short of incarceration or commitment to the Texas Youth Council. The other major change is the requirement that an attorney must be designated as the judge of
a juvenile court. Basically, the provisions in Title III attempt to standardize the procedures relating to the treatment of juveniles. In addition to the two classifications of conduct, safeguards are set at each stage of treatment of the child to insure protection of his constitutional rights.

In amending Title I of the Family Code, House Bill 103 does much towards clarifying the language and proceedings involved in the law relating to marriage and divorce. Besides providing for numerous changes in the various printed formal applications for marriage and divorce, it makes some substantive changes. The minimum age for marriage applicants with parental consent is now 16 for both male and female, and 18 for both sexes without parental consent. Also, underage marriages are now voidable rather than automatically void. Residence requirements for divorce have been changed from 12 months to 6 months, and the time allowed between a divorce and a subsequent marriage is changed from 6 months to 30 days. New language added includes allowing for proxy marriages, and, though previously prohibited by an Attorney General's Opinion, the statute now prohibits people of the same sex from applying for a marriage license. The law prohibiting interracial adoptions, having been declared unconstitutional in both state and federal courts, was finally repealed by House Bill 262.

Juveniles and Juvenile Delinquency

New legislation in the area of juveniles and juvenile delinquency includes House Bill 1670, authorizing the Texas Youth Council to contract with counties for probation or parole services. New juvenile boards were established for a few counties, including Gregg (SB 296), Collin (HB 1572), and Hill (HB 1647). Also, pay increases were authorized for members of certain juvenile boards, those of Hardin and Tyler Counties (SB 608), Hidalgo County (HB 1700), and those in the counties comprising the Second 9th Judicial District (HB 1651).

The Probate Code

Several amendments to the Probate Code were enacted by the 63rd Legislature, two of which dealt with the authority of corporate guardians of an estate. While corporate guardians have had the authority to invest in property, Senate Bill 660 provides for their ability to sell or dispose of certain property. Senate Bill 551 again increases their authority to include, at the discretion of the court, the ability to borrow money when it is in the best interest of the estate, and also to dispose of property which consists in whole or in part of an undivided interest in real estate. Senate Bill 634 allows an interested party to demand an accounting from an independent executor by an action in the probate court, whereas previously only a suit in the district court could compel compliance.
The volume of legislation introduced and enacted on the subject of public welfare by the 63rd Legislature was comparable to that of all recent legislatures. One bill (SB 519) relates only to Harris County and authorizes the child welfare board there to assume jurisdiction and control over county-owned institutions for the care of dependent and neglected children. The juvenile board of Harris County and the chief juvenile probation officer performed this function prior to enactment of the new measure. All funds coming to the child welfare board for the care of children were also placed under authority of the county child welfare board by the act. The board was given authority as well to appoint the director of the Harris County Child Welfare Unit and his duties were prescribed.

A pair of bills (SB 708 and SB 709) related to child support. Under Senate Bill 708 the State Department of Public Welfare is authorized to institute charges and file complaint against any person violating Articles 602, 602-A, and 602-B of the Texas Penal Code, if the individual fails or refuses to furnish support on behalf of a child for whom assistance is being furnished by the Department of Public Welfare. Its companion, Senate Bill 709, authorizes the State Department of Public Welfare to obtain support payments for the child from the parent or other person liable, with the department having the authority to take any legal action necessary either to initiate or require continuing payments of support to the extent that the department has been supplying the needs of the child. Money so collected is to be deposited in the Department of Public Welfare Assistance Operating Fund and used to provide assistance and services for needy dependent children.

House Bill 1524 relates to vendor drug program standards and amends the Medical Assistance Act of 1967. Reduction in standards or payments by the State Department of Public Welfare under the vendor drug program below those existing on January 1, 1973, is prohibited by the act.

Amendments to the Family Code, discussed elsewhere in this report, also affect the State Department of Public Welfare. Of the three acts (HB 103, SB 168, and SB 111), one, Senate Bill 168, affects nearly all facets of services and programs for children either directly or indirectly. Parent-child relationships and suits affecting them, including those relating to adoption, child abuse, dependence and neglect, protective services, termination of parent-child relationships, care of children in emergency situations, and the reciprocal enforcement of support act, all feel the impact of this act. Under its terms, the department is required to set up a central record file for all suits affecting the parent-child relationship.
House Bill 331 makes it a misdemeanor to operate certain types of institutions and facilities for child care and placement and to place children for adoption without a license. Penalties for violation include a fine of not more than $1,000 or confinement in the county jail for not more than one year, or both, for each separate day of violation. In other related legislation, licensure by January 1, 1974, of administrators of child-caring institutions is required by Senate Bill 180.

The statute, Article 695c-2, Vernon's Texas Civil Statutes, relating to child abuse is amended by House Bill 1414. Under the act, a person who knowingly fails to report abuse of a child, when such abuse has or may affect the child's physical or mental health or welfare, is deemed guilty of a misdemeanor and upon conviction is subject to a fine of not less than $100 nor more than $500, or by imprisonment in jail for not less than 10 days nor more than 6 months, or both. Attention should be directed, however, to the fact that Title 2 of the Family Code (SB 168) transferred the civil statutes on child abuse to the code, appearing as Chapter 34 of Subtitle C, and Article 695c-2 was specifically repealed, so there is question regarding the effectiveness of House Bill 1414. The Medical Assistance Act of 1967 is amended by House Bill 1328 to extend to public assistance recipients the right to select a licensed podiatrist to perform any foot health care services or procedures already covered under the Medical Assistance Act or any rules or regulations promulgated pursuant to the act.

Not directed specifically to the functions and duties of the State Department of Public Welfare, Senate Bill 123, nevertheless, vitally affects the department in lowering from 21 to 18 the age for reaching majority and having the rights, privileges, and obligations of persons 21 years of age. Services and programs of the department now limited to minors are at issue. Recipients of APTD and AB between the ages of 18 and 21 are vitally affected with respect to the appointment of guardians for such recipients.

Adoption of children not of the same race as the adopting parent(s) is the subject of House Bill 262. Under this act, the law is repealed which read "No white child can be adopted by a negro person, nor can a negro child be adopted by a white person."

House Bill 568 provides that certain claims of different types which have expired due to the statute of limitations are to be paid from appropriations provided. The types of claims included are those for certain nursing homes to be paid from the Welfare Assistance Fund No. 168, certain assistance warrants to be paid out of the Old Age Assistance Fund No. 27, and other claims to be verified by the fiscal division, which will certify and approve such claims if the State Department of Public Welfare owes them.
Elections, Voting, and Political Campaigns

Elections and Voting

As the result of two federal court decisions in 1972, the State of Texas was in the predicament of not possessing a valid primary financing law under which to govern the party primary elections of 1974 and future years. The 63rd Legislature by the adoption of Senate Bill 11 enacted temporary provisions to regulate the conduct and insure the financing of the 1974 primary elections. The bill established a schedule of filing fees which range from $50 for certain local offices to $1,000 for all state-wide elective positions. A prospective candidate for state-wide office may escape the fee requirement by filing a nominating petition with at least 5,000 qualified voter signatures. For elective positions at the district, county, or precinct level, a petition must contain valid signatures equal in number to at least two percent of the entire vote cast for that party's candidate for governor in the last preceding general election in the affected territory; but, in no event, shall the number of signatures required be less than 25 nor more than 500. The temporary provisions also provide that the state and county executive committees of each party will continue to conduct their primaries and that election costs not defrayed by fees and contributions will be borne by the state from the general revenue fund.

Senate Bill 11 additionally enacts permanent law regarding party nominating procedures by revising certain provisions of the state's election code. Political parties required to nominate their candidates by primary election are those whose candidate for governor received 20 percent or more of the total votes, rather than the former 200,000 votes, in the last gubernatorial general election. Beginning in 1976, a party which receives more than two percent but less than 20 percent of the total vote for governor in the last gubernatorial general election must nominate its candidates by convention. For the year 1974, such a party has the option of making its nominations by primary elections or by conventions.

Candidates for district offices which are filled by the choice of voters residing in more than one county are required by Senate Bill 11 to file the application for a place on a general primary election ballot with the state chairman rather than with each county chairman of the district as previously prescribed.

The Texas Election Code's provision relating to the size of voting precincts is also amended by Senate Bill 11. The minimum number of registered voters in a voting precinct, subject to certain qualifications, is increased from 50 to 100 voters.

Absentee voting was the subject of two bills adopted by the 63rd
Legislature. To improve the convenience of voting absentee, House Bill 128 permits commissioners courts and the governing bodies of other political subdivisions to authorize their voting clerks to maintain temporary and mobile branch offices for conducting absentee balloting. Branch offices in cities of more than 4,000 inhabitants are to be open the full period of absentee voting and during the regular working hours of the clerk at his main office. The clerk, with the approval of the governing board, may schedule the days and hours of branch offices located outside a city of more than 4,000 residents. As authorized by Senate Bill 191, a person with a permanent ailment or physical disability which renders him permanently unable to go to the polls may file a certificate of permanent disability with the registrar of voters in lieu of having to submit a certificate of disability with each application for an absentee ballot.

Several constitutional amendments will be submitted to Texas voters on November 6, 1973, for ratification. Senate Bill 287 allows any municipality or school district which has scheduled elections within 14 days of that date to hold joint elections on November 6. Because voting machines and ballot boxes are required to be locked up for 60 days following an election, this bill will enable affected communities to utilize voting machines for both the local election and the balloting on the proposed constitutional amendments.

Political Campaigns

Through the enactment of the Campaign Reporting and Disclosure Act of 1973 (HB 4), the 63rd Legislature revised numerous provisions of the Texas Election Code relating to campaign contributions and expenditures and political advertising. The code provisions which regulate a candidate's accumulation and disbursement of campaign funds are also applied to political committees, defined as any group of persons formed to collect contributions or make expenditures in support of or in opposition to a candidate or measure to be on a ballot in a public election. The financing of campaigns concerned with measures or proposals presented to the state's voters is another area placed under regulation by the act.

House Bill 4 provides that a candidate or political committee cannot accept or spend campaign money before a campaign manager has been designated and his appointment has been filed with the appropriate governmental authority. A candidate or political committee also may not accept a contribution of $500 or more from any out-of-state committee unless the donation is accompanied by a written statement designating the name and address of each person donating more than $100 of the contribution.

The reporting of campaign contributions and expenditures was revised to provide for two pre-election statements and one
post-election statement by candidates and political committees. Supplemental reports are additionally required to indicate the source of funds utilized to pay campaign debts and the manner by which excess campaign money is expended.

In the area of political advertising, the Election Code was amended to require that all printed or published political advertising show the name and address of the printer or publisher and of the person paying for the advertisement. A violation of this requirement is made a felony.

Criminal penalties and civil sanctions are also strengthened under the act, and to aid in the enforcement of the code's provisions concerning campaign contributions and expenditures, House Bill 4 establishes a State Election Commission and county election commissions.

**Traffic Safety and Motor Vehicles**

To facilitate a safer and more efficient traffic flow within the state, the 63rd Legislature revised a number of the "rules of the road." House Bill 106 permits a motor vehicle to turn right or, if the intersecting streets are both one-way and left turns are permissible, to turn left on a steady red signal after stopping to insure that the intersection is safe to enter and after yielding the right-of-way to pedestrians within adjacent crosswalks and to other traffic lawfully using the intersection.

Senate Bill 196 prohibits a motor vehicle operator, except on official business, from following closer than 500 feet behind an ambulance when its flashing red lights are operating. The act also restricts individuals from driving or parking a motor vehicle at a place where an ambulance has been summoned for an emergency in a manner calculated to interfere with the arrival or departure of the ambulance.

The 63rd Legislature through House Bill 1244 amended the law regarding the use of white canes by blind pedestrians by deleting a provision requiring that the cane be used in a raised or extended position. The act also specifies that it is unlawful for any person, unless totally or partially blind or otherwise incapacitated, to carry a white cane in any manner while on a public street or highway.

Safer school bus operation within the state was the subject of several bills. House Bill 1387 provides for the certification of school bus drivers. Such operators must be at least 18 years of age and hold a valid chauffeur's license. The act additionally requires an annual physical examination, a driver's license check, and completion of a driver training course in school bus safety. House Bill 865 requires school buses to be equipped with convex
mirrors or other devices which enable the driver to have a clear view of the area immediately in front of the vehicle. Due to the widespread use of buses by churches throughout this state to transport children and other persons, Senate Bill 3 authorizes the use of signal lights by church buses identical to those currently utilized by school buses.

House Bill 854, effective January 1, 1974, standardizes the placement of vehicle inspection stickers on motorcycles by requiring that such certificates be attached to the rear of the vehicle near the license plate. House Bill 1196 applies certain motor vehicle laws to the operation of motor-assisted bicycles. The operators of such vehicles are required to be licensed and must be at least 15 years of age, and motor-assisted bicycles are subject to a state safety inspection.

The operation of certain other motor vehicles was affected by three bills. House Bill 1496 repeals the requirement that motor vehicles using compressed gas as a fuel carry portable lanterns and emergency reflectors as prescribed for vehicles transporting explosive cargoes. House Bill 181 extends the permissible length of a motor vehicle from 40 to 45 feet and allows a passenger car or any other vehicle of 2,500 pounds or more to use a towing device to transport one other vehicle. Senate Bill 142 authorizes the State Highway Department to issue annual permits allowing the movement over public roads and highways of unladen lift equipment vehicles which exceed the maximum weight and width limitations prescribed by statute.

Motor vehicle registration was the topic of a number of bills adopted by the 63rd Legislature. House Bill 177 discontinues the practice of annually replacing the metal license plates. Effective April 1, 1975, license plates will be issued on a five-year basis, and annual renewal tabs will be used to indicate current registration. As authorized for passenger cars, House Bill 142 allows amateur radio operators to obtain license plates upon which their call letters are inscribed for pickup trucks with a rated carrying capacity not exceeding 2,000 pounds. Senate Bill 919 permits dealer plates and tags to be used on a commercial vehicle conveying another vehicle for demonstration purposes. The statute providing for temporary registration permits for commercial vehicles, trailers, and semitrailers entering the state was amended by Senate Bill 185. The provision now authorizes the issuance of such permits to vehicles importing agricultural commodities except citrus fruits unless intended for foreign export or processing for foreign export.

The statutes governing the issuance of drivers' licenses were also modified by several bills. Senate Bill 32 permits the written portion of the license examination to be conducted in Spanish for those unable to take it in English. Senate Bill 158 exempts a
person with an operator's license from obtaining a commercial operator's license to operate a commercial-type vehicle with a rated carrying capacity of less than 4,000 pounds rented by him for 10 days or less for the purpose of transporting household goods or office furniture or equipment owned by that person. House Bill 866 permits a new resident of Texas to operate a motor vehicle in the state for 30 days after entering if he is at least 16 years of age and has in his possession a valid driver's license issued to him by his state or country of previous residence. If an individual is prosecuted for driving without a valid driver's license, the burden of proof regarding the 30-day grace period rests with the defendant. Because drivers' licenses have become the primary source of identification and are commonly accepted as proof of age, House Bill 503 provides that provisional drivers' licenses, which are issued to persons under 21, utilize a side profile photograph to distinguish them from all other drivers' licenses which show the entire face of the licensee.

House Bill 976 repeals the statutory provision requiring a court to forward the fingerprints of a person convicted of driving without a license to the Department of Public Safety. House Bill 467 deletes a requirement that the driver of a vehicle which was in an accident must file an accident report with the local municipality in circumstances where there was no injury to or death of any person and the apparent total property damage is less than $25.

The Texas Abandoned Motor Vehicle Act of 1971 was amended by Senate Bill 66. The bill extended the definition of an "abandoned motor vehicle" to include any motor vehicle left on a public right-of-way in excess of 48 hours or for more than 12 hours on any turnpike project constructed and maintained by the Texas Turnpike Authority. It also further clarified the procedures for disposing of abandoned and junked vehicles found on public rights-of-way and private property.

House Bill 998 authorizes the Department of Public Safety to designate vehicle maintenance facilities owned and operated by political subdivisions or agencies of the state as official inspection stations for the purpose of inspecting the vehicles owned by such subdivisions and agencies.

**Highways and Public Roads**

Less legislation pertaining to highways and public roads was enacted by the 63rd Legislature than in any session in recent years. Only seven bills on this subject were passed, and four affected only specific areas rather than being of statewide significance.

Senate Bill 489, for example, was enacted to require construction of bridges by the City of San Antonio to meet minimum standards of
safety. A deadline for action by the city for beginning construction in widening bridges to a minimum of 30 feet on Roland Road at Salado Creek, Perrin Beitel Road at Perrin Beitel Creek, and Sulphur Springs Road (East Southcross) at Calaveras Creek was established as "within two years after the effective date of this Act." Under the act the City of San Antonio is required to report to the 64th Legislature its findings from a study of all vehicular bridges in San Antonio as to width of bridge, traffic count at each bridge, and accident frequency. Penalties are established for officers of the city who fail to comply with provisions of the act, including a civil penalty of not less than $1,000 nor more than $10,000 a day for each day the municipal corporation continues to violate the act.

A measure pertaining to Harris County, **House Bill 1481**, amends the Harris County Road Law to authorize the commissioners court to regulate the construction of roads in subdivisions or plats of land in Harris County outside of incorporated cities. Minimum right-of-way width, however, is established in the act at not less than 20 feet and maximum of 600 feet, unless laid out or established on or after January 1, 1963. Before a subdivision or plat can be filed for record with the Harris County Clerk, it must bear the signature of the county engineer to the effect that roads on the plat have met requirements of the system adopted by the commissioners court as to width of right-of-way and base and surface standards.

**House Bill 723** designates a portion of State Highway 21 in Tarrant County and State Highway 183 in Dallas County as "Airport Freeway," and directs the State Highway Department and other appropriate authorities to erect signs to indicate the route of the Airport Freeway.

**Senate Bill 405** relates to the removal by suit in district court of property from dedication for cemetery purposes when such dedication was made after the United States of America, the State of Texas, a county in Texas, or a municipality or duly constituted governmental subdivision has made definite determination that a new highway, thoroughfare, road, or street is to be constructed or widened within that area and such determination is a matter of public record. Dedication under the conditions outlined is presumed to have been made in fraud and for the sole purpose of enhancing the value of the property to be condemned.

The authority to regulate traffic on county roads and other county-owned land by commissioners courts of counties with populations over 150,000 is extended to commissioners courts in all counties of Texas by **Senate Bill 886**. **House Bill 1558** relates to the method of calling road and bridge bond elections and authorizes the commissioners court of any county to order such elections by majority vote in lieu of the petition process.
Criminal Law and Procedure

The principal accomplishment of the 63rd Legislature in the area of criminal law was the enactment of Senate Bill 34, the Revised Penal Code. The product of seven years of sustained effort by a large number of individuals and organizations, the new code is the first substantive revision of the Texas Penal Code since its original enactment in 1856. The major objectives of the Revised Penal Code were to (1) consolidate, simplify, and clarify the substantive law of crimes; (2) modernize a Penal Code designed for the preindustrialized, rural, and underpopulated Texas society of a century ago; (3) identify and proscribe, with as much precision as possible, all significantly harmful criminal conduct; (4) rationally grade offenses, according to the harm they cause or threaten, and sensibly apportion the sentencing authority between the judiciary and correctional systems; (5) codify the general principles of the penal law; and (6) collect in a single code all significant penal law, transferring to more appropriate locations in the statutes regulatory and similar laws that merely employ a penal sanction.

In addition, the Revised Penal Code enacts a number of conforming amendments in the Code of Criminal Procedure and elsewhere in the Texas statutes and makes significant changes in the state law regarding search and seizure.

Another major piece of penal, as well as regulatory, legislation was House Bill 447, the Texas Controlled Substances Act, which is a thorough revision of the state law regarding the manufacture, distribution, possession, and use of certain drugs and other substances. While the penalties for the distribution of certain drugs and other substances were increased, one of the most notable changes effected by this comprehensive act was the reduction of possession of up to four ounces of marijuana from a felony to a misdemeanor. Possession of two ounces or less is punishable by a fine of up to $1,000, imprisonment of up to 180 days, or both, while possession of more than two ounces but not more than four ounces is punishable by a fine of up to $2,000, imprisonment of up to one year, or both.

In an effort to bring Texas law into conformity with the United States Supreme Court ruling on capital punishment, House Bill 200 establishes a mandatory death penalty for murder with malice under certain circumstances if the jury unanimously finds that (1) the death of the deceased was committed deliberately and with the reasonable expectation that the death of the deceased or another would result; (2) there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and (3) if the issue is raised by the evidence,
that the conduct of the defendant in killing the deceased was unreasonable in response to the provocation. If 10 or more of the jurors agree in a negative finding on any of these issues submitted, there is a mandatory sentence of life imprisonment. The circumstances which invoke the mandatory penalty of death or life imprisonment are murder of a peace officer or fireman in performance of his duty, murder of an employee of a penal institution, murder for hire, and murder committed in the course of certain major crimes of violence or in escaping from a penal institution. There are special provisions for other procedures in such a capital murder case, including qualifying the jury and grounds for new trial.

Other Offenses Using or publishing means or devices to avoid payment in obtaining telecommunications services is, with the enactment of House Bill 1201, a misdemeanor punishable by a fine of not more than $500, imprisonment in jail for not more than 60 days, or both. Subsequent offenses are of the grade of felony. Fraud of another species is made punishable by House Bill 1415, a business-oriented law which provides for a fine of up to $1,000, imprisonment of up to two years, or both, for disconnecting, turning back, or resetting the odometer of a motor vehicle with intent to defraud.

Enacted with the hope that it will encourage citizens to bring cases of observed child abuse or neglect to the attention of authorities, House Bill 1414 makes it a misdemeanor knowingly to fail to report such an occurrence.

Criminal Procedure Another bill enacted for the protection of family members was Senate Bill 708, which provides that the introduction of competent evidence by the prosecution to show the defendant's failure to provide for support and maintenance of his wife or children shall give rise to a presumption of his willful refusal or neglect so to provide for his family. The bill also expressly gives the county or district attorney or the State Department of Public Welfare, if furnishing assistance to a child, power to institute charges and file a complaint against a parent who fails to provide for such a child.

The venue in certain criminal cases arising out of offenses committed on or within 400 yards of a county line is modified by Senate Bill 657, which provides that an offense committed on the premises of an airport operated jointly by two municipalities and situated in two counties shall be prosecuted only in the county in which the crime occurred.

Designed to reform some of the abuses of the current private bail bond system in many places, House Bill 762 permits counties or multi-county judicial districts, with the approval of the
commissioners courts in such districts, to establish a personal bond office to gather and review information about an accused that may have a bearing on whether he will comply with the condition of a personal bond, and to report findings to the court before which the case is pending. The bill further provides that if a court releases an accused on personal bond on the recommendation of the office, the court shall assess a limited personal bond fee, which shall be used to defray the expenses of the personal bond office. In addition, Senate Bill 383 provides for extensive regulation of the business of executing bail bonds in counties of 150,000 or more population.

House Bill 727 permits a trial judge to commit to a school for the mentally retarded rather than to a mental hospital or a mental institution a defendant who is adjudged insane and who requires commitment, if there has been competent testimony that the defendant is retarded. The trial judge is also given discretion within certain limits by House Bill 545, when assessing punishment in a felony case, to fix a period of probation without regard to the term of punishment assessed. Where punishment is assessed by the jury, the court may fix a period of probation for an equal or lesser period, and the court is permitted in a case where probation is revoked to reduce the term of imprisonment originally assessed. In both the latter cases, the court may not reduce the term of probation below the minimum term of punishment provided by law for the specific crime.

House Bill 403 brings the Texas statutory law into conformity with federal court decisions by giving a defendant credit on his sentence for the time he has spent in jail for the offense from the date of his arrest and confinement and for time he has spent in jail pending appeal. The bill also brings about a major reform in penology by allowing a person convicted of a felony to be transferred to the custody of the Texas Department of Corrections pending his appeal.

The manner in which results in the Court of Criminal Appeals are reported was changed by Senate Bill 780, which provides that, where precedent exists, the court may, as an alternative to delivering an opinion, decide a case under review by a certificate of affirmance or reversal, with citation of supporting authority.

At the pre-trial level, House Bill 692 amends Article 20.11 of the Code of Criminal procedure to permit the foreman or the state's attorney in grand jury proceedings to procure the attendance of out-of-county witnesses by the use of a subpoena as an alternative to the use of attachment. Prior to this act, the only means to secure out-of-county witnesses was by attachment, which requires that a peace officer take custody of the witness and bring him before the court or grand jury. House Bill 844 amends other provisions of the Code of Criminal Procedure relating to the
securing and compensation of out-of-state witnesses, so that non-resident witnesses appearing for either the prosecution or defense in a criminal proceeding are, within certain limitations, compensated by the state for reasonable and necessary living and traveling expenses.

House Bill 702 amends existing law to provide that the record in habeas corpus proceedings be sent up to the Court of Criminal Appeals within 15 days after judgment on the application is rendered by the lower court or after the date of the post-conviction fact-finding hearing by the lower court, unless the appellate court extends the time for good cause shown. Senate Bill 335 increases the time limit for a parole revocation hearing from 45 to 60 days from the date of arrest under a warrant issued by the Board of Pardons and Paroles or by the governor and suspends sentence time credit pending such a hearing.

Court Powers contingent upon voter approval of Senate Joint Resolution 25. House Bill 1396 would grant to district courts concurrent jurisdiction with county courts over probate matters only in counties where there is no statutory probate court, county court at law, or other
The bill also provides for jury trial and appeal to the courts of civil appeals in all probate matters, and enlarges the jurisdiction of all courts with original probate jurisdiction to include all matters incident to an estate.

The punishment for contempt of court in a justice or municipal court was reduced by House Bill 1666 back to the long-standing maximum of a $100 fine and three days in jail. It was thought unreasonable for courts of such limited jurisdiction to have the extensive punitive powers granted under a law enacted in 1971, particularly since clients are not typically represented by counsel in those courts. Senate Bill 206 amends the Texas Uniform Reciprocal Enforcement of Support Act by giving the district court power to order the defendant to pay as court costs a reasonable fee to an attorney or to the office of the prosecuting attorney who represents the petitioner in any enforcement proceeding under the act.

Justices of the Peace

Many justices of the peace in Texas are not attorneys, and House Bill 81 was enacted to require such justices to acquire continuing education relevant to their duties in addition to the 40-hour course in the first year in office. The bill provides that a justice of the peace who is not a licensed attorney may be declared incompetent for purposes of removal from office if he fails to complete each year a 20-hour course which must relate to the performance of his duties and be taken at an accredited state-supported institution of higher learning. Senate Bill 673 removes justices of the peace from the exemptions of Section 7, Article 3912k, Vernon's Texas Civil Statutes, so that compensation, allowances, and expenses for that office are set by the county commissioners court and are subject to other restrictions, as for other county and precinct offices.

Court Officers, Attorneys

House Bill 268 is general law defining the statutory authority of county attorneys and district attorneys to employ qualified assistant prosecuting attorneys, investigators, secretaries, and other office personnel. The bill also defines the authority of commissioners courts to furnish supplies, equipment, and other expenses for the office of the prosecuting attorney and permits commissioners courts to accept gifts and grants for financing effective prosecution programs.

House Bill 759 provides for the appointment by the county judge of an attorney to represent the state when the county attorney, district attorney, or criminal district attorney is absent or otherwise unable to perform the duties of his office. The prior law provided for the appointment of a substitute prosecuting attorney only when the regular state's attorney was disqualified.
The state prosecuting attorney for the Court of Criminal Appeals is empowered by *House Bill 1451* to appoint one or more assistant state prosecuting attorneys with the same qualifications, duties, and term of office as the state prosecuting attorney.

The county judge is authorized by *Senate Bill 215* to appoint more than one assistant to help perform duties formerly performed by the board of school trustees and county superintendent in Wichita and Galveston counties.

*House Bill 758* removes the $5-a-day limit on compensation for court interpreters and permits the commissioners court of each county to fix the amount of compensation for interpreters employed by the various courts within the county. An exception to the provisions of this act is made for interpreters for deaf or deaf-mute persons, the compensation for those interpreters being provided for outside the statute amended by this bill. *House Bill 791* reinserts a provision of law which was omitted in a 1967 revision directing the district clerk to charge a reasonable fee for performing duties for which no scheduled fee has been prescribed. The act also increases the fee for the certificate and seal on certified copies from 50 cents to $1 and removes the 25-cent-per-page minimum fee for copies of instruments themselves.

*Senate Bill 334* lowers the minimum age for employment as a parole officer or supervisor from 26 to 24.

Juries

Another bill lowering age requirements is *House Bill 120*, which provides that persons at least 18 years of age are competent jurors. However, the bill exempts from compulsory jury service all students of public or private secondary schools and persons enrolled and in actual attendance at an institution of higher learning. *House Bill 130* repeals the statute requiring that a jury panel member, once he has been challenged, be discharged from the panel for that week. Enacted as an efficiency measure, the bill makes a panel member available for the entire week. An exception is made for Dallas and Harris counties, where a challenged panel member is to be immediately dismissed and not placed on another jury panel until his name is returned to the jury wheel and drawn again as a prospective juror.

Miscellaneous

The appointment of certain district attorneys and assistant district attorneys is the subject of *Senate Bills 166, 266, and 317* and *House Bills 265, 449, 1585, and 1602*. The appointment of needed personnel for the 9th Judicial District is authorized by *House Bill 1234*.

The compensation of certain state judges, district attorneys, and court employees is affected by the following bills: *House Bills*
In addition, the terms of various judicial districts and district and county courts are affected by House Bills 476, 932, and 1410 and Senate Bills 64 and 684. House Bills 835, 1592, and 1618 adjust the composition of certain judicial districts, and the jurisdiction of certain district and county courts are altered by House Bills 635, 1624, and 1686. Senate Bill 913 changes the name of Galveston County Court #2 to Probate Court of Galveston County.

Newly enacted legislation (HB 909) also prohibits the private practice of law by the Grayson County Attorney and his assistants.

Civil Remedies, Liabilities, and Procedure

Comparative Negligence A number of significant changes with regard to civil suits based on negligence were made by House Bill 88. Similar to the bill passed by the 62nd Legislature and vetoed by the governor, except that the present bill does not affect the submission of special issues to the jury, this noteworthy legislation establishes a system of modified comparative negligence whereby contributory negligence which is less than the negligence of the party against whom recovery is sought is no longer an absolute bar to recovery for death or injury. Any damages allowed are to be diminished in proportion to the amount of negligence attributed to the recovering party or the person under whom he claims under this bill. It also makes detailed provisions for contribution among joint tort-feasors and makes an additional important change in the law by amending the "guest statute" to limit its effect to guests related by blood or marriage to the owner or operator of an automobile involved in an accident and to provide a liability claim offset against medical expenses previously paid by the owner or operator or under automobile liability insurance coverage.

Other Laws Senate Bill 123 extends all the rights, privileges, and obligations of adulthood to all persons at least 18 years of age. The law provides, however, that a custodian holding property under the Texas Uniform Gifts to Minors Act may elect not to have the provision of the act apply by notifying the minor in writing of the custodian's intent.

The Texas Tort Claims Act was amended by House Bill 188 to provide for compensation for damage to or destruction of property up to $10,000 for any single occurrence. Prior to this amendment, the state was subject to tort liability only for personal injuries. By House Bill 606, Texas law is brought into conformity with the
Federal Uniform Relocation Assistance and Real Property Acquisition Policies Program, so that even where condemnation proceedings have not been instituted, relocation expenses can be paid to persons who must move or discontinue their business as a direct result of displacement by code enforcement, rehabilitation, or demolition programs undertaken by state and local governmental agencies. Governmental liability was also the subject of House Bill 1467, which provides that a governmental unit entering into a contract to furnish fire protection under the Interlocal Cooperation Act shall be responsible for any civil liability arising out of the furnishing of such services.

House Bill 135 provides that a county which has paid medical expenses and salary under Article III, Section 52e, of the Texas Constitution, shall be subrogated to a claim for personal injuries by certain precinct and county law enforcement officials against a third party.

House Bill 526 declares the public policy concerning indemnity provisions in agreements pertaining to wells for oil, gas, or water or mines for other minerals when there is negligence attributable to the indemnitees and provides that, with certain exceptions, such a provision is void and unenforceable if it purports to secure a person from liability for his negligence causing death or bodily injury to another. Certain terms in Article 5452, Revised Civil Statutes, are defined by House Bill 1052 in order to make it clear that the 10 percent retainage requirement on owners entering into original contracts for construction or repairs applies to the cost of each individual contract, not the cost of the entire job.

House Bill 617 redefines property covered under the homestead exemption from forced sale. Aside from the modernization of the language and form of the statutes, the most important effect of the changes is to extend the homestead exemptions, although generally at a lower dollar limit than for families, to single adults. The bill helps to curtail abuse of the personal property exemption by setting a maximum limit of $30,000 for a family and $15,000 for a single adult who is not a constituent of a family. House Joint Resolution 7, described elsewhere in this report, relates to this subject.

Evidence Senate Bill 922 amends the statute which presumes a person missing for seven years to be dead and provides that when a certificate is issued by any branch of the armed forces declaring a person dead, the date of death is presumed to have occurred for all purposes as stated in the certificate and that the certificate may be admitted in any court of competent jurisdiction as prima facie evidence of the date and place of the decedent's death. Another bill relating to evidence in civil actions, House Bill 236, modifies the collateral source rule to provide that in a wrongful death action
the fact that the surviving spouse has remarried may be admitted in evidence. Evidence of a common-law marriage or an extramarital relationship is not admissible in such a case, however.

Civil Procedure

With the enactment of House Bill 214, records and X-rays to be used in litigation must be filed with the clerk of the court within 14 days of the trial, regardless of whether there is a jury. The bill also provides that notice be sent to the opposing parties and that all parties shall have pre-trial access to such records and X-rays. Enacted principally in response to the hardship on survivors in workmen's compensation and insurance claims caused by unreasonable delay in having access to autopsy reports, House Bill 1457 requires a physician who performs an autopsy to file a report thereof within 30 days of its request with the official designated by the law providing for the autopsy, except under certain circumstances. The bill also provides that a copy of the autopsy report shall be furnished to any duly authorized person for a fee of $5.

A consumer-oriented measure, Senate Bill 407 provides that in actions founded upon an obligation of the defendant arising out of a consumer transaction to pay for goods, services, loans, and extensions of credit intended primarily for personal, family, household, or agricultural use, suit may be brought in either the county in which the defendant signs the contract or in the county in which the defendant resides at the commencement of the action. The bill also provides that suits for breach of warranty by a manufacturer of consumer goods may be brought in any county where such manufacturer has an agency or representative, or in the county in which the principal of such company is situated, or in the county where the plaintiff resides. These venue provisions were enacted to provide a convenient forum for the consumer in an action in which he might be involved as either a plaintiff or a defendant.

House Bill 461 clarifies some of the former uncertainties of Texas law with regard to the service of process on foreign (out-of-state) corporations by amending Article 8.10 of the Business Corporation Act and repealing several overlapping and conflicting statutes.

Of great interest to attorney-legislators and their clients, House Bill 264 extends the mandatory continuance provided by statute and by Rule 254 of the Texas Rules of Civil Procedure in lawsuits, criminal cases, and probate proceedings in which a legislator is a party or an attorney shall be extended to all ancillary matters which require action by or the attendance of an attorney. Included in this category are appeals from suits; excluded are temporary restraining orders. The act, which provides for such a continuance when the legislature sits as a constitutional convention, as well as in regular or called session, and 30 days before and after, requires the legislator, as attorney or party, to contain in his
affidavit a declaration of his intention to participate actively in the case. Such affidavit need not be corroborated, however, whether the legislator is a party or an attorney. The act provides a new safeguard against the abuse of this privilege by making the continuance discretionary with the court when a member of the legislature is employed as an attorney within 10 days of the date that such a suit is set for trial.

**Cities and Counties**

Cities

The Legislature passed many bills concerning local government. Some will affect only a single locality while others will affect cities and counties throughout the state. The bills cover a wide range of local subjects from mass transportation to city administrative procedures.

**Senate Bill 642** applies only to the Houston metropolitan area at the present time. It authorizes the establishment of a Mass Transit Authority after a public hearing and confirmation of the authority at an election. The authority will have the power of eminent domain and the right to issue bonds and to levy a vehicular emission tax to finance a mass transit system.

**Senate Bill 305** amends Article 1118w to authorize cities to set rates for public transportation based on the need to maintain the level and quality of service desired. **House Bill 59** allows transportation companies operating in municipalities to set special reduced rates for persons 60 years and older. The minimum age used to be 65.

Two bills were passed amending Article 6228f which authorizes state financial assistance to the survivors of various public officials who are killed in the performance of their duties. **Senate Bill 768** adds park and recreational patrolmen and security officers of cities with a population of over 250,000 to the list of officials. **House Bill 224** deletes the requirement that members of organized police reserve or auxiliary units have the power to make arrests in order to be covered by this law.

Article 1269m, which establishes a civil service for firemen and policemen, was amended twice. **Senate Bill 504** provides a procedure for the promotion of firemen under the civil service. **Senate Bill 633** authorizes cities to establish educational incentive programs for policemen and firemen.

Firemen and policemen had their longevity pay increased by **House Bill 69**.

**House Bill 1491** allows cities to pay the costs of constant hospitalization for a peace officer or fireman who is injured in
the performance of his duties and permanently disabled.

Senate Bill 769 amends Article 2.12, Code of Criminal Procedure, to include park and recreational patrolmen and security officers of cities over 1,200,000 population in the definition of peace officers.

Many bills were passed which expand the authority of cities to provide civic facilities and public services for their citizens. House Bill 1642 authorizes cities over 650,000 to acquire and operate a farmers market and to issue revenue bonds for this purpose. House Bill 1114 authorizes cities over 650,000 to own, lease, and operate off-street parking facilities.

Voter approval has been required for the issuance of all bonds for building and improving port facilities. House Bill 318 amends Article 1187£ to do away with this requirement when the bonds are revenue bonds, which do not affect local taxes.

Both House Bill 1111 and Senate Bill 239 amend Article 1269j-4.1. They lower the minimum population for cities to be covered by this act from 8,500 to 5,000. House Bill 1111 authorizes such cities to own and operate golf courses, tennis courts and other recreational facilities.

Senate Bill 239 authorizes them to issue revenue bonds, impose hotel occupancy taxes, and use other specified revenue for building civic centers, libraries, museums, etc.

Senate Bill 650 allows cities owning sea life parks or oceanariums which are being operated by a private individual or corporation under a lease, to rescind the lease and acquire the properties and assets of the operator. It also clarifies the rights of cities owning such facilities.

Senate Bill 685 lowers the population requirement for a city to have the authority to construct or improve water works or sewer systems from 100,000 to 25,000. It also sets out the period which must elapse between the subdivision of a piece of land and the time it can be assessed for such improvements.

Senate Bill 367 authorizes cooperative agreements between local government units for the purpose of providing services and facilities to commemorate our nation's 200th anniversary.

Senate Bill 303 provides that certain public services such as light, water, sewer, and natural gas systems may only be encumbered by revenue bonds.

Cities with a population of 40,000 or more have been authorized by House Bill 1164 to acquire and improve parks and historical sites.
A method for selling land so acquired is also provided.

**Senate Bill 636** lowers the percentage of signatures of qualified voters needed on a petition to have amendments to a city charter submitted to the voters. Article 1170 used to require 10 percent, but this has been lowered to 5 percent or 20,000, whichever is less.

The Municipal Annexation Act was amended by **Senate Bill 749** to restrict the rights of cities with respect to narrow pieces of land and certain islands in the Gulf of Mexico. **Senate Bill 749** also validated annexation proceedings which were for the purpose of including a site of a state institution within city limits.

**Senate Bill 859** raises the minimum for an expenditure before a city or county must submit it to competitive bidding or require bonding from $2,000 to $3,000.

**Senate Bill 931** makes some changes in the Texas Municipal Retirement System, including the exemption of benefits from state, local, and municipal taxes.

**Senate Bill 941** authorizes Texas cities bordering on Mexico to enter into mutual fire protection agreements with their corresponding border city.

**House Bill 36** provides an alternate method for voter approval of specific urban renewal projects. **House Bill 37** authorizes local option elections on the use of urban renewal property for public housing.

The city of Palacios was granted the authority by **House Bill 974** to sell or lease certain land under its governance for residential or recreational purposes, whereas previously, the land had been designated only as an industrial site.

**Counties**

Administrative changes were the focus of most of the bills passed by the Legislature regarding counties. For example, **Senate Bill 103** authorizes commissioners courts to relieve their county clerk of duties relating to deposits made into the county treasury and transferring those duties to the county treasurer and county auditor.

**House Bill 233** gives the district judge or judges more flexibility in determining the number of assistant county auditors needed in their county. **House Bill 892** authorizes the county judge of a county having an auditor to waive the need for the judge's approval of requisitions. Any claims would then be approved by the commissioners court.
Senate Bill 915 lifts some of the restrictions on commissioners courts in deciding to have an independent audit of county books, records, and accounts.

Operation of the competitive bidding system is transferred from the county auditor to the purchasing agent in certain counties by Senate Bill 806.

County officials and employees are given important protection by House Bill 470. It authorizes the district or county attorney to represent county officials and employees in any suit brought against them which involves any act done while in the performance of their public duties. Counties may also hire and pay for private counsel if deemed necessary or proper.

House Bill 376 allows the recording of master mortgages and deeds of trust in the office of the county clerk and the incorporation by reference of the terms and conditions of the master instrument by later mortgages and deeds of trust. This will reduce the volume of filing in the county clerk's office and will also reduce the closing costs in every transaction where this procedure is used.

House Bill 894 increases the allowed expenditures for county parks in counties having less than 80,000 people from $5,000 per year to $15,000.

House Bill 1455 amends Article 1577 to permit commissioners courts to sell or lease real estate owned by the county. Previously they could only sell or dispose of it. This bill also includes a list of priorities for the sale or lease of abandoned seawall right-of-way property.

House Bill 1179 lowers the amount of the bond required of a county tax assessor and collector.

House Bill 1515 permits commissioners courts to delegate authority to an administrative official to approve small changes in contracts for the construction of public works or for the purchase of supplies and equipment.

House Bill 1681 amends Article 3912e which requires certain counties to have an Officer's Salary Fund. This bill gives such counties the alternative of not having a salary fund and using the county general fund instead.

House Bill 915 authorizes the establishment of a petty cash fund of up to $5,000 for the sheriff's department in certain counties. House Bill 55 requires certain counties to provide longevity pay of $4 per month for each year of service to each commissioned sheriff's deputy.
**Senate Bill 138** allows the commissioners court of Bexar County to appoint a jail administrator to take over the complete operation of the county jail. It also authorizes the state to provide assistance to the survivors of any supervisory personnel in a county jail controlled by a jail administrator when killed in the performance of their duties.

**Senate Bill 467** authorizes counties with 150,000 people or more to construct and operate a parking station adjacent to or near the county courthouse. **House Bill 990** increases from 1¢ to 2-1/2¢ per $100 valuation the ad valorem tax that a county with a population of more than 900,000 can levy for the construction and operation of parking stations.

**Senate Bill 805** exempts all investigators and employees of the Criminal District Attorney of Tarrant County who are not licensed to practice law in this state from the civil service.

**House Bill 913** authorizes counties bordering on Mexico to build toll bridges. Under previous law they could only buy existing ones.

Several other bills of a purely local nature were enacted in the area of county government. **House Bill 859** abolishes the office of county auditor in McCulloch County and provides for an annual audit by a private firm. Before the act may take effect, an election must be called to vote for or against abolishing the office of county auditor; if a proposition to that effect passes, the act then becomes effective. Another bill, **House Bill 1683**, abolishes the office of county auditor of Culberson County, and also contains the provision for an annual audit and election.

The Montague County Probation Department was created by **House Bill 1654**. The Probation Board, to be composed of the district and county judges of Montague County, has the authority to appoint a probation officer who shall also serve as the juvenile officer for the county. The Probation Department was given all the authority and duties requisite for the performance of its prescribed services.

**Validating Acts**

Several validating acts were passed. They included: **House Bill 100**, validating special assessments and reassessments for sewer and street improvements by cities throughout the state.

**House Bill 173**, validating proceedings by cities for the issuance of and the levy of a tax for bonds issued to acquire buildings and facilities for an upper level college.

**House Bill 772**, validating election proceedings of certain home-rule cities with respect to the issuance of revenue bonds for
waterworks purposes.

**House Bill 1230**, validating the adoption of a charter, and governmental proceedings of home-rule cities in Texas.

**House Bill 1231**, validating the incorporation, areas, and boundary lines, and governmental proceedings and acts of cities and towns of 1,000 inhabitants or less.

**House Bill 1232**, validating the incorporation, boundary lines, and governmental proceedings of certain towns incorporated under the commission form of government.

**House Bill 1629**, validating proceedings relating to the creation and establishment of the Polk County Fresh Water Supply District No. 1, also prescribing additional powers for the district, a tax plan and procedures.

**House Bill 1749**, validating the proceedings relating to the creation of the Booker Hospital District.

**Senate Bill 499**, validating the creation and organization and all proceedings of the Crosby Municipal Utility District of Harris County.

**Senate Bill 822**, validating the incorporation, boundaries and governmental proceedings of certain cities and towns with a population of less than 10,000.

**Senate Bill 989**, validating all proceedings and actions taken by the board of directors of Ponderosa Forest Utility District.

**Miscellaneous Local Government**

The law providing for rural fire prevention districts has heretofore contained no process for the expansion of these districts. **House Bill 337** amends this law to include a detailed process for expanding the districts, involving a petition by the land owners, hearings and notice, requisite majority votes in both the district and the territory to be annexed, and other processes concerning the election. The rural fire prevention district law was further amended by **Senate Bill 764** to authorize the creation of multi-county fire prevention districts. Besides providing for elections and operational procedures, the bill also includes the provision that they may be created for the conservation of human as well as natural resources. In addition, any fire prevention district may enter into contracts to make emergency rescue and ambulance service available to the district. Also in the area of fire prevention, the Texas Education Code was amended by **Senate Bill 513**, which expands the authority and duty of the state forester to provide for his cooperation in the development of rural fire protection plans, to provide training in
suppression of fires, and to sell, lend or otherwise make available to organized fire fighting groups, fire control equipment available to the Texas Forest Service.

The 63rd Legislature enacted **House Bill 1183** authorizing counties and cities to pledge certain revenues in the payment of certificates of obligation. However, the bill also grants the right of referendum to the electorate, providing for a petition signed by 5 percent of the qualified electors to require a general election before such certificates may be issued. Other bond authorization includes **Senate Bill 205** which provides that any city with a population of less than 60,000 may issue refunding bonds to refund certain interest bearing obligations or interest coupons.

Much was done by the 63rd Legislature concerning local intergovernmental cooperation. For example, criminals crossing county lines make it difficult for police to continue their investigation, especially in metropolitan areas consisting of several counties. Therefore **House Bill 607** attempts to alleviate this problem by authorizing counties or municipalities to enter into an agreement creating a mutual aid law enforcement task force. Under the provisions of such an agreement, a member peace officer may make arrests in any part of the area covered in the agreement, provided he notifies the law enforcement agency within such county. The specific authority of the member peace officers and their compensation are to be stipulated in the agreement.

The Interlocal Cooperation Act allowing local government entities to jointly operate various governmental functions and services did not provide for the joint operation of museums. **House Bill 766** corrects this omission by amending the Interlocal Cooperation Act to include museum services in the definition of authorized joint operations.

The purpose of **Senate Bill 344** is to clarify and make definite and secure the right and authority of both public and private entities engaged in the generation, transmission, or distribution of electric energy to join together as co-owners in the operation of electric facilities, thus insuring to them the legal rights and authorities as provided by law to an entire interest.

Other legislation involving local governmental bodies includes **House Bill 1506** which excludes Travis County from the law providing that public weighers shall be elected for each justice precinct in all counties where there is no city or cities in which the secretary of state is authorized to appoint the public weigher. Many local political subdivisions are too small to operate retirement systems for their employees efficiently. **Senate Bill 872** helps to alleviate this problem by authorizing the state or any political subdivision to contract with employees to defer part of their earnings and purchase life insurance or annuities from
insurance companies licensed to do business in Texas, thus providing an opportunity for all public employees to utilize a deferred compensation plan.

In response to the known dangers of imported fire ants, House Bill 1109 was enacted. The bill permits the commissioners court of any county to establish a program for the eradication or control of the imported fire ant and gives the court the authority to expend county funds for such a program. Procedures for program approval by the Commissioner of Agriculture are provided, though approval is not required if the program is financed at least partially by federal funds and has been approved by appropriate federal agencies. Also, if approval is not granted by the Commissioner of Agriculture, or an alternative plan not proposed within 60 days, the commissioners court may proceed to expend county funds for implementation of the originally proposed program.

Agriculture and Livestock

Agriculture

The 63rd Legislature passed two measures which have potentially major impact on the future of Texas agriculture. House Bill 1188 provides a method for establishing a marketing order for any designated fruit or vegetable produced and distributed in Texas. Patterned after a California agricultural marketing law, House Bill 1188 allows producers and distributors of a commodity, if they choose, to propose a marketing order on their product. The proposal may set quantity or quality standards for marketing and may provide for disposal of surpluses of the commodity. After notice and a public hearing on a proposal, an election on the proposal is supervised by the commissioner of agriculture, and if the order is approved by the producers and distributors and by the commissioner, it will take effect according to its terms. Any order adopted must provide a means of paying for the administration of the program at the expense of the producers and distributors. The legislation was designed to erase the image of Texas as a "dumping ground" for fruits and vegetables of poor quality.

House Bill 765 creates an enforcement mechanism for the boll weevil eradication program. Under pre-existing law, cotton producers may form a board and pass regulations designed to eradicate infestations of boll weevils. House Bill 765 gives the commissioner of agriculture the power, once the cotton producers have issued regulations, to inspect cotton in the field or in storage to determine compliance with the regulations.

Livestock

The 63rd Legislature considered and passed several measures relating to livestock. The definition of the word "dipping", as it applies to livestock, was enlarged by House...
**Bill 825.** Dipping is a process used to eliminate scabies and other pests of livestock. The term formerly encompassed only the submerging of livestock in a vat but was expanded to include spraying of livestock or any other sanitary method of treatment approved by the Animal Health Commission. The legislation thus permits some choice of the method to be used in controlling pests of livestock.

**House Bill 1268** provides guidelines for the regulations issued by the Animal Health Commission in the program to eradicate diseases of swine. Whereas the commission formerly had no statutory guidelines, its regulations now must not exceed those promulgated by the U.S. Animal and Plant Health Service. In addition, notice and a public hearing must precede the adoption, amendment, or repeal of any such regulation.

A third measure dealing with livestock diseases is **Senate Bill 681.** This legislation authorizes a program to work toward certification of all counties of the state as "brucellosis free" as soon as the program of certification as "modified brucellosis free" is completed. The Animal Health Commission is authorized to issue regulations for carrying out the program, following notice and a public hearing on the proposed regulations.

**House Bill 1463** provides for the establishment of a laboratory of the Texas Veterinary Medical Diagnostic Laboratory in Randall or Potter County to serve the veterinary diagnostic needs of the people of that area.

**Environmental Protection**

The 63rd Legislature passed several significant pieces of legislation protecting the environment. Special emphasis was placed on the preservation of our fragile coastline.

Under **Senate Bill 268,** counties bordering on the Gulf of Mexico may establish dune-protection lines to preserve sand dunes. Activities to the seaward side of such lines will be severely restricted. **Senate Bill 269** restricts the removal of sand, marl, gravel, and shell from public beaches. **Senate Bill 273** increases the amount of money that the state can give to cities and counties to assist them in cleaning and maintaining their public beaches. It also authorizes the Parks and Wildlife Department to set up a reserve emergency fund for cleaning up the beaches in the event of a catastrophe. The School Land Board is given broad responsibility for the management of coastal public lands by **Senate Bill 644.**

A major step was taken in helping combat air pollution by **Senate Bill 195,** which authorizes local governmental entities to issue bonds for acquiring, constructing, and improving their own air control facilities.
House Bill 739 amends the Texas Clean Air Act to remove the Air Control Board from the State Department of Health and establish it as a separate agency.

House Bill 1422 adds a new section to the Water Code requiring the Water Quality Board to issue regulations concerning the disposal of sewage from boats operated on the inland fresh waters of the state. The regulations will include a system of certification of sewage disposal devices.

Senate Bill 675 requires the city of San Antonio to clean up certain ponds into which the city had been discharging waste sludges.

Several changes were made in the Solid Waste Disposal Act (Article 4477-7). Senate Bill 871 clarifies the act by adding a definition of an "affected person." House Bill 1685 makes rendering plants subject to Water Quality Board regulations dealing with industrial solid waste. House Bill 131 prohibits an incorporated city from abolishing or restricting the use of any solid waste disposal site which was in existence at the time the city incorporated and which is in substantial compliance with state and county regulations.

The power of the Gulf Coast Waste Disposal Authority to provide disposal systems was clarified in Senate Bill 722. The bill also provides a procedure for the dissolution of pollution control districts after annexation by cities.

House Bill 1502 assigns the important task of coordinating the activities of the many state agencies involved in environmental protection to the division of planning coordination in the Governor's Office. The division will also make an in-depth study of all the state laws on the environment and make recommendations to the 64th Legislature on improving our laws in this area.

The 63rd Legislature passed two measures which deal with the application of chemicals to lands. House Bill 1353 amends the herbicide law by permitting county commissioners courts to include or exempt portions of their counties from that part of the herbicide law which regulates the use of herbicides on lands. Previously, commissioners courts had power to exempt or include whole counties. The amendment permits different treatment to be accorded different parts of counties because of varying conditions.

House Bill 1619 requires commercial fertilizers to have any constituent pesticides registered under the Insecticide, Fungicide, and Rodenticide Act of Texas before the fertilizer itself may be registered for sale under the Texas Commercial Fertilizer Control Act of 1961. Previously, pesticides included in fertilizers did not have to meet safety and registration requirements of the insecticide law.
Alcoholic Beverage Control

Although no drastic changes were made by the 63rd Legislature in laws controlling alcoholic beverage production and sale in Texas, a number of bills were enacted which clarified or made slight changes in existing law and, in some instances, added new provisions.

House Bill 133 broadened the provisions permitting the home production of wine not exceeding 200 gallons for family use, and not for sale, by the head of any family to grant this privilege also to "an unmarried adult." The filing fee of $10, which was formerly required to be submitted to the Alcoholic Beverage Commission with the statement of intent to produce such wine, has been reduced by the act to $1. The form of the statement is also spelled out in the act, and includes the warning that violation of the filing requirement constitutes a misdemeanor under state law punishable by fine of not less than $100 and not more than $1,000, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

The maximum size of wine containers for the sale of wine to retail dealers was increased from the one gallon permitted heretofore to 4.9 gallons by Senate Bill 208. Another bill originating in the Senate, Senate Bill 388, removes the restriction in existing law which prohibited the holder of a mixed beverage permit from selling alcoholic beverages except for consumption on his licensed premises in its applicability to wine ordered by a person with his food when he has a portion of the opened container remaining. No other exceptions are provided to removal of alcoholic beverages from premises where mixed beverages are sold.

To eliminate some of the clerical work imposed upon licensed manufacturers and distributors of beer and licensed wholesalers of malt liquor, House Bill 754 exempts these categories of liquor dealers from obtaining resale certificates on sales to licensed retailers. The exemption is based on the assumption that any purchase of beer or malt liquor by a licensee from anyone holding a manufacturer's or distributor's license is presumed to be a purchase for resale.

Clarification of a provision of the Texas Liquor Control Act relating to prohibition on renewal of a mixed beverage permit is included in House Bill 738. The act, instead of using the old language which prohibits renewal where "control of the corporation has substantially changed since the time the original permit was issued," has substituted the phrase "legal or beneficial ownership of over fifty percent (50%) of the stock of the corporation has changed since the original permit was issued."

Another bill designed to clarify confusion in the existing law was Senate Bill 459. This legislation has added a specific definition
of "primary American source of supply." Confusion because such a
definition was not included in the Texas Liquor Control Act has
resulted in several lawsuits, and inclusion of the definition
should remedy the situation and obviate further litigation.

House Bill 799 makes more comprehensive changes in the Texas Liquor
Control Act than any of the other legislation enacted by the 63rd
Legislature which deals with this subject. Major changes, in
brief, are as follows:

(1) With regard to petitions for local option elections seeking to
prohibit the sale of alcoholic beverages of one or more of the
various types, the petition is required to bear the actual seal of
the county clerk and not a facsimile of such seal. Also, the
county clerk is required to supply as many copies of the petition
as may be required by the applicants but, in the new language, "not
to exceed more than one page of such petition for every ten
registered voters in such county, justice precinct or incorporated
city or town." The percentage of signatures of qualified voters
required on such a petition has been increased from 25 to 35
percent, and the address and signer's number appearing on his voter
registration certificate accompanying each signature must be in his
actual handwriting. If the voter registration certificate number
is found to be incorrect and not in the actual handwriting of the
signer, the signature cannot be counted. The same holds true of
the address of the signer. Further spelled out is which political
entity prevails when local option has changed provisions of a
justice precinct or county in which an incorporated city or town is
contained or in an incorporated city or town in which there is a
justice precinct, or a county in which there is a justice precinct.

(2) Due date of the tax levied on ale or malt liquor is changed
from the 10th to the 15th day of the month following which the ale
or malt liquor was imported into the state or the date on which
first sale was made on ale or malt liquor manufactured in the
state.

(3) With reference to holders of permits not required to make
bond, the act has added two categories of exemptions—"local
cartage" and "agents."

(4) Pertaining to wine and beer retailers off-premise permits, a
new provision authorizes the commission or administrator to issue
such permits to holders authorized to sell for off-premise
consumption only, but not for resale, wine, beer, and malt liquors
containing alcohol in excess of 1/2 of 1 percent by volume and not
more than 14 percent of alcohol by volume. Procedure for obtaining
permits and payment of fees and all restrictions on sales are to be
the same as that governing issuance of a retail beer dealer's
licenses, and such permits are subject to cancellation or
suspension on the same terms as are retail beer dealers' licenses.

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Annual state fee for a wine and beer retailer's off-premise permit is set at $15.

(5) Relating to a wholesaler's permit, general class B wholesaler's permit, local class B wholesaler's permit, a general, local or branch distributor's license may be issued and licensed premises maintained in any area where the sale of an alcoholic beverage is legal according to another new provision of the Texas Liquor Control Act. Applicants must comply with all other provisions of the act regarding application for such license or permit. Also, this new section of the Texas Liquor Control Act authorizes the holder of a local distributor's permit to hold a local cartage permit, which gives him the privilege of transferring alcoholic beverages anywhere within the county where sale is legal and to any regional airport located all or in part in an adjoining county. The same privileges are authorized for the holder of a package store permit who also holds a local cartage permit. Another subdivision of this new section authorizes a mixed beverage permittee or a private club permittee located in a regional airport, where such airport is governed by a board, commission, or authority composed of members from two counties or more and there are no local distributors, to purchase alcoholic beverages in any trade area served by the regional airport and transport these beverages to the mixed beverage permittee or club, if the permittee transporting the beverages is the holder of a beverage cartage permit and meets all other requirements of the act. Further, the new section provides that the holder of a local distributor's permit is authorized to sell to a mixed beverage permittee or private club permittee any supplies used in selling or dispensing of alcoholic beverages.

Delivery of wine and beer to hotel rooms by mixed beverage permittees is the subject of House Bill 959. Under the law prior to the enactment of this measure, hotels and motels have been required to buy both a beer and wine permit and a mixed beverage permit in order to maintain room service for these items. Also, merchandise covered by each of these permits is required to be stored in a separate location. The new act authorizes motels and hotels having a licensed mixed beverage establishment located therein to deliver wine and beer to individual rooms of the hotel without regard to whether the hotel rooms are part of the licensed premises.

Senate Bills 33 and 905 also amend the Texas Liquor Control Act. Veterans' and fraternal organizations operating establishments in which alcoholic beverages are served are given the privilege of using any club funds, including revenue from the service of alcoholic beverages, to replenish their joint stock of alcoholic beverages by Senate Bill 33. Senate Bill 905 relates to outdoor advertising of alcoholic beverages. It removes the definition of a billboard or electric sign as "having a surface of not less than
one hundred and eighty (180) square feet."

Aviation and Airports

In keeping with current needs for security personnel in airports to prevent skyjacking and other crimes aboard public air carriers, the 63rd Legislature enacted House Bill 82. This act authorizes the establishment of an airport security force, and the employment of security personnel, by any political subdivision of Texas which operates an airport served by a Civil Aeronautics Board certificated air carrier. Additional provisions give such governing body authority to commission any employee of an airport security force as a peace officer if he is certified as qualified by the Commission on Law Enforcement Officer Standards and Education. The act also amends the Code of Criminal Procedure (Article 2.12) to include in the definition of a peace officer any "airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier."

Senate Bill 904 amends the statute creating the Texas Aeronautics Commission and setting forth its duties and functions by changing language for clarification, and adding some new provisions on obtaining certification and making appeal from commission decisions. In the new language, the order of the commission granting any application and the certificate issued thereunder shall be voidable upon appeal unless the commission shall set forth in its order full and complete findings of fact pointing out the basis on which it made such findings and the factors related to public convenience and necessity. Appeals of the revocation or suspension of a certificate are to be tried in the same manner as appeals from justice court to the county court.

Business and Business Regulation

Consumer Protection

The most comprehensive piece of legislation for consumer protection was House Bill 417, the Deceptive Trade Practices—Consumer Protection Act, which originated as a part of the attorney general's activity in this area. The bill strikes directly at the inconsistency and inadequacy of prior law and provides means by which a consumer can sue and recover treble damages plus attorney's fees by proving violations of the act rather than having to prove the elements of common law fraud. The bill, whose purpose is to protect consumers against false, misleading, and deceptive business practices, unconscionable actions, and breaches of warranty, also provides for efficient and economical procedures to secure such protection.

Senate Bill 252 responds to abuses in debt collection by
prohibiting a number of practices used by unethical creditors and their agents. In addition to establishing criminal penalties, the bill provides civil remedies to those aggrieved by violation of those regulations.

Modeled on a new proposed rule of the Federal Trade Commission, Senate Bill 454 gives the consumer in a home solicitation transaction involving the sale of goods, insurance, or services costing more than $25 or the sale of realty costing more than $100 the right to rescind such a contract within three business days from the time it has been entered into. The bill requires that a written contract in such a transaction give conspicuous notification of the consumer's right to rescind, provides that a violation of the act constitutes a deceptive trade practice, and gives the consumer additional remedies in such a transaction.

Landlord-tenant rights are the subject of two important bills passed during the session. House Bill 877 defines the rights, duties, and remedies of tenants and landlords with regard to the return of security deposits. The bill provides penalties for the unreasonable withholding of security deposits and a procedure by which the tenant may obtain his refund. The bill also establishes 18 as the minimum age for entering into rental agreements and provides that the tenant has the obligation to pay rent at the end of the term of the lease, regardless of the security deposit. House Bill 1684 protects tenants against the willful interruption of utility services by a residential landlord, as well as restricting the willful exclusion of tenants. In addition, the bill provides for service of process on agents of a residential landlord and thoroughly revises the law regarding residential landlord liens on the property of the tenants.

Enacted chiefly in response to the false advertisement in Texas of painless dental services in Mexico, House Bill 1520 amends prior law to prohibit the use of any media to circulate false advertising concerning dentistry and prohibits any advertising in Texas of the practice of dentistry located in another state or nation. The bill makes the advertising medium liable only if it had actual notice of the false, deceptive, misleading, or unlawful acts or practice engaged in.

House Bill 750 requires pharmacies to list current maximum prices on posters compiled and distributed by the State Board of Pharmacy listing the 100 most commonly prescribed drugs. The bill also prohibits deceptive and misleading advertising by pharmacies.

Senate Bill 868 allows the sale of bread slices in properly labeled packages weighing eight ounces or less.
Secured Transactions

The law of secured transactions, contained in Chapter 9 of the Texas Business and Commerce Code (Article 9 of the Uniform Commercial Code), was substantially revised by Senate Bill 131 in order to clarify ambiguities and to keep the code in tune with developments that were not anticipated at the time of the original enactment.

Corporations

The first full scale, substantive revision of the Texas Business Corporation Act of 1955 was brought about by Senate Bill 202. The bill modernizes the law in keeping with recent developments in the corporate field in the last 17 years and brings Texas law closer into conformity with the Model Corporation Act. House Bill 215 defines the power of a corporation to guarantee the obligations of any person other than officers and directors of the guarantor corporation if such guarantees are reasonably expected to benefit the guarantor corporation. The bill also deletes the various definitions of persons to which a corporation can extend guarantees.

Investments

Senate Bill 234 redefines a clearing corporation for the transfer of investment securities. With the enactment of this bill, at least 90 percent, rather than all, of the capital stock of a clearing corporation must be held by a bank, insurance company, stockbroker, or other regulated investor. Section 12 of the Texas Trust Act is amended by Senate Bill 661 to permit a corporation, or chartered bank serving as a trustee, executor, administrator, or guardian to sell without prior court approval shares of its capital stock held or owned in such a fiduciary capacity to any of its stockholders who are not at the time of the transaction serving either as an officer or director of such a corporation or chartered bank. Consolidated bonds and other obligations issued under the United States Farm Credit Act of 1971 are included by Senate Bill 683 among the obligations which are classified by statute as lawful investments by fiduciaries, banks, insurance companies, corporations, and other regulated investors.

Banks and Credit Companies

House Bill 731 includes persons transacting or negotiating loans among those regulated and licensed by the Consumer Credit Commissioner. The bill makes special provisions on inspection of records of licensees making, transacting, or negotiating loans principally by mail. Much of the law relating to the organization, powers, operations, regulation, and liquidation of credit unions is revised by House Bill 1673. The credit union commissioner is given increased powers by the bill.

Savings and loans associations are permitted by House Bill 339 to
sell with recourse, as well as without, real estate loans. The bill makes several other minor changes in the Texas Savings and Loan Act, including a change of the due date of annual reports from the last day of February to the last day of March.

The ideal of equal rights for women was brought closer to reality with the passage of House Bill 250, which prohibits denying, restricting, or limiting credit or loans on the basis of sex. The bill also provides for the recovery of actual damages or $50 damages, whichever is greater, and subjects the lender who violates this act to the revocation or suspension of his license.

Banks are given more discretion by Senate Bill 88 in determining what days preceding or following a legal holiday which falls on a weekend shall be bank holidays. Senate Bill 263 authorizes the banking section of the State Finance Commission to make rules and regulations with regard to real estate and construction loans by state banks. The purpose of the bill was to allow banks chartered by the state to make the same kinds of loans as national banks.

Regulation by Public Agencies

The Railroad Commission is vested by Senate Bill 260 with discretionary authority to have inspection or audits of records and accounts of motor carrier companies whose principal office is located outside the State of Texas made at such out-of-state office and requires that the companies bear travel expense of the commission, its employees, agents, or representatives incurred in such an audit or inspection. With the passage of Senate Bill 299, the Board of Podiatry Examiners is authorized to issue regulations concerning names under which podiatrists practice.

An important piece of legislation, Senate Bill 383 provides for the licensing and regulation of the business of executing bail bonds. Enacted in order to do away with some of the abuses in the operation of this business in many locations, the bill provides that no person in a county of 150,000 or more population may act as a bondsman unless he is a lawyer executing a bond for his client, a cosurety with a licensed bondsman, or a bondsman licensed under this act. Sheriffs are given the authority to examine bondsmen and to refuse to accept a bond under certain circumstances. County bail bond boards are established in counties with at least 150,000 in order to issue licenses. Bail bondsmen are given the right to trial de novo in the district court as appeal from a denial or revocation of license and are entitled to a remittance of 50 percent of the forfeited bond on any person rearrested within 120 days of forfeiture.

Prepaid legal service programs are required by House Bill 411 to be approved by the board of directors of the State Bar of Texas.
Other Laws

Senate Bill 122 increases the fees payable to the Banking Commissioner by an organization selling prepaid funeral benefits and amends the existing penalty provisions for violation of Article 548, Vernon's Texas Civil Statutes, to include fraud, deception, misrepresentation, or any other dishonest practice in the sale of a contract for prepaid funeral benefits. Senate Bill 654 provides that group decreasing term life insurance may be issued on the life of purchasers of contract prepaid funeral benefits from the same seller and further provides that the seller shall have an insurable interest in the life of the purchaser to the extent of any unpaid balance on the contract.

Senate Bill 271 clarifies the meaning of "public beaches" in the law regulating commercial activity on beaches. The bill further prohibits the sale of glass containers on public beaches.

Another business-oriented law, House Bill 1415, provides for a fine of up to $1,000, imprisonment of up to two years, or both, for disconnecting, turning back, or resetting the odometer of a motor vehicle with the intent to defraud.

Mental Health and Mental Retardation

Most of the legislation concerning mental health and mental retardation relates to programs under the Texas Department of Mental Health and Mental Retardation. The 63rd Legislature created the Rio Grande State Center for Mental Health and Mental Retardation Independent School District by Senate Bill 887, while appropriating funds for Mexia State School and Rusk State Hospital in House Bill 925. The general authority of the department to operate sheltered workshops is elaborated in Senate Bill 336.

Senate Bill 893 amends the Code of Criminal Procedure to provide that all criminally insane persons committing illegal acts shall be committed to Rusk State Hospital. Before passage of this bill, criminally insane persons committing nonviolent illegal acts were committed to state institutions in the districts in which they lived.

Public Health and Hospitals

The legislature passed several bills in the area of public health encompassing widely divergent subjects. One of the most important bills, Senate Bill 386, establishes a kidney care division within the Texas State Department of Health. The State Board of Health is authorized to administer the act and assigned numerous duties, including establishing accreditation standards of treatment facilities, evaluating present facilities and the need for additional facilities, and providing kidney care to eligible individuals.
Another significant section covered was preventive medicine. Senate Bill 593 amends the Texas Education Code to require the Central Education Agency to initiate pilot programs of examinations to screen children for health problems. Senate Bill 605 amends the Texas Education Code to give a doctor the option of signing a certificate instead of a notarized affidavit if the doctor believes the required immunization of a child would be injurious to the child or any member of his family or household. Requirements for marriage license tests are changed by Senate Bill 614; first, the bill requires only that the results of the examination, tests, and history show that in the opinion of the examining doctor the applicant is free of any infectious condition of venereal disease, and second, it gives the State Board of Health authority to require a serological test for rubella under certain circumstances.

Concern for the state's youth is reflected in the enactment of House Bill 115, the Texas Youth Camp Safety and Health Act which authorizes the regulation and licensing of youth camps by the State Department of Health. The department is further directed by Senate Bill 116 to establish a program for the control and eradication of pediculosis of a minor.

House Bill 857 provides that any law enforcement agency that requests a medical examination of a victim of an alleged rape for use in the investigation or prosecution of the offense shall pay all costs of the examination.

House Bill 1328 adds a new section to the Texas Medical Assistance Act of 1967 (which concerns state administration of the federal Medicaid program) to assure that a recipient of public assistance may select a licensed podiatrist to perform foot care services covered by the act using the same standards required of other licensed physicians.

Needed modernization of reporting procedures prompted the passage of House Bill 1363, which repealed certain provisions relating to certain reports, permits, and duties required by the State Department of Health regarding death. Unnecessary requirements in the procedures set up to prevent and cure venereal disease are deleted by Senate Bill 882.

Finally, Senate Bill 177 amends present law to exempt a state employee from all examination and license fees of nursing home administrators if certified by a state entity and if not employed by a private nursing home.
The most prominent legislation in this area is Senate Bill 855, which establishes a coordinated emergency medical services division within the State Department of Health. The division is made responsible for developing a state plan for adequate emergency medical services, being the conduit for federal funds, and dividing the state into emergency medical service delivery areas.

Other legislation in this area concerns the contracting powers of various governing bodies. House Bill 1217 amends present law to allow certain boards of hospital managers to extend any existing contract with a depository to October, 1973, and to select a depository for a period of two years thereafter. House Bill 1485 amends present law to permit the commissioners court of any county to establish and enlarge any medical or other health facilities in addition to county hospitals. House Bill 1504 amends present law to allow the commissioners court of certain counties to lease a portion of any county hospital. In House Bill 1667, the governing body of a hospital district or authority is authorized to lease to any person any hospital or part of a hospital owned by the district or authority.

Local Hospital Districts

The 63rd Legislature authorized the creation of numerous hospital districts: Electra Hospital District (HB 1582), Darrouzett Hospital District (HB 1718), Mabank-Kemp Hospital District (SB 143), Fisher County Hospital District (SB 447), Hamlin Hospital District (SB 448), Anson Hospital District (SB 449), Lockney General Hospital District (SB 483), Starr County Hospital District (SB 618), De Leon Hospital District (SB 935), and Comanche County Hospital District (SB 961). The legislature also prescribed the procedure for dissolving Bailey County Hospital District (HB 66).

Four bills dealt with the methods of selecting the governing body of the specified hospital district: Karnes County Hospital District (HB 465), Sweeny Hospital District (HB 556), Titus County Hospital District (HB 1638), and Donley County Hospital District (SB 42).

The remaining local hospital district bills amend present procedures. House Bill 1580 sets forth the procedure for expansion of the Colorado City Hospital District and for the change of name to Mitchell County Hospital District. House Bill 1688 changes the fiscal year of Schleicher County Hospital District. House Bill 1697 adds new provisions to present law relating to the levying, assessing, and collecting of taxes by Taft Hospital District. Senate Bill 145 amends the present law concerning Wilbarger County Hospital District by establishing the procedure for the sale or
lease of hospital district property and amending the procedure for election of the members of the board of directors. **Senate Bill 450** sets forth the procedure for expansion of Stamford Hospital District and for a change in the method of assessment, equalization, and collection of taxes.

**Insurance**

The 63rd Legislature passed a number of important bills relating to the insurance industry in Texas.

**Automobile Insurance**

In the past, Texas has been one of two states to have automobile insurance rates set by a state regulatory board, while all other states have adopted some form of competitive rating system. As a result of increasing complaints against rising insurance rates, a special session of the legislature was held in the fall of 1972 to consider the competitive rating system, but no changes were adopted. **House Bill 64**, passed by the 63rd Legislature, establishes a form of the competitive rating system in Texas by authorizing automobile insurers to deviate above or below rates presently set by the board on filing the proposed rates with and receiving the approval of the board.

The concept of "no-fault" automobile insurance has become one of the most controversial issues to face the Congress and the legislatures of the various states. No-fault insurance is designed to replace the present tort liability system as a means for recovering damages with a system in which each person involved in an automobile accident would be compensated for his injuries by his own insurer regardless of who might be at fault. Under a no-fault system recovery is made much quicker. **House Bill 143** requires that each automobile liability insurance policy issued in Texas provide personal injury protection for the insured in an accident regardless of who is at fault. This coverage may be rejected in writing by the insured. Although **House Bill 143** does not create a no-fault system it does add benefits similar to those provided under no-fault to the present liability system.

**Insurance Companies**

Under the present law, before stockholders of an insurance company can elect directors and transact business, at least a majority in value of the stockholders equal to two-thirds of the stock must be present at the meeting. **Senate Bill 682** amends Article 2.13 of the Insurance Code to reduce this attendance requirement to a majority in value of the stockholders equal to 51 percent of the stock of the company.

The present law applicable to the purchase by an insurance company of its own capital stock effectively prohibits the purchase of the
stock through a securities exchange because of notice and other requirements. Senate Bill 760 amends Subdivision 7 of Article 2.07 of the Insurance Code to provide that an insurance company, with the approval of the State Board of Insurance, may purchase by tender offer, through negotiated private transaction or through purchase on a securities exchange outstanding and issued capital stock of the company.

Article 3.39 of the Insurance Code provides for investment of funds by domestic life insurance companies. Under Senate Bill 480, a domestic life insurer may invest in capital stock, bonds, and other obligations the portion of surplus funds which are in excess of the greater amount of 10 percent of its admitted assets as determined from its latest annual statement filed with the insurance board or the minimum capital and surplus requirements for incorporating a life insurance company under Chapter 3 of the Insurance Code. Senate Bill 419 provides that a domestic life insurance company may invest in not more than 20 percent of the stock of a bank holding company provided that the amount of the investment in the stock does not exceed 10 percent of the admitted assets of the insurance company.

At the present time, no insurance company may invest its funds outside the United States except in international financial institutions of which the United States is a member, but some foreign countries require, in order to do business in those countries, that a percentage or ratio of premiums be invested in those countries. House Bill 1182 provides that an insurance company licensed or otherwise legally authorized to do business in a foreign country may invest in the stocks, bonds, notes, and other securities which are authorized investments under Article 2.10 of the Insurance Code.

House Bill 1691 provides specific guidelines for the issuance of a certificate of authority by the commissioner of insurance to alien or foreign insurance companies. Should such a company's economic condition become unstable, the commissioner is authorized to take certain specified actions to alleviate the situation.

Property and Casualty Insurance

The Texas Catastrophe Property Insurance Pool Act of 1972 is amended by Senate Bill 659 to include county mutual companies, Lloyd's, and reciprocal or inter-insurance exchanges under the act's provisions. The establishment of certain catastrophe reserves is made discretionary by the bill, and other provisions of the act are clarified, while some old provisions are deleted.
Group Insurance

Coverage of newborn infants under both individual and group accident and sickness policies does not begin until a week or two after birth, which leaves an infant with birth-related injuries and illnesses without coverage during this initial period of life. **Senate Bill 854** provides that after January 1, 1974, no insurer may issue, renew, extend, or amend a policy of accident and sickness insurance which covers additional newborn children or which includes maternity benefits if the policy contains any provision excluding or limiting initial coverage of a newborn infant or limiting or excluding congenital birth defects.

The present law does not provide for extending coverage of a group term life insurance policy to the spouse and children of an insured. **House Bill 380** provides that any group term life insurance policy other than credit life insurance may be extended to cover the immediate family of an insured and that the spouse of the insured will have the same conversion rights as the insured.

Group life insurance is not permitted to cover agents of a principal under the present law. **Senate Bill 401** amends Article 3,50 of the Insurance Code to allow the issuance of a group life policy to a principal covering not less than 10 agents of the principal.

Life, Accident, Health, and Hospital Service Insurance Guaranty Association

Insurance company insolvencies create difficult problems for regulatory agencies as well as policyholders and the public, and the necessity to protect insureds, beneficiaries, annuitants, payees, and assignees of policies and contracts of life, health, accident, and hospital service insurance has led to the passage of **Senate Bill 777**. This bill creates a non-profit association, to be known as the Life, Accident, Health and Hospital Service Insurance Guaranty Association, which will guarantee, assume, and reinsure the policies of an insolvent insurer and will pay off the contractual obligation of the insolvent insurer. Assessments will be made against all insurers who are members of the association to pay the administrative costs of the association and to provide funds to handle insolvencies. Also, certain preventative procedures are set out to preclude insolvency among member firms.

Multi-Peril Insurance

The State Board of Insurance does not have the statutory authority to approve and authorize the use of multi-peril insurance policies which are offered in a number of other states. Under **Senate Bill 376**, the insurance board is authorized to prescribe policy forms and rates for multi-peril policies and to make rules and regulations to carry out its functions in regulating multi-peril insurance.
Insurance

House Bill 543 amends the Consumer Credit Code by adding a new Chapter 11 providing for the regulation and licensing by the Consumer Credit Commissioner of companies which finance insurance premiums. This new chapter will regulate the contents of premium finance agreements, prohibit deceptive advertising, and provide other limitations on these companies.

Farm Mutual Insurance Companies

Chapter 16 of the Insurance Code provides for the formation and regulation of farm mutual insurance companies; however, some of the provisions of this chapter have become archaic and outmoded with the change in practices and usage. Senate Bill 264 recodifies, amends, and revises Chapter 16 and modernizes the provisions of that chapter.

Insurance Agents

Under present Texas law, unearned premiums and commissions for insurance of an insolvent insurer in the hands of an agent are the property of the insurer. House Bill 255 modifies this law as it relates to fire and casualty insurance by providing that all policies issued after the effective date of the act will contain or be construed to contain a provision stating that an agent does not owe and shall not remit to the company or the receiver for the company any unearned premiums in his hands after the date of the commencement of the delinquency proceedings. The premiums will either be returned to the insured or used to purchase new coverage.

Present law exempts a chartered property casualty underwriter from taking the examination for a property and casualty agents license. House Bill 922 would do the same for the chartered life underwriters by exempting them from the examination for a license as a life insurance agent.

Valuation of Life Insurance Policies

Senate Bill 782 amends Article 3.28 of the Insurance Code to provide the standards for the valuation of the reserve liabilities for certain policies and contracts of insurance and annuity and pure endowment contracts.

Senate Bill 781 amends the Standard Non-forfeiture Law to provide a limit on the amount of interest to be used in computing the cash surrender value of a life insurance policy.

Warehouse Insurance

In 1925, the 39th Legislature required all types of warehouses to be covered by fire insurance and other coverage considered necessary by the Commissioner of
Agriculture. However, in recent years, this requirement has produced more coverage than is actually needed. House Bill 226 eliminates all public warehouses from the present law requiring them to have some form of fire insurance.

Current Texas law requires persons who are licensed to operate warehouses to have insurance equal to the full fair market value for all grain which is or may be in their warehouses. House Bill 1570 would amend this law to exempt from the insurance requirement grain owned by the operator of a warehouse in which the grain is stored.

Miscellaneous

On purchasing certain policies of health insurance, many purchasers are unaware that the policies are subject to increased premiums on renewal, to cancellation on attaining a certain age, or both. To provide better notice to insureds, Senate Bill 622 provides that no health insurance policy of this type may be issued, delivered, or used in this state unless notice of increased premiums, cancellation, or both is printed above the first provisions of the policy.

In the past, a few insurance companies have excluded claims for payment of expenses incurred in tax-supported hospitals or medical institutions. Senate Bill 360 prohibits insurance policies from including a provision which would prevent payment of benefits for hospital expenses of a non-indigent patient in a hospital owned or controlled by the state or any unit of local government if such expenses are usually charged to such persons.

To protect the public against unfair practices in making settlements of insurance claims, the legislature has passed Senate Bill 837, to be known as the Unfair Claim Settlement Practices Act. Under this bill, a number of specific claim practices are prohibited and penalties are provided for those who violate these prohibitions. The commissioner of insurance is directed to investigate claims of violation and hearings are to be held to consider violations.

The law passed in 1971 to regulate insurance holding companies did not cover Texas-licensed foreign insurers domiciled in other states. There are approximately 14 states which do not have holding company regulatory laws. Those holding companies domiciled in states not having regulatory laws are therefore able to drain money from Texas-based companies without any supervision or approval. To close this loophole, the legislature enacted Senate Bill 778 to place these foreign companies located in unregulated states under State Board of Insurance jurisdiction until such time as the domiciliary state adopts holding company regulatory legislation.
Senate Bill 791 makes additional amendments to the holding company regulatory law to exempt certain persons from coverage of Section 5 of that law relating to acquisition. Also, the bill amends the criminal penalty for violation of the holding company act.

Senate Bill 133 increases the amount of indebtedness that can be insured under certain classes of insurance by a mortgage guaranty insurer from 20 percent to 25 percent.

Under the present law, the State Board of Insurance may only suspend or cancel a license or certificate of authority of a person violating the Insurance Code. Senate Bill 455 amends the Insurance Code to allow the board to assess a penalty against a violator in lieu of suspension or cancellation.

Workmen's Compensation

Reform of the workmen's compensation law should be listed as a major accomplishment of the 63rd Legislature. The enactment of the 40-page comprehensive bill is an effort to bring the Texas workmen's compensation law up to the standards prescribed by the National Commission on State Workmen's Compensation Laws. In Senate Bill 283, the injured workman is given the right to choose his doctor and related medical services. The benefit rate for death, total injury, partial injury, and specific injury is raised to 66-2/3 percent of the injured employee's average weekly wage with the maximum and minimum weekly benefit being raised. The bill further requires an insurer to provide accident prevention services as a prerequisite to being licensed to write workmen's compensation insurance.

The number of individuals covered by workmen's compensation law is increased through eliminating certain exemptions in the general law and in the statutes of specific state entities, allowing a company to include partners and sole proprietors in the insurance contract, and establishing workmen's compensation programs for state employees and employees of political subdivisions. The bill also covers third party subrogation and Industrial Accident Board records.

The legislature also passed Senate Bill 219, which authorizes the provision of workmen's compensation benefits to employees of community centers for mental health and mental retardation services.

Labor

By local option election House Bill 185 would give policemen and firemen the right to organize for the purpose of collective bargaining if adopted by the local government concerned. Collective bargaining rights would extend to hours, wages, and
conditions of employment in order to bring them up to the standard enjoyed by the private sector of the economy in the same skill or level of competence. A system of arbitration and enforcement is provided to prevent strikes and settle differences through negotiation.

Senate Bill 694 limits the prohibition against firemen and policemen engaging in political activities to those times when they are in uniform or on active duty. It also provides that a sufficient number of employees must be available to carry out the normal functions of a fire or police department before leave without pay may be granted to an employee to attend a fire or police school, convention, or meeting.

**Economic Development**

Senate Bill 471 authorizes the Governor's Committee on Aging to establish a community program for persons 55 years of age or older whose compensation is below the federal minimum wage rate for his skills and ability and whose family income is below federal poverty guidelines. The community employment program would provide recreation, beautification, conservation, or restoration services to state or local government through a public agency or private nonprofit organization which carries workmen's compensation insurance and pays no less than the federal minimum wage. The state will finance 80 percent of the program cost, while the government benefiting from the services is to pay the remaining 20 percent of the cost.

**Oil, Gas, and Other Minerals**

The 63rd Legislature made great efforts to protect and conserve the state's mineral resources. The present energy crisis prompted several bills to be enacted providing for the maximum use within the state of the state's own available resources. Senate Bill 816 requires a provision in oil, gas, or other mineral leases that authorizes any board for lease, the School Land Board, or the Commissioner of the General Land Office, at the discretion of the leasing agent, to take royalty payments in kind. Likewise, Senate Bill 818 gives this authority to the Board for Lease of University Lands, which was excluded in Senate Bill 816. House Bill 1657 gives this same authority to the Board of Directors of the Texas A & M University System.

House Bill 1159 amends the law relating to the appointment, authority, and duty of receivers for certain mineral interests owned by nonresidents or unknown owners. In order to facilitate the full use of Texas mineral interests, the bill includes with the authority of a receiver a duty to execute leases and enter into approved unitization agreements concerning the outstanding mineral interests and allows for district judges to be named as receivers.
Parks and Wildlife Regulation

Administrative

The 63rd Legislature authorized the Parks and Wildlife Department to expend appropriated funds on approval of the director without having to utilize verified vouchers in Senate Bill 374. In House Bill 637 the director was authorized to commission unsalaried peace officers to assist in enforcement. Proposed building projects by the department were excluded from the provisions of the Building Construction Administration Act by an amendment in Senate Bill 432. The following counties were added by several acts to the Uniform Wildlife Regulatory Act, which gives the department general regulatory powers for hunting and fishing: Nacogdoches (HB 189); Collin (HB 381); Grayson (HB 469); Bowie (HB 1409); and Zapata (HB 1548). In addition, House Bill 833 put all coastal waters of the state under the uniform act except waters in Harris, Galveston, Chambers, and Victoria Counties.

Fishing Laws

Blind persons were exempted from paying the full fee for a fishing license by House Bill 733. In House Bill 1649 a fishing license is made valid for one year from the date of its issuance. Under the provisions of House Bill 1603 the procedures for acquiring a permit to take rough fish are altered. Senate Bill 531 requires persons desiring to grow shellfish in private ponds to acquire a license. Present laws prohibiting the taking of oysters from polluted waters were broadened under Senate Bill 530.

Game Laws

Many of the fees for licenses issued by the department were increased by House Bill 158, and several little-used licenses were eliminated. A new combination hunting and fishing license was authorized. A significant act giving the department general protective powers over endangered species was embodied in House Bill 250. License requirements for persons growing game birds for sale whether as food or for stocking purposes were amended by House Bill 618, while Senate Bill 173 allowed certain privately owned game birds to be kept and killed without regard to the season. To comply with federal laws both Senate Bill 251 and Senate Bill 44 permit certain animals endangering crops or livestock to be killed from an airplane. House Bill 709 corrects a loophole in the law prohibiting hunting from vehicles and increases the penalty against violators. House Bill 805 makes antlerless deer, elk and antelope permits non-transferable. House Bill 397 clarifies the law with regard to what to do with deer meat and the carcass of killed deer, while Senate Bill 725 allows the sale of the antlers. Under House Bill 823 protected species may be brought into Texas from Mexico if the importer acquires a permit. House Bill 838 allows the Parks and Wildlife Commission to set the amount of the fee for hunting in wildlife management areas, while House Bill 803 lets the commission set the season in state parks.
With the enactment of House Bill 708, an alleged violator of game and fish laws who fails to appear in court for the adjudication of his offense as specified by written notice is guilty of a misdemeanor punishable by a fine of not less than $10 nor more than $200.

House Bill 802 allows the department to prohibit the use of guns in areas near state parks on the coast.

Local Bills

House Bill 104 protects axis deer not individually owned in Bexar County. House Bill 1709 and House Bill 1710 amend the quail and deer laws in Cherokee County. Senate Bill 867 allows the Lower Colorado River Authority to set parks entrance fees and regulate other commercial activities on lakes.

Miscellaneous

The Texas Conservation Foundation is authorized by House Bill 769 to obtain property for wildlife refuges and management areas.

Veterans Benefits and Military Affairs

House Bill 80 provides that certain disabled veterans, their surviving spouses, and children are allowed certain exemptions from property taxation. The dollar amount of the exemption allowed to disabled veterans varies according to the extent of the veteran's disability and according to his age. Factors which determine whether a surviving spouse or child is allowed a property tax exemption include the circumstances of the veteran's death and the age of the child. The maximum exemption allowed by this bill to a disabled veteran, his surviving spouse, and children is $3,000.

House Bill 350 allows an organization which owns a motor vehicle used primarily for the transportation of disabled veterans without charge to register that vehicle free of charge and to receive specially designated license plates.

In other legislation relating to the military, House Bill 736 provides that nonresident military personnel who are attending an institution of higher education under a contract between the institution and any branch of the Armed Forces of the United States need no longer pay the nonresident tuition fee.

A proposed constitutional amendment (HJR 6), if adopted, would allow the Veterans' Land Board to issue and sell an additional $100 million in bonds or obligations of the State of Texas to continue the program under which certain veterans can purchase property through the Veterans' Land Board. In addition, the amendment would allow the maximum interest rate payable on these bonds to be not more than six percent per annum. A third change provided by this amendment would allow the surviving spouse of a qualified veteran
who had applied to purchase land through the Veterans' Land Board to complete the transaction.
APPENDIX

BILLS VETOED BY THE GOVERNOR
VETOED ITEMS IN APPROPRIATIONS BILL

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
<th>Reason</th>
<th>Date Vetoed</th>
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<tbody>
<tr>
<td>HB 139</td>
<td>General Appropriations Bill Article II, MHMR Construction Program, San Antonio State Hospital: 1974, $198,000.</td>
<td>Adequate funds were provided by the 62nd Legislature, 3rd Called Session, to renovate the necessary ward buildings.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td></td>
<td>Article III, Animal Health Commission, Item 13, eradication of brucellosis as provided by SB 681: 1974, $495,019; 1975, $505,219.</td>
<td>Sufficient funds are available to the commission to implement SB 681 without the necessity of additional appropriations.</td>
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<tr>
<td></td>
<td>Article III, Texas Commission on the Arts and Humanities, Item 3, management position, Humanities Program Officer: 1974, $12,000; 1975, $12,500.</td>
<td>The two management positions authorized by HB 139 are adequate to administer the programs and appropriations of the Agency.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Article III, Texas Commission on the Arts and Humanities, Item 10, Special Projects: 1974, $24,000; 1975, $25,000.</td>
<td>It is doubtful that the appropriation would materially enhance the present program of the agency.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Article III, Employees Retirement System and Judicial Retirement Administration, Item 9, group insurance program provided by SB 637 or HB 1290: 1974, $250,000; 1975, $30,000.</td>
<td>Neither SB 637 nor HB 1290 passed; therefore, the appropriation deemed unnecessary.</td>
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<td></td>
<td>Article III, Parks and Wildlife Department, Item 3, Director, Special Projects position: 1974, $21,500; 1975, $22,000.</td>
<td>No compelling need demonstrated that would require the position, and the present management structure has proven adequate.</td>
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<td>Total amount vetoed: 1974--$1,001,519; 1975--$ 594,719.</td>
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### OTHER LEGISLATION VETOED BY THE GOVERNOR

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<td>1. HB 11</td>
<td>Allows school districts to change date of commencement of their fiscal year.</td>
<td>Bill would require budgets to be done before the end of a legislative session; conflicts would arise if state fiscal year and school's fiscal year were different.</td>
<td>May 14, 1973</td>
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<td>2. HB 111</td>
<td>Regulation and licensing by and procedures of Texas Board of Private Detectives, Investigators, and Security Agencies; and changing name of the board.</td>
<td>The bill would delegate police powers to private control which is against Texas tradition.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>3. HB 166</td>
<td>Right of an injured employee to select a physician or chiropractor under workmen's compensation law.</td>
<td>The bill is identical to a portion of Senate Bill 283 that was signed into law on May 15, 1973.</td>
<td>May 23, 1973</td>
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<td>4. HB 209</td>
<td>Relating to payment for jury service.</td>
<td>The bill would confuse the law in regard to those counties where the district clerks have no connection with county court juries and where the courts are served by county clerks. Also the act would conflict with Article 1709a of the Revised Civil Statutes, which provides that the county treasurer shall endorse his approval on checks.</td>
<td>May 23, 1973</td>
</tr>
<tr>
<td>5. HB 482</td>
<td>Relating to implementation of family planning services.</td>
<td>If the bill became law, Texas could possibly lose its grant of approximately $10 million from the federal government.</td>
<td>June 16, 1973</td>
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<td>6. HB 548</td>
<td>Relating to exchange of public land in El Paso County for other land near Hueco Tanks State Park.</td>
<td>Because the Governor is signing HB 735, there is no need for HB 548, as the trade can be implemented under the provisions of HB 735 if deemed advisable by the General Land Office and the School Land Board.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>7. HB 550</td>
<td>Prohibiting speeding arrests by city police for violations occurring on interstate highways.</td>
<td>Due to mounting traffic accidents on Texas highways, help in enforcing laws is obviously needed. Also, it may be held unconstitutional for the legislature to make rules for local law enforcing officers.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>8. HB 574</td>
<td>Establishing a committee to operate a &quot;Texas Ranch&quot; in Washington, D.C.</td>
<td>This would be a privately-financed operation and there is no purpose to be served by giving the impression that it is a function of the State of Texas.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>9. HB 808</td>
<td>Relating to removal of a county seat.</td>
<td>Removal should be only after careful consideration by a majority of the voters in the county involved. By allowing only 2,500 voters to initiate a move it could cost the taxpayers much money and provision could be subject to abuse.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>10. HB 1087</td>
<td>Relating to assessment and collection of taxes by certain school districts in a manner different to that described in the original statute.</td>
<td>The bill amended Section 20.03 of the Texas Education Code, which may not have been necessary to effect the desired result of the bill, but by doing so the bill may have decreed that many school districts must have a vote of the people to use their present methods of valuation.</td>
<td>May 28, 1973</td>
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<td>11. HB 1165</td>
<td>Relating to tax exemptions for certain property of certain corporations providing homes for elderly persons or handicapped persons.</td>
<td>According to the Attorney General's advisory letter No. 52, this bill is in violation of Section 2(a) of Article 8 of the Texas Constitution.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>12. HB 1251</td>
<td>Relating to dismissal of criminal actions.</td>
<td>The bill would allow any defendant in a criminal case to file and have heard an unsworn motion for dismissal of pending criminal charges without notice to the attorney representing the state. Even in civil actions, ex parte hearings of this type are not currently allowed except in extreme emergencies.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>13. HB 1281</td>
<td>Providing free access to state parks for senior citizens.</td>
<td>Senior citizens constitute a large group of users of parks, and the denial of revenue from this group would impair the ability of the parks to pay their bonds and could result in the possibility of the general revenue fund of the state having to provide for bond payments, which was not the intention of the parks bond program.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>14. HB 1352</td>
<td>Relating to removing the Private Employment Agency Board from the supervision of the Bureau of Labor Statistics and establishing it as a separate board.</td>
<td>Because the legislature failed to provide funds for the operation of the board in an independent status, the functions of the board would be in suspense for two years due to the lack of operating funds.</td>
<td>June 16, 1973</td>
</tr>
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<td>15. HB 1566</td>
<td>Abolishing the office of county superintendent of Walker County.</td>
<td>The author of the bill requested that it not be approved pending further study of the situation.</td>
<td>June 16, 1973</td>
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<td>16. HB 1641</td>
<td>Allowing school districts located in counties having a population of 25,000 or less to issue time warrants without a vote of the people.</td>
<td>This is deficit financing at the local level, and in the governor's opinion is not sound fiscal policy for the schools of this state.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>17. SB 12</td>
<td>Creating Harris County Youth Village Independent School District.</td>
<td>The bill is an exact duplicate of HB 602, which has been previously signed into law.</td>
<td>June 16, 1973</td>
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<tr>
<td>18. SB 14</td>
<td>Requiring the state and every governmental subdivision to terminate the fiscal year on August 31, 1973, and then three years after, to terminate the fiscal year on June 30.</td>
<td>Though having a uniform fiscal year for the state and its subdivisions is beneficial, the governor does not believe that many of these subdivisions should be required to change their fiscal year twice in three years.</td>
<td>June 16, 1973</td>
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<tr>
<td>19. SB 82</td>
<td>Establishing a maximum security unit for the criminally insane at the San Antonio State Hospital.</td>
<td>The Code of Criminal Procedure has already been amended to provide that the criminally insane shall all be transferred to Rusk State Hospital, thereby removing any need for this bill.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>20. SB 130</td>
<td>Relating to appointment and designation by railroad companies of railroad peace officers.</td>
<td>The peace power is inherent in the state and its political subdivisions and this power ought not be delegated to the control of private industry no matter how great the need.</td>
<td>April 13, 1973</td>
</tr>
<tr>
<td>21. SB 209</td>
<td>Relating to determination of rate of interest on certain real estate loans.</td>
<td>The bill is unclear on several points, such as who qualifies as an individual, whether it changes the present penalty for usury, and the treatment of discounts. As it is critical to the financial life of the state, the governor believes it is wise to await a more carefully drawn codification.</td>
<td>June 16, 1973</td>
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<td>22. SB 295</td>
<td>Relating to compensation of a criminal district attorney or a county attorney performing the duties of a district attorney in certain counties.</td>
<td>The bill includes officials who did not qualify under the purposes for which the bill was conceived, that is, officials whose primary work is representation of the state. The governor feels the bill would contribute to the serious inequities that exist in the compensation of district attorneys.</td>
<td>May 26, 1973</td>
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<tr>
<td>23. SB 370</td>
<td>Relating to prohibiting use of cough syrup containing codeine except under certain conditions.</td>
<td>The bill purports to repeal Sections 8 and 8A of the Uniform Narcotic Drug Act, which were repealed as part of HB 447, already signed into law.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>24. SB 373</td>
<td>Authorizing Texas Department of Corrections to grant temporary furloughs to inmates under certain conditions.</td>
<td>The present law allows for the granting of emergency remissions comparable to the emergency furloughs called for in the bill. Also, the bill's constitutionality is questionable as it does not state that the prisoner will remain a prisoner.</td>
<td>April 18, 1973</td>
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<tr>
<td>25. SB 520</td>
<td>Relating to acquisition of rights-of-way for roads by commissioners court of Harris County.</td>
<td>The bill is in irreconcilable conflict with HB 1481, which the governor previously signed into law.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>26. SB 529</td>
<td>Relating to fees charged by district clerks for performing certain duties.</td>
<td>The bill is identical with HB 791 which was previously signed into law.</td>
<td>June 16, 1973</td>
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<td>27. SB 612</td>
<td>Relating to terms of office for members of the Board of Regents of The University of Texas System.</td>
<td>It is the Governor's belief that the regents for all of the state colleges and universities should take office on the same day and that the constitutional convention should settle the problem.</td>
<td>June 16, 1973</td>
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<tr>
<td>28. SB 817</td>
<td>Relating to incorporation of certain liquefied petroleum gas dealers without relicensing.</td>
<td>The bill restricts certain people from entering the business as retailers and in view of the energy crisis, it is best that this type of business not be held in restraint.</td>
<td>June 16, 1973</td>
</tr>
<tr>
<td>29. SB 920</td>
<td>Relating to the liability of a limited partner under the Texas Uniform Limited Partnership Act.</td>
<td>The effect of this bill would result in an additional and burdensome tax treatment of Texas limited partnerships by the Internal Revenue Service, which would have disastrous effects and should be avoided in Texas.</td>
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